CALIFORNIA LEGISLATURE—ASSEMBLY.

TWENTY-SECOND SESSION.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 3d, 1877.

Pursuant to law the House was called to order at twelve o'clock M., by the Hon. Robert Ferral, Chief Clerk of the twenty-first session.

The roll of members, as returned by the Secretary of State, was called by C. W. O'Neil, Assistant Clerk of the last session, and a quorum found to be present.

Mr. Dixon presented a resolution, as follows:

WHEREAS, The County Clerks of several counties have failed to present the certificates of election to members of the Assembly elect from various counties, through ignorance or misconstruction of the requirements of the law: therefore, be it

Resolved, That all members returned as elected to the Secretary of State, and whose names appear upon the roll call, be sworn in, and be entitled to their seats upon the floor of this House.

Adopted.

The roll of counties was called, and the following gentlemen appeared and were duly qualified, by taking the following oath, which was administered by Hon. E. W. McKinstry, Associate Justice of the Supreme Court:

I do solemnly swear that I will support the Constitution of the United States and the State of California, and that I will faithfully discharge the duties of the office of Assemblyman, according to the best of my ability, so help me God.

NAMES OF ASSEMBLYMEN.

Abbott, C. S., Monterey County; Allen, Charles D., Marin County; Adams, W. S., Tulare and Kern Counties; Anderson, W F., San Francisco; Asmussen, W., San Francisco; Ames, J. P., San Mateo County; Brooks, Max., Butte County; Blackwell, S L., Nevada County; Breen, J. F ,San Benito County; Berry, C. P., Sutter County; Byington, Lewis, Sierra County; Barstow, George, San Francisco; Blake, Seth B., San Francisco; Broderick, William, San Francisco; Backus, Samuel W., San Francisco; Coffey, James V., San Francisco; Conroy, M. C., San

Francisco; Connolly, James E, San Francisco; Dixon, M. W., Alameda County; Dunlap, Thomas, Amador County; Dorsey, Caleb, Stanislaus County; Dare, J. T., Solano County; DeWitt, W. M., Yolo County; Dinniene, John H., San Francisco; Ellis, Asa, Los Angeles County; Ewing, Andrew, Mariposa and Merced Counties; Farnum, John E., Alameda County; Forsyth, W K, San Francisco; Garver, Michael, Nevada County; Giffen, George W., Nevada County; Griffith, A. J., San Francisco; Gough, Charles H., San Francisco; Gildea, Charles, San Francisco; Hart, T. J., Tehama and Colusa Counties; Holloway, J. B., Los Angeles County; Haile, R. C., Solano County; Hinshaw, E. C., Sonoma County; Hanna, William, Santa Clara County, Hugg, B. P., Yuba County; Hicks, John A, San Francisco; Haworth, James, San Francisco; Johnson, Grove L., Sacramento County; Kercheval, Reuben, Sacramento County; Ludgate, Robert, Amador County; Long, L. F., Mendocino County; McClure, R. H., Alameda County; Murphy, J E., Del Norte County; Miller, J. H., El Dorado County, Mace, R. P., Fresno County; McComas, Rush, Santa Clara County; Meyers, Samuel, San Joaquin County; Montague, J. C., Trinity and Shasta Counties; May, W. B, San Francisco; Murphy, R. W, San Francisco; Nealley, Gilbert H., Butte County; Nott, S. A., El Dorado County; Ostrom, D. A., Yuba County; Pauly, Fred N., San Diego County; Pace, George, Santa Cruz County; Russ, Joseph, Humboldt County; Routier, Joseph, Sacramento County; Robertson, P. C, Modoc and Siskiyou Counties; Sargent, R. C, San Joaquin County, Sherman, Caleb, Santa Barbara and Ventura Counties; Smyth, Edward, Tuolumne County; Tuttle, B. F., Sonoma County; Thompson, R. B., San Joaquin County; Tobin, J. J., San Francisco; Upton, C. W., Santa Clara County; Warden, L. M., San Luis Obispo County; Waters, Byron, San Bernardino County; Welch, S. K., Lake County; Wheat, A R, Calaveras County; Whitlock, J. H., Plumas and Lassen Counties; Wilson, M. C., Placer County; Young, Albert J., Contra Costa County.

RESOLUTION.

By Mr Upton:

Resolved, That the standing rules of the last session of the Assembly be and the same are hereby adopted until a permanent organization shall have been effected.

Mr. Ostrom offered the following amendment:

Resolved, That until permanent organization is effected, the rules of the last House be adopted.

Mr. Gildea moved the following substitute, which was adopted:

Resolved, That the standing rules of the twenty-first session be adopted until otherwise ordered by this House.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., Mr. Gildea moved that this House do now adjourn until twelve o'clock M. to-morrow.

Mr. Ostrom offered an amendment, as follows: "That this House do now adjourn until one o'clock P. M. to-morrow"

Adopted

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 4th, 1877.

House met pursuant to adjournment.

Hon. Robert Ferral, Chief Clerk of the last session, presiding.

Roll called, and a quorum present.

The Chief Clerk requested those members who were not present on yesterday to take the oath of office to come forward.

Accordingly, J. H. Mayfield of Napa, C. H. Cooley of Sonoma, and S. B. Moffat of Inyo, proceeded to Clerk's desk, where the oath of office prescribed by the Constitution was administered by Justice Crockett of the Supreme Court.

The minutes of yesterday read and approved.

ELECTION OF SPEAKER.

Mr. Gildea nominated C. P. Berry.

Mr. McComas nominated C. S. Abbott

The roll was called, and Mr. Berry declared duly elected Speaker of the Assembly for the twenty-second session, by the following vote:

For Berry—Messrs. Abbott, Adams, Anderson, Asmussen, Barstow, Blackwell, Breen, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ewing, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Mayfield, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, and Young—55.

For Abbott—Messrs. Allen, Ames, Backus, Berry, Blake, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Ketcheval, May, McComas, Meyers, Murphy of San Francisco, Pauly, Rouher, Russ, Sargent, Whitlock, and Wilson—23.

Mr. Ostrom moved that a committee of three be appointed to conduct the Speaker elect to the Chair.

Adopted.

The Chief Clerk appointed as such committee Messrs. Ostrom, Gildea, and Abbott.

The committee conducted the Speaker to the Chair, when the oath of office was administered by Justice Crockett of the Supreme Court.

The Speaker addressed the Assembly, as follows:

GENTLEMEN OF THE ASSEMBLY: I highly appreciate this expression of your confidence, and my only fear is that I shall not meet your expectations. I know I cannot discharge the responsible duties of Speaker, nor preside over your deliberations successfully, and maintain that order and decorum so necessary to the dispatch of business, without your hearty cooperation and assistance; but this, I feel assured, you will give me. I would have you ever remember that "to err is human." You may, therefore, expect me to err many times. I crave your patience and forbearance, and promise you all errors shall be of the head and not of the heart. It will require a few days for me to familiarize myself with all the parliamentary forms and to become acquainted with all your names and localities: until then, I shall have to call upon you for such information.

Gentlemen, we have but one object here: that is to serve the people, to perform the duties assigned us in accordance with the Constitution of our commonwealth. You, gentlemen of the metropolis, are not here to represent San Francisco alone. The interior has claims for your consideration. The interior is the bone and sinew of your prosperity, and needs your fostering care. And you, gentlemen of the interior—the valleys and agricultural districts—let not your jealousy nor antagonism be aroused against our Bay City, because of her weal and her influence. Her commercial prosperity is our gain, pride, and glory. Her rapid growth, diversified interests, and cosmopolitan population render it a difficult matter to frame appropriate legislation to meet

her varied wants. Conflicting opinions and dissensions in her own delegation will many times leave you gentlemen of the interior to decide her most important legislation. Hence she should not be an object of your jealousy or antagonism.

Gentlemen from the mountains and mining districts, look not down upon us from your mountain homes as strangers. You are our indispensable and mighty factor in the common prosperity. We gladly receive the stream of your golden treasure you are constantly pouring down upon us in exchange for the products of our soil, the skill of our artisans, and the luxuries of our commerce. We are all bound together in mutual interest and linked in common prosperity. We meet in this chamber upon perfect equality, to legislate for the whole people. We are, each and every one, a representative of the entire State, and not alone of the immediate locality from which we hail If we keep this fact ever before us, it will aid us very materially in a correct understanding of our duties and responsibilities

In view of the fact that a Constitutional Convention has been called, and in view of the additional facts that the people are afflicted with too much rather than suffering from want of legislation, and are laboring under a burdensome taxation, they expect at our hands a short and economical session. We can only meet this just and reasonable expectation by using industry, application, and great care in disbursing the public funds. We should give every measure presented thorough investigation, and then take immediate action, and not waste the people's money in needless delay.

There are some measures that will be presented that in a special manner will demand our most careful consideration, such as involve taxation, the management of corporations, irrigation and reclamation schemes, and the debritus from hydraulic mines. These questions not only bear upon the centers of population, but they affect the remotest extremes These are questions which affect not only our present but our future prosperity. Again, there are mutterings of discontent throughout our land, and from the Atlantic to the Pacific there are sentiments, which seem to be crystalizing, which threaten the very foundations of society. Men's mouths are filled with complaints, bitter words and cursings, and deeds already committed show an earnestness of purpose. Indications point to a general conflict of capital and labor. If wrongs exist within our reach as legislators which are augmenting this discontent, it is our duty to right those wrongs promptly, and it should be our especial care to see that no class or privileged legislation is granted at our hands by which an injustice would be done to any portion of our citizens.

The important duty of selecting a man to represent the commonwealth of California in the Senate of the United States devolves upon us. Let us perform that duty without delay, in order that other matters demanding our attention may not be hindered. We should choose a man of undoubted ability, sterling integrity, and an earnest worker in the interest of the masses, one who would command respect in the United States Senate, prove an honor to himself, and a blessing to our State.

Gentlemen, I thank you for the honor you have conferred upon me. I am now ready to proceed with the organization of the House.

The Secretary of the Senate appeared at the bar of the House with a message, announcing the organization of that body.

ELECTION OF SPEAKER PRO TEM.

Mr. Broderick nominated J. E. Murphy.
Mr. Forsyth nominated S. H. Backus.
The roll was called, with the following result:

For Murphy—Messrs Adams, Anderson, Asmussen, Backus, Barstow, Berry, Blackwell, Broderick, Byington, Coffey, Connolly, Dale, DeWitt, Dunnene, Dixon, Dorsey, Dunlap, Ewing, Garver, Giffin, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Mayfield, Miller, Moffat, Montague, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Wilson, and Young—55.

For Backus—Messrs Abbott, Allen, Ames, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of Del Norte, Murphy of San Francisco, Pauly, Rouzer, Russ, Sargent, and Whitlock—23.

Mr. Murphy, having received a majority of all the votes cast, was duly declared elected Speaker pro tem.

CHIEF CLERK.

Mr. Anderson nominated R. C. Page.
Mr. Wilson nominated Frank Adams.

The roll was called, with the following result:

For Page—Messrs. Adams, Anderson, Asmussen, Barstow, Berry, Blackwell, Broderick, Byington, Coffey, Connolly, Daie, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Ludgate Mace, Mayfield, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, and Young—53.

For Adams—Messrs. Abbott, Allen, Ames, Backus, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Whitlock, and Wilson—24.

Mr. Page, having received a majority of all the votes cast, was declared duly elected Chief Clerk of the Assembly.

Upon motion of Mr. Tobin, the Speaker appointed Messrs. Tobin, Backus, and Tuttle a committee of three to conduct the Speaker pro tem. and the Chief Clerk elect to the Chair, where the oath of office was administered by the Speaker

ADJOURNMENT.

At one o'clock and fifty minutes P. M., upon motion of Mr. Upton, the House adjourned until one o'clock P M. to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 5th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Minutes of yesterday read and approved.

Mr. J. F. Swift, of San Francisco, came forward and took the oath of office, which was administered by the Speaker.

RESOLUTION.

By Mr. Dinniene:

Resolved, That the Assembly do now proceed to the further organization of the Assembly in the order as enumerated in the Code.

Adopted.

ELECTION OF OFFICERS—FOR ASSISTANT CLERKS

Mr. Conroy nominated Jacob Steppacher.

Mr. Murphy of San Francisco nominated George H. Podgett.

Mr. Haile nominated W. M. Ord and E. L. Crawford.

The roll was called, with the following result:

For Messrs. Ord and Crawford—Messrs. Adams, Anderson, Asmussen, Barstow, Berry, Blackwell, Broderick, Byington, Coffey, Connolly, Daie, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Upton, Warden, Waters, Welch, Wheat, and Young—51.

For Messrs. Steppacher and Podgett—Messrs. Abbott, Allen, Backus, Blake, Brooks, Breen, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Swift, Whitlock, and Wilson—24.

Messrs. Ord and Crawford, having each received a majority of the votes cast, were duly declared elected Assistant Clerks.

SERGEANT-AT-ARMS.

Mr. Johnson nominated A. J. Rhoads.
Mr. Coffey nominated J. M. Farrelly.
The roll was called, with the following result:

For Farrelly—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Young, and Berry—52.

For Rhoads—Messrs Abbott, Allen, Ames, Backus, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Swift, Whitlock, and Wilson—25.

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

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Upton nominated P. J. Walsh.
Mr. Conroy nominated Lewis Levy.
The roll was called, with the following result:

For Walsh—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Young, and Mr Speaker—52.

For Levy—Messrs. Abbott, Allen, Ames, Backus, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Whitlock, and Wilson—24.

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

FOR MINUTE CLERK.

Mr. Haile nominated A. J. Dobbins.
Mr. Ames nominated George H. Rice.
The roll was called, with the following result:

For Dobbins—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Young, and Mr. Speaker—52

For Rice—Messrs. Abbott, Allen, Ames, Backus, Blake, Breen, Brooks, Conroy, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Whitlock, and Wilson—23.

Mr. Dobbins, having received a majority of all the votes cast, was declared duly elected Minute Clerk.

FOR JOURNAL CLERK.

Mr. Warden nominated J. G. Underwood.
Mr. Farnum nominated A. W. Collins.
The roll was called, with the following result:

For Underwood—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Garver, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—51.

For Collins—Messrs. Abbott, Allen, Ames, Backus, Blake, Breen, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Swift, Whitlock, and Wilson—24

Mr. Underwood, having received a majority of all the votes cast, was declared duly elected Journal Clerk.

FOR ENROLLING CLERK.

Mr. Sherman nominated J. C. Morgan.
Mr. Brooks nominated E. A. Halstead.
The roll was called, with the following result:

For Morgan—Messrs. Adams, Anderson, Asmussen, Backus, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Long, Ludgate, Mace, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—55.

For Halstead—Messrs. Abbott, Allen, Ames, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Whitlock, and Wilson—22.

Mr. Morgan, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

FOR ENGROSSING CLERK.

Mr. Sargent nominated J. B. Douglass.
Mr. DeWitt nominated E. J. Haight.
The roll was called, with the following result:

For Haight—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Cooley, Dare, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Young, and Mr Speaker—56.

For Douglass—Messrs. Abbott, Allen, Ames, Backus, Blake, Brooks, Conroy, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Swift, Whitlock, and Wilson—22.

Mr. Haight, having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

FOR POSTMASTER.

Mr. Murphy of Del Norte nominated Frank Morse.
Mr. Farnum nominated George M. Berry.
The roll was called, with the following result:

For Morse—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Young, and Mr. Speaker—54.

For Berry—Messrs Abbott, Allen, Ames, Backus, Blake, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Welch, Whitlock, and Wilson—24.

Mr. Morse, having received a majority of all the votes cast, was declared duly elected Postmaster.

Upon motion of Mr. Tuttle, the officers this day elected came forward to the desk, where the oath of office was administered by the Speaker.

RESOLUTIONS.

By Mr. Murphy of Del Norte:

Resolved, That the Clerk be instructed to announce to the Senate that the Assembly has completed its organization by the election of the following officers, viz: Speaker, C. P Berry, Speaker pro tem., James E. Murphy; Chief Clerk, Robert C. Page; Assistant Clerks, Wm M. Ord and E L Crawford. Sergeant-at-Arms, James M. Farrelly. Assistant Sergeant-at-Arms, P. J. Walsh: Minute Clerk, A. J. Dobbins. Journal Clerk, J. G. Underwood, Enrolling Clerk, J. C. Morgan, Engrossing Clerk, E. J Haight, Postmaster, Frank Morse and awaits the pleasure of the Senate in legislative business

Adopted.

By Mr. Upton—joint resolution:

Resolved by the Assembly, the Senate concurring, That a joint committee of six—three from the Assembly and three from the Senate—be appointed to wait on the Governor, and inform him that the Legislature is now organized and prepared to receive any communication he may be pleased to make to it.

Adopted.

ADJOURNMENT.

At two o'clock and twenty-four minutes P. M., Mr. Nott moved to adjourn until to-morrow at ten o'clock A. M.

Lost.

At two o'clock and thirty minutes P. M., upon motion of Mr. Nott, the House adjourned until to-morrow at eleven o'clock A. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, December 6th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and quorum present.

Journal of yesterday read and approved.

The following messages were received from the Senate, and, upon suggestion of the Speaker, were immediately taken up for consideration:

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, December 4th, 1877.

MR SPEAKER: I am directed to inform your honorable body that the Senate is now ready for business, having completed its organization by the election of the following officers Hon. E. J. Lewis, President pro tem , R Shoemaker, Secretary, George Seckel, P H. Dunn, Assistant Secretaries: W. H. Bell, Sergeant-at-Arms; S. S. Ford, Assistant Sergeant-at-Arms: Newton Benedict, Minute Clerk: George Crosby, Journal Clerk; George W. Green, Enrolling Clerk; Michael Mitchell, Engrossing Clerk: A. L. Edwards, Jr., Postmaster.

E. L. CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
December 6th, 1877

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the 5th inst., adopted Senate Concurrent Resolution No 1, herewith inclosed, relative to informing the Governor of the organization of the Legislature, and appointing Senators Pierson, McCoppin, and Porter as the committee provided for on the part of the Senate under authority of the resolution.

GEO SECKEL, Assistant Secretary Senate.

Senate Concurrent Resolution No. 1, above reported, read first and second times, and adopted.

The Speaker, in accordance with the above resolution, appointed on the part of the Assembly Messrs. Upton, Tuttle, and May.

PETITIONS.

By Mr. Murphy of Del Norte—From citizens and residents of Del Norte County, relative to the Military Indian Reservation at Klamath, in Del Norte County.

Laid on the table.

RESOLUTIONS.

By Mr. Backus:

Resolved, That the Secretary of State be requested to furnish each member of the Assembly, each newspaper reporter, and the Clerk of the Assembly, with the Codes and Statutes continued in force.

Laid on the table.

By Mr. Johnson:

Resolved, That the Secretary of State be requested, and he is hereby authorized to furnish the accredited newspaper reporters on the floor of this House with such stationery as they may require for their respective newspaper correspondence, not to exceed fifteen dollars.

Adopted.

By Mr. Johnson—Assembly Concurrent Resolution relative to instructing our Senators and Representatives in Congress how to vote on laws remonetizing silver, and the Resumption Act.

Read first and second times, and referred to the Committee on Federal Relations, when appointed, and ordered printed.

By Mr. Hinshaw:

Resolved, That a committee of three be appointed by the Speaker to ascertain and report the amount due as mileage and per diem of the officers and attachés of the last session for services rendered in the organization of the present House.

Adopted

By Mr. Routier:

Resolved, That the State Treasurer be and he is hereby directed to pay the salaries and per diem of the members and attachés of the Assembly in silver.

Laid on the table.

By Mr. Ostrom:

Resolved, That the Speaker of this House be authorized to appoint one Day Watchman, at a salary of four dollars per diem, and one Night Watchman, at a salary of five dollars per diem, to be paid out of the Contingent Fund of the Assembly.

Adopted.

REPORT.

By Mr. Upton:

MR. SPEAKER. Your committee appointed to wait on the Governor and inform him of the organization of the Assembly, report that they have waited on his Excellency, and that he has informed them that he would immediately communicate with the House.

UPTON, Chairman.

RESOLUTIONS.

By Mr. Griffith:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to take from the Post-office and Express Office the letters and papers for members, and deliver the same at the Assembly Chamber to the Postmaster of the Assembly, and that he appoint a proper person as Mail-carrier at a salary of seventy-five dollars per month, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Barstow—Assembly Concurrent Resolution relative to granting public lands to corporations.

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

By Mr. Coffey:

Resolved, That T. J. Courtney be and is hereby appointed Post-office Page, at the same per diem as is allowed by law to other Pages of the Assembly, to be paid out of the appropriation for the contingent expenses of the Assembly.

Adopted

By Mr. Coffey:

Resolved, That the Sergeant-at-Arms is hereby authorized to appoint a Clerk, at the same per diem as is allowed to the Clerks at the desk, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Dinniene—Assembly Concurrent Resolution relative to a State Labor Exchange.

Read first and second times, and referred to the Committee on Public Buildings, to be appointed.

By Mr. Swift—Assembly Concurrent Resolution relative to Chinese immigration.

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

By Mr. Murphy of Del Norte:

Resolved, That the Sergeant-at-Arms be and is hereby directed to furnish to each member of the Assembly, upon his requisition, fifteen dollars' worth of postage stamps, and five daily newspapers, or their equivalent in weeklies.

Mr Hinshaw moved to amend by striking out "five" and inserting "two."

Pending the discussion of which, at twelve o'clock and twelve minutes P. M, Mr. Nott moved to adjourn until to-morrow at eleven o'clock A. M.

Lost.

Previous question was moved by Mr. Johnson, and seconded by Messrs. Barstow, Haile, and Holloway.

And so ordered by the House.

The question being upon the adoption of the amendment offered by Mr. Hinshaw.

The House refused to amend

Upon the adoption of the original resolution the ayes and noes were demanded by Messrs. Tuttle, Gildea, and Sherman.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Breen, Broderick, Brooks, Byington, Connolly, Conroy, Dare, DeWitt, Dinmene, Dorsey, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Johnson, Kercheval, Long, May, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Swift, Tobin, Walden, Waters, Welch, Wheat, Whitlock, and Young—58.

NOES—Messrs. Blake, Coffey, Cooley, Dixon, Dunlap, Garver, Hanna, Hinshaw, Hugg, Ludgate, Mace, Mayfield, Miller, Nott, Sherman, Smyth, Thompson, Tuttle, Upton, Wilson, and Mr. Speaker—21.

By Mr. Gough:

Resolved, That two hundred and forty copies of the resolution offered by Mr. Barstow, concerning the public lands in the United States, be printed: also, a like number of the joint resolution relative to Chinese immigration, offered by Mr. Swift.

Laid on the table.

By Mr. Nott:

Resolved, That a committee of three be appointed by the Speaker on additional attachés of the Assembly.

Pending the discussion of the above, at twelve o'clock and thirty-five minutes P. M., Mr. Sargent moved to adjourn until to-morrow at eleven o'clock A. M.

Lost.

House then resumed consideration of Mr. Nott's resolution, which, upon a division vote, was lost.

The Speaker then announced the appointment of the following officers and attachés:

For Pages—Masters John Ricks, George Hoffmaster, Murray Cullen, and John Armstrong.

For Porters of the Assembly—Messrs William Flemming, John Riley, Samuel Heaton, and Hampton Whitaker.

For Day Watchman—J P. Williams

For Night Watchman—John Kofod.

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency, the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, December 6th, 1877.

To the Assembly of the State of California:

I herewith transmit to your honorable body my first biennial message, with accompanying documents. As there is but one copy of some of these documents, I respectfully ask that the Senate be informed of their receipt.

WILLIAM IRWIN, Governor.

On motion of Mr. Murphy of Del Norte, the further reading of the Governor's first biennial message was dispensed with.

GOVERNOR'S MESSAGE.

To the Senate and Assembly of the State of California:

In pursuance of constitutional provision, I now "communicate to you the condition of the State, and recommend such matters as I deem expedient."

The year succeeding the adjournment of the last Legislature was one of abundant crops, general prosperity among all classes, and a steady, if not rapid, increase in the wealth and population of the State. During that period general contentment also prevailed. If the laboring classes were dissatisfied, it was rather at the anticipated evils of the future, resulting from the presence of an alien and unassimilative population, than at any they were then suffering.

During the past year, however, owing to the inadequacy of the rainfall, there has been, in parts of the State, a partial failure of the crops; a failure more or less complete of some of the chief cattle and sheep ranges; also a lack of the usual quantities of water for mining and other purposes. These causes, combined with others—some local and some general—have produced a general depression in business; and improvements in cities and on farms have, to a considerable extent, been suspended. As a consequence labor has been in excess of the demand, and laborers, in large numbers, have been unable to find employment. This condition of the labor market has produced its natural result—a spirit of discontent among the laboring classes. In a few instances this spirit has manifested itself in overt acts, in the form of violent and unlawful demonstrations against the Chinese, who are regarded as the principal cause of the unsatisfactory condition of the labor market.

More recently, however, the manifestations of discontent have taken a wider range, and have assumed the form of general arraignments of existing political and economical conditions and menaces to capital and capitalists. But as these unhealthy symptoms and developments are due largely, though not wholly, to the depressed condition of business, caused by a season of unusual drouth, we may reasonably hope that, with the revival of business and the dawn of an era of improvement in town and country, which a season of ordinary abundance of rain will herald, they will, at least measurably, cease.

I do not wish, however, to be understood as saying that I think the laboring people ought to cease to agitate as long as they have just cause for complaint, or grievances to be remedied. But they should seek remedies for the evils they suffer only through orderly, legal, and constitutional methods. And to such agitation no right-minded man of any class will object.

It may not be amiss to say that I have the most perfect confidence that the great body of white laborers in the State discard utterly the idea of resorting to violence, or any infraction of the laws to remedy either their real or fancied wrongs.

FINANCES OF THE STATE GOVERNMENT—CONTROLLER'S AND TREASURER'S REPORTS.

For a detailed statement of the financial transactions of the State Government during the two fiscal years, commencing July 1st, 1875, and ending June 30th, 1877, I respectfully refer you to the reports of the Controller and Treasurer.

THE FUNDED STATE DEBT.

The total funded debt of the State was stated by my predecessor to have been on November 1st, 1875, $3,472,000; it was June 30th, 1877, $3,411,000.

The mere statement, however, that the funded debt was that amount, without further explanation, would be calculated to convey an erroneous impression. Under an Act of the Legislature, the moneys arising from the sale of the 16th and 36th sections, donated to the State by Congress for the support of common schools, have been invested in bonds of the State. The State also passed an Act making a donation to the State University of a sufficient sum, from the proceeds of the sales of the salt marsh and tide lands, to produce an annual revenue of $50,000. This sum was invested in State bonds. In addition, the Regents of the University have invested funds of the University, derived from other sources, in State bonds.

Under these several Acts, bonds of the State are held now, as follows:

By the State Treasurer, for the School Fund	$1,737,500
By the State Treasurer, for the University Fund	811,500
By Regents of University	116 000
	$2,665,000

Thus, of the $3,411,000 bonded indebtedness of the State, the State herself holds $2,665,000 for the benefit of the common schools and the State University.

The State bonds held in private hands June 30th, 1877, were only $746,000. Deduct from this sum $14,500, the amount on which interest has been stopped, and there will remain in private hands, bearing interest, $731,500. The annual interest on this sum is $44,985, which is the sum total of interest which the State pays to parties other than the common schools and the University.

I respectfully submit that this exhibit of the present financial condition of the State—when we consider the circumstances under which the State Government was established, the condition of society during the first decade of its existence, the tendency to extravagance and prodigality in both private and public life, and the peculiar temptations men in public position at that time were under, to not only exhaust the resources of the present but to draw against those of the future—is a rare tribute to the wisdom of the framers of our State Constitution, and to the integrity and respect for constitutional limitations of those who, from time to time, were charged with administering the

government—a tribute to the framers of our Constitution, because they saw the necessity of erecting a constitutional barrier against the creation of debt, to the integrity and respect of law of those who conducted the government, because they so generally respected such barrier.

APPROPRIATIONS AND TAXES.

The appropriations which a Legislature finds it necessary to make may be divided, for purposes of convenience, into three classes—the regular appropriations, or those which are provided for by the laws, and are necessary for the running of the government, such as the salaries of public officers, the funds to support public institutions, etc.; the appropriations to meet deficits in the regular appropriations, made at previous sessions of the Legislature, as when, from any cause, the appropriation for salaries of public officers is insufficient, or when the appropriation for the support of public institutions falls short of their requirements, and special appropriations, as when an appropriation is made for the erection of a public building, or for any purpose outside of the regular and ordinary running of the government.

Each Legislature is required to make appropriations to meet the deficiencies, if any, in the regular appropriations made by the preceding Legislature, and to make the regular appropriations for the two fiscal years, commencing on the 1st day of July subsequent to the sitting of such Legislature. In addition, each Legislature will make such special appropriations as, in its judgment, the public good may require, or public sentiment demand.

Each Legislature must also provide for a sufficient levy of taxes to meet the appropriations it has made The Legislature of 1873–74 made appropriations, and directed the levy of taxes, for the 26th and 27th fiscal years—the 26th fiscal year commencing on the 1st day of July, 1874, and ending on the 30th day of June, 1875; and the 27th commencing on the 1st day of July, 1875, and ending on the 30th day of June, 1876. The Legislature of 1875–76 made appropriations and directed the levy of taxes for the 28th and 29th fiscal years, commencing on the 1st day of July, 1876, and ending the 30th day of June, 1878. The taxes directed to be levied by the Legislature of 1873–74 were as follows:

For the 26th fiscal year.

For the General Fund	$1,788,000
For the School Fund	1,110,000
For Interest and Sinking Fund	336,000
Total	$3,234,000

For the 27th fiscal year:

For the General Fund	$1,600,000
For the School Fund	1,130,000
For the Interest and Sinking Fund	336,000
Total	$3,066,000

The Legislature of 1875–76 directed taxes to be levied as follows:

For the 28th fiscal year:

For the General Fund	$2,220,000
For the School Fund	1,201,000
For the Interest and Sinking Fund	315,000
Total	$3.736,000

For the 29th fiscal year:

For the General Fund	$1,608,000
For the School Fund	1,300,000
For the Interest and Sinking Fund	315,000
Total	$3.223.000

By comparing the sums directed to be raised by the last Legislature with those by the previous one, it will be seen that the former exceed the latter by $659,000. This, on its face, and without explanation, would indicate that the cost of administering the government is rapidly increasing, or that the last Legislature was prodigal, to a degree, in making appropriations.

In explanation of the large excess of the appropriations made by the last Legislature over those by the previous one, it is proper to direct attention. First, to the fact that $261,000 of this sum appears in the appropriations for the common schools, and that in making this appropriation the Legislature simply acted in pursuance of a law already on the statute book; second, that the last Legislature made deficiency appropriations and special appropriations to pay equitable claims which had accrued in previous years and to restore public buildings destroyed by fire, amounting in the aggregate to $1,269,985.70.

It is proper, also, in this connection, to call attention to the facts, that the appropriations for the 29th fiscal year are but $157,000 greater than those for the 27th, and that if the appropriation for school purposes be excluded from both years, then the appropriations for the 27th will exceed those for the 29th by $13,000.

This analysis of the appropriations of the last Legislature and comparison of them with those of the previous one, are made to show, on the one hand, that the cost of administering the government is not increasing in the ratio that the largeness of those appropriations would seem to indicate; and, on the other, that the last Legislature is not justly chargeable with an undue prodigality in making appropriations. It could not refuse or omit to make the regular and deficiency appropriations, without a manifest disregard of its plain duty. And it will be difficult to point out a single special appropriation, that was made, which was not imperatively demanded by the public necessities, or necessary to the maintenance of the good faith of the State.

RATE OF TAXATION.

The rate of taxation for State purposes for the 27th fiscal year was 60.5 cents on each $100 valuation; for the 28th fiscal year it was 73.5 cents.

The increase of the rate of the 28th fiscal year over that of the 27th was due to two circumstances: First, the largely increased appropriations, necessary to be provided for, the increase as above shown

amounting to $670,000; and second, the decreased assessed value of property in the State.

The total assessed value of property in the State in the year 1875–76 was $618,083,315; in 1876–77 it was $595,073,177—thus showing a decrease of $23,010.138. It is due to candor, however, to state that in the assessment for the year 1875–76 there appears $96,040,437, the assessed value of mortgages and other solvent debts, on which but little, if any, of the taxes were ever collected; the Supreme Court having decided, between the date of assessment and the time for its collection, against the constitutionality of the tax. In the Assessors' rolls for the year 1876–77, no property of that character appeared. While, therefore, nominally, the basis of taxation was broader by several millions in 1875–76 than in 1876–77 it was not so in fact. The effect of swelling the assessment roll by including therein mortgages and solvent debts, and not collecting the tax on them, is seen in the delinquent list. The amount of taxes for State purposes, charged to the Tax Collectors in 1875–76, was $3,739,093.99. The delinquency on that sum, at the date of the last report of the Controller, was $406,-441.67. The amount of taxes for State purposes, charged to the Tax Collectors, for 1876–77 was $4,372,019. There is of this, delinquent but $266,134.90.

It is proper to remark further, in this connection, that the General Fund in the State treasury was in a much better condition on the 1st of July of the current year than on the 1st of July, 1875—there being at the commencement of the present fiscal year $330,388; while at the 1st of July, 1875, there was in it but $39,458.

APPROPRIATIONS FOR THE NEXT TWO FISCAL YEARS.

The Controller estimates the expenditures of the 30th and 31st fiscal years—the period from June 30th, 1878, to July 1st, 1880—at $5,699,190; and the deficiencies at $16,594.15. Thus, his estimates furnish a total of $5,715,784.15, for which appropriations must be made, and the necessary taxes be directed to be levied.

In making his estimates, however, the Controller was governed by existing laws, and has consequently embraced only such expenditures as the laws provide for. Of course, in all instances where the law prescribes a precise sum, as in the case of the salaries of public officers, the Controller's estimates are exactly accurate. But in other instances, where the amount of the expenditure must depend on contingencies yet in the future, as in the case of the support of the Insane Asylums, of the State Prison, or of the transportation of the insane, or of prisoners, his estimates, in the very nature of the case, can only be approximations to accuracy, and may be quite wide of the mark. I think it probable that his estimate for the support of the State Prison is below what will be required; and also, that there will have to be very considerably larger appropriations for deficiencies than his estimates call for. I think it possible, however, that some of the other estimates for the 30th and 31st fiscal years may be so reduced, that the aggregate of the regular appropriations for those years need not exceed the Controller's estimates.

But in addition to the deficiency and regular appropriations, the Legislature will be asked and urged, no doubt, to make numerous. and possibly large. special appropriations. In making the regular and deficiency appropriations the Legislature merely provides for

carrying out, or giving effect to, the laws already on the statute book—the wisdom or policy of the laws requiring the appropriations not being open to consideration. But in making special appropriations—appropriations not required by existing laws—the Legislature must determine, in the exercise of the discretion with which it is vested, that such appropriations are necessary, or will conduce to the public welfare. And while I know some special appropriations will be absolutely necessary, and shall take occasion, at other points in this message, to suggest some which seem to me to be required by the public exigencies. I cannot too strongly urge on the Legislature the greatest circumspection and the most rigid economy, compatible with the public honor and the public interests, in making such appropriations. If there is one demand which universal public sentiment, at this time, emphasizes more than another, it is the demand for retrenchment and economy in public expenditures.

I desire to bear testimony to the able and faithful manner in which the Controller and Treasurer have discharged the onerous and responsible duties of their respective offices.

REPORT OF THE STATE BOARD OF EQUALIZATION.

The State Board of Equalization, as established by the Code, during the first year or two of its existence, when exercising unchallenged the powers conferred, or attempted to be conferred, on it by law, did much to secure the assessment of property according to law. The Constitution provides that taxation shall be equal and uniform throughout the State, and that all property shall be assessed in proportion to its value. The revenue law in force before the adoption of the Code, equally with the revenue law of the Code, required all property to be assessed at its full cash value. The Code established no new rule for the assessment of property—it continued the rule which it found already on the statute book. What the Code did was to supply the machinery through which the Assessors—the agents provided by the Constitution for valuing the property in the State for the purpose of taxation—were induced or compelled, in making assessments, to observe the rule or standard of valuation fixed by the law. That Assessors, prior to this time, had made their assessments in utter obliviousness of the rule fixed by law for assessing, is demonstrated by the fact that the first assessment made after the establishment of the Board of Equalization was over $636,000,000, while the highest assessment ever made before was less than $269,000,000. And an inspection of the assessment rolls of the several counties, before and after the establishment of the State Board of Equalization, shows that it was precisely in the growing, prosperous and wealthy counties that Assessors exhibited the most utter disregard of the law in assessing, and placed the lowest valuations on property. The result, of course, was that those counties in which the Assessors approximated most nearly to an observance of the law, in the discharge of their official duties, had to bear a disproportionate share of the burden of supporting the State Government. And the counties on which this additional burden fell were, as a rule, those which, from a decay, or partial exhaustion, of the sources of their former prosperity, and their present prostrate condition, were the least able to bear even an equal share of the common burden. How unjust, and even oppres-

sive, then, that they should be compelled to bear more than their equitable proportion of such burden!

The purpose of the establishment of the State Board of Equalization was to secure assessments everywhere—in all counties—in exact conformity with the law, as nearly as possible, so that property everywhere—in all counties—should contribute the same per centum toward the support of the common government. And I think the success of the Board in accomplishing the purpose of its organization, during the period it was permitted to exercise the powers attempted to be conferred on it, demonstrates the necessity of some central authority, with ample powers, to supervise the local assessors and compel assessments to be made according to law. Strong influences will always be brought to bear on local assessors to induce them to place low valuations on property, that the owners may escape with light contributions to the State Government And if the property of a county generally is assessed at but half or quarter of its value, the rate of taxation for county purposes can be doubled or quadrupled, as the case may require. Thus the necessary money for county purposes will be raised, while the county, as a whole, will escape with the payment of the one-half, or the one-quarter, of its just quota of taxes for the support of the State Government.

The remedy and, so far as I can perceive, the only adequate remedy for this evil must be found in a central authority, with proper powers, which, being unbiased by local influences, will be able to deal justly and impartially with all sections of the State.

I have deemed it proper to say this much in vindication of the policy which established the State Board of Equalization and vested it with the powers originally given to it. Unfortunately—and as I feared would be the case at the time of the establishment of the Board—the Supreme Court has been compelled to decide that the power of equalizing assessments can not, under the Constitution, be given to a Board constituted as this one was. This decision having been made at the October term, 1873, I advised, in my inaugural address, that the Board, having been shorn of its power to equalize assessments, and thus left impotent to accomplish the chief object of its organization, should be abolished, as a Board drawing pay from the State treasury, and that the powers still left to it should be vested in some officer, or officers, of the State Government, who should be charged with the performance of such duties as still devolved on the Board under the revenue law. In harmony with this suggestion, the Governor, the Attorney-General, and the Controller, were made *ex officio* the State Board of Equalization, without compensation, other than their official salaries. The report of the Board, which is herewith transmitted, contains a large amount of statistical information in regard to the property in the State. This information is both interesting and instructive. The report suggests that some amendments be made to the revenue law; and I respectfully request that the suggestions may receive the careful consideration of the Legislature.

I have been at the pains to express thus at length my views on the necessity of some central authority, with power to equalize assessments, made by county or district assessors; not that I suppose the Legislature can remedy the defect in our present revenue laws, caused by the absence of such authority, but because I regard the

provision in our Constitution which prevents the creation of a Board with the powers indicated, as one of the most serious defects in that instrument. And it is to be sincerely hoped that in any new Constitution which may be framed for the State, care will be taken that, if it does not itself provide for the establishment of the necessary machinery to secure equal and impartial assessments of property, it shall at least not contain provisions, inhibiting the Legislature from creating such machinery.

ATTORNEY-GENERAL'S REPORT.

The report of the Attorney-General contains a concise and intelligible statement of the various suits to which the State, during the past two years has been, or is now, a party, giving the proceedings in, and the present status of each suit. And from this statement it is apparent that litigation, in which the State is interested, has increased with the population and business of the State.

The report calls attention to the necessity for amending the Constitution, in order that it may be practicable to provide the machinery necessary to secure equality of taxation; also, to the necessity for amending the registry law, so that it shall be in fact, as well as in pretense, a protection against fraudulent voting; and also, advises that the Legislature be urged to memorialize Congress to take steps to relieve us of the evils of Chinese immigration.

In other parts of this message, I take occasion to present my views on these several subjects.

REPORT OF THE SECRETARY OF STATE.

The report of the Secretary of State, herewith transmitted, contains a full and lucid statement of all transactions of his office, during the period over which it extends The Secretary of State is made by law the custodian of the State Capitol, and is charged with the duty of supplying the State officers, members of the Legislature, Judges of the Supreme Court, etc., with stationery, lights, fuel, etc. In the discharge of these important and responsible trusts, a faithful officer does not lack opportunities for rendering substantial service to the taxpayers of the State. In this office, quite as much as in any other, and more even than in some others, the public interests demand an incumbent of first class business qualifications, unbending integrity and thorough devotion to the public interests. As to the manner in which the present Secretary of State has discharged the duties of his office, I beg simply to refer to his report.

The amendments to existing laws recommended in the Secretary's report are for the most part judicious and should be made. His suggestions and recommendations, I commend to the careful consideration of the Legislature.

REPORT OF THE SURVEYOR-GENERAL.

The report of the Surveyor-General, in addition to the transactions of his office from the 1st of August, 1875, to the 1st of August, 1877, and a statement of the receipts and disbursements of the office under each Surveyor-General since 1858, gives the number of acres that have been listed to the State, under the several grants made by

Congress to the State. Of these several grants—the grant of 500,000 acres, the grant of seventy-two sections, the grant of 150,000 acres, and the grant of ten sections—there remain now only a little over 70,000 acres not listed to the State. Of the grant of swamp and overflowed lands a little over a million and a half acres have been listed to the State; and of lands in lieu of 16th and 36th sections a little over 600,000 acres.

Of the 16th and 36th sections, granted to the State for the support of common schools, there must yet remain a very large area unsold. What proportion of these lands, still unsold, are adapted to agriculture or to grazing, and will be in demand for these purposes, within any near period, there seems to be no means of ascertaining.

Had the prospective value of the lands granted by Congress to the State been foreseen when the plan for disposing of them was originally adopted, they might have been made to yield a much larger amount in the aggregate than they have done. A policy might have been adopted also, with reference to their disposition, which would have resulted much more favorably for the State than the one adopted has, in other respects than the mere money value received for them. But so large a proportion of the most valuable of the State's lands have been disposed of that but little can now be done to correct the evils of our earlier legislation.

It gives me pleasure to bear testimony to the fidelity with which the present Surveyor-General has discharged the duties of his office.

REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

The biennial report of the Superintendent of Public Instruction for the two years ending June 30th, 1877, in addition to a statement of the operations of the public schools of the State during the period which it covers, discusses at some length the character or quality of the education which should be given in the schools.

The amount of money which is raised by taxation, and disbursed in the support of the public schools is very large, aggregating, during the last school year, $2,749,129.46.

It is my conviction that no part of the taxes collected from the property of the State is paid with more cheerfulness than that which goes to the support of the common schools. The body of taxpayers have no cause to complain of the large amount of taxes they are required to pay for school purposes for they get back "value received," in the education of their own children. If the public school system did not exist they would be compelled to expend a still larger sum for the education of their children or permit them to grow up in ignorance. I do not doubt either that property holders who have no children to be educated pay their taxes for the support of schools with quite as good grace as they pay taxes for other purposes.

Still the taxpayers have a right to demand that the moneys expended in the support of schools shall be so expended as to yield the largest and most valuable results. Hence a fair criticism of the present modes of teaching, in the public schools, of the studies taught, and of the results obtained, is not only admissable but desirable. While the main features of our system is admirable, I do not doubt that there is much room for improvement in details, and I trust that the efforts of the Legislature will be directed to making the administration of the system efficient in its details.

I have reason to believe that the present head of the public school system in the State is doing much, through the medium of Teachers' Institutes and otherwise, to improve the methods of teaching and raise the character of the schools.

It is, no doubt, desirable that teachers should have had the advantages of instruction in a Normal School, but, as so many of them have not, Teachers' Institutes in the counties must be relied on to supply in a measure the lack of such instruction.

I would not recommend any changes in our school law, except such as relate to matters of detail and are necessary to give greater efficiency in the practical working of the system.

I desire to say, in this connection, that I concur entirely with the views expressed in the report of the Superintendent of Public Schools, in favor of the preservation of the High Schools, as a part of our school system.

REPORT OF THE ADJUTANT-GENERAL.

The report of the Adjutant-General, herewith submitted, gives a detailed statement of all matters connected with the department of the State Government to which it relates, for the two years ending July 31st, 1877.

It shows a commendable degree of efficiency in the condition of most, if not of all, the organized militia of the State.

At this point it will not be amiss for me to say that more attention ought to be given to the subject of placing the organized militia of the State on a proper basis, and making it thoroughly efficient in drill, and all soldierly exercises, than it has heretofore received. The events which have transpired in this and other States, within the last six months, have demonstrated that some well organized and thoroughly drilled military force is absolutely necessary to aid in suppressing riots, enforcing the laws, and maintaining the public peace

The necessity for such a force, for these purposes, is not open to question. A force, also, adequate to the purpose will be provided. The interests of society are too great and vital to permit the toleration of lawlessness and violence. It may as well, then, be accepted as an axiomatic truth of our social and economic condition, that there must always be, at command, a sufficient organized, public force to aid the civil authority to enforce the laws and preserve public order.

Shall this force be supplied by the State or by the United States? Shall the State militia be utilized, and employed to assist the civil officers in enforcing the laws, quelling riots, and dispersing mobs, or shall the army of the United States be invoked, and made the sole reliance, for these purposes? It must be one or the other.

Without entering into any elaborate argument to show that it belongs to the State to maintain order, and preserve the peace within her borders, and that she ought to maintain a sufficient force for the purpose, or that a reliance on the regular army of the United States to accomplish this would be incompatible with proper State independence. I shall content myself by saying. I believe it to be the duty of the State to maintain a sufficient organized militia force, in a proper state of efficiency, to supplement the ordinary civil police of the State, in all except the most extreme emergencies.

I invite your careful consideration of the recommendations of the Adjutant-General, of amendments to existing laws, and promise my cordial cooperation in all well considered and judicious measures for increasing the efficiency of the National Guard.

INSURANCE COMMISSIONER'S REPORT.

I beg to call the special attention of the Legislature to the report of the Insurance Commissioner, herewith transmitted. The business of insurance—life and otherwise—is very important, and embraces in its operations a large proportion of the people of the State. There is hardly an individual who has not an interest, direct or remote, in having insurance of all kinds conducted on a safe basis. It is a subject, too, which calls specially for regulation by law. The law should require the business of insurance—especially the business of life insurance—to be conducted on such safe principles as would make it impossible for an honestly conducted company ever to fail. It should provide, also, severe penalties for the officers of such companies as fail through dishonest management. The recent history of numerous life insurance companies has taught an impressive lesson on this subject.

I ask careful consideration for the amendments to the insurance laws proposed by the Commissioners.

INSANE ASYLUMS.

Among the charitable institutions of the State, the Asylums for the Insane rank first in importance, both on account of the number and character of the inmates, and the cost of their maintenance. It may be ranked also as one of the most sacred duties of a civilized people to make suitable provision for the proper care and treatment of those who suffer the unspeakable calamity of being deprived of their reason. It is a cause for congratulation that this State has made such ample provision for the care and treatment of this class of persons as the institutions at Stockton and Napa attest that she has.

STOCKTON ASYLUM.

The biennial report of the Directors of the Stockton Insane Asylum, for the two years ending July 1st, 1877, which includes the biennial report of the Treasurer and the annual reports of the Medical Superintendent for the years ending June 30th, 1876, and June 30th, 1877, shows the institution to have been managed in a very economical and satisfactory manner during the period which it covers. Of the cost of maintenance, the report says:

"The average daily cost during the past year has been only forty-one cents per patient, and during the previous—or first—year of this biennial period it was only forty-two cents, the lowest figure ever reached at that time. It will be borne in mind that in asylum statistics the per capita expense is not estimated or computed simply on what the patients themselves eat and wear, but on the expense of carrying on the institution, including the pay and board of the physicians and all the employés, ordinary repairs, and incidental expenses; in fact, all the current expenses of maintaining the entire establishment."

The financial or business management of this institution has been so admirable during the last two fiscal years that it is difficult to perceive how it could have been better. Certainly, the report of the Directors, in its financial exhibits, can excite only satisfaction.

Of the results of the management, in other respects, I do not feel called on to speak with the same unqualified confidence. Not, however, because I have any grounds for supposing that the institution has not been conducted in the same admirable manner in all its other departments. I have every reason to believe it has. But to be able to speak unqualifiedly of the treatment, medically and otherwise, which the patients at the Asylum receive, one should himself be an expert in all matters pertaining to insanity. This I do not profess to be. But so confident am I that the institution, in all that pertains to the care and treatment of the insane, is conducted in strict accordance with the methods prescribed by the highest medical science and best experience, that I unhesitatingly submit its management, touching these matters, to the critical judgment of all members of the medical profession whose special studies or experience qualify them to be judges.

I respectfully suggest, in this connection, that the Legislature, by its proper committees, make a thorough examination into the management of every department of the Asylum. This should be done in the case of every institution supported by the public funds.

It appears from the reports of the Superintendent that the number of admissions into the Asylum has not decreased, since the opening of the Napa Asylum, as much as was anticipated. This is due, in part at least, to the circumstance that the insane from many of the counties, at least a portion of them, were sent to Stockton, when they might, at a very slight additional expense, have been sent to Napa. In looking over Table A, of the Superintendent's report for 1877, I find there were admitted to the Asylum for the year ending June 30th, 1877, 201 patients. Of these, 83 were from counties which ought, under the circumstances, to have sent their insane to the Napa Asylum. The same report shows, also, that there were in the Stockton Asylum, on the 1st day of July, 1877, 1,195 patients; the biennial report of the Superintendent of the Napa Asylum shows that, at the same date, there were 395 patients in that institution. Thus the whole number of insane in both Asylums, at that date, was 1,590. It would seem to be sound policy to direct by legislation which counties shall send their insane to the Napa Asylum, till the whole number of the insane in the State shall be more equally distributed between the two institutions

The Superintendent of the Asylum (Stockton) recommends that, to obtain greater security against fire, brick structures should be substituted for certain wooden ones, that certain one-story brick buildings should be enlarged and improved, that the sewerage of the Asylum should be extended, and that the carriage-way between the male and female departments of the Asylum should be graveled.

It will be for the Legislature to determine whether, if the suggestion above made, in relation to causing a greater proportion of the insane to be taken to the Napa Asylum, be carried out, it will be necessary to make further improvements in the way of buildings at Stockton during the next two years.

The appropriation of a sum sufficient to perfect the sewerage of the Asylum, and to gravel the roadway in question, should be made.

NAPA ASYLUM.

Under the Act "to provide for the future management of the Napa State Asylum for the Insane," passed March 6th, 1876, I appointed as Trustees of said Asylum Hon. John Boggs, Hon. Geo. C. Perkins, A. G Boggs, Esq., P. Van Bever, Esq, and F. E Johnston, Esq. The Board of Directors which preceded the Board of Trustees had organized the Asylum by the appointment of Dr. Edwin Bently, as Medical Superintendent. The Board of Trustees, immediately on assuming charge of the Asylum, superseded Dr. Bently, as Medical Superintendent, by the appointment of Dr. Edmund T. Wilkins, as Resident Physician. For Assistant Physician, as provided for by the Act of March 6th, the Board appointed Dr. Leonard F. Dozier.

In their report the Board say: "For the former office (Resident Physician) we felt that we were but observing the wishes of the people of the State, as well as consulting the best interests of the institution, in selecting Dr Edmund T. Wilkins, of Marysville, California, a regular graduate of the Memphis (Tennessee) Medical College, and a physician of great learning and reputation. Dr. Wilkins had for a number of years made the study of insanity and the treatment of the insane a specialty, having, by appointment of Governor Haight, visited all the principal insane asylums of the world, and collected a mass of statistics, gaining an experience and learning in the treatment and management of insane persons, second to that of no other physician in the country With his learning, he combined those rare qualities of temper, deportment, and executive abilities, that peculiarly fitted and qualified him for the tender and responsible position."

In this merited eulogium on Dr. Wilkins, I most heartily concur

Of the Assistant Physician the Trustees say: "In the person of Dr. Leonard F. Dozier, a regular graduate of Savannah (Georgia) Medical College, we found an Assistant Physician who honors the station. Skilled and learned in his profession, with a clear head and a warm heart he is ever ready to place on foot or second all measures calculated to advance the interests of the institution or better the condition of his unfortunate patients."

The Board refer to the sanitary condition of the institution, and the economy observed in its management, as attesting the wisdom of their selections.

The Board of Trustees include in their report the report of Treasurer, and the report of the Resident Physician. There being but a small number of patients in the Asylum, as compared with the number in the Stockton Asylum, we would naturally expect to find the per capita cost of maintenance much higher. This expectation is realized. But I do not know that the excess is greater than the inferiority in the number will adequately account for.

The average number of patients in the Asylum, during the months of January, February and March, 1876, was 1044, and the average daily cost of maintenance $1.81 per capita, the average number for the ensuing three months was 172, and the average daily cost per capita $1.08. This brought the institution to the commencement of the last fiscal year. According to the report of the Resident Physician, the daily average number of patients for the year was 306, and the average daily cost per capita 73 cents. But the average daily

number for the last quarter of the year was 374⅜, and the average daily cost per capita only 60⅝ cents.

These exhibits serve to demonstrate that the decrease in the cost per capita of maintenance is in about the same ratio as the increase of the number of patients.

And I have no doubt this law will hold up to a certain number of patients, at which point a minimum of cost per capita will have been reached. And any increase in the number of patients beyond that point will not be attended by a corresponding diminution in the cost per capita of maintenance. And I have no doubt, if the 1,509 patients, the daily average number in the two asylums during the last fiscal year, had been equally distributed between them, the daily average cost per capita at each would have been as low as it was at the Stockton Asylum. If this view of the case is correct, we ought in the interest of economy to devise some plan by which the number of patients at Napa would be increased and the number at Stockton decreased. But at this point we are met by the speculations of the Resident Physician of the Napa Asylum as to the capacity of that institution.

He says. "The asylum was originally intended for the accommodation of five hundred patients; but the attic in the center building having been finished for a large dormitory, has increased its capacity to the extent of forty-four additional patients. But as it is in the fifth story, and in the executive building, it will be both very inconvenient and dangerous for the occupancy of patients until the passenger elevator shall have been constructed. Owing to the complete system of heating and ventilating the Asylum, however, with some pressure, the ultimate number might be extended to six hundred, beyond which it cannot be extended without detriment."

While I will not presume to place my judgment in opposition to the judgment of the Resident Physician, I sincerely hope that room may ultimately be found in the Napa Asylum for more than 600 patients without serious detriment. First class accommodations for the insane are certainly desirable; but, then, there is a limit to the amount which the public will consent to pay for the erection and maintenance of even charitable institutions.

There has already been appropriated for the erection of the Napa Asylum over $1,300,000, and a still further sum will be required to complete it, furnish it with water, gas, etc. The total cost of the Asylum, with the necessary appurtenances, will not fall under $1,400,000, and may go as high as $1,500,000. Thus, if the latter sum be reached, and the institution will not accommodate over 600 patients, the Asylum accommodations, exclusive of furniture, of each patient will cost $2,500.

The Resident Director of the Stockton Asylum, in his report for the year 1876, gives a brief history of that institution. It had its initiation in the State General Hospital, established at Stockton in 1851, and became, by Act of the Legislature, the Insane Asylum of California in 1853. The present structures, forming the Asylum of to-day, in which there have been accommodated 1293 patients at one time, have grown up by degrees, and are the products of many separate appropriations. The total cost of all these structures, aggregating the Stockton Asylum, according to the report above referred to, has been $600,050, or $68,000 less than half the sums already

appropriated for the construction of the Napa Asylum. It should be recollected, also, in this connection, that the erection of the Stockton Asylum was commenced in 1853, when the cost of labor and material was much higher than it has been during the period of the erection of the Napa Asylum.

It will be rather a sad commentary on our more recent economy in providing public charitable institutions, if it shall be found that, for an expenditure of $1,400,000, we have obtained Asylum accommodations for only 600 patients, while, in the earlier history of our State, when labor and material of all kinds were much higher, and when, in public life, the tendency to prodigal expenditure was much stronger, for an expenditure of $600,050 we obtained Asylum accommodations for, say 1000 patients—though, in fact, these buildings have accommodated, in a manner, nearly 1,300 patients.

The report of the Board of Trustees of the Napa Asylum gives, in detail, the acts of the Board in adjusting the indebtedness which had accrued before the Board was organized, or which accrued in pursuance of contracts made prior to that event. It was an onerous and delicate duty, but I have the fullest confidence that it was discharged intelligently, with a due regard for both the public interests, and the private rights of parties holding claims against the Asylum.

It seems, however, that some of the parties holding claims, equitable or otherwise, against the Asylum were not satisfied with the adjustment of them made by the Board. These now present demands for interest and damages, because their claims were not paid at the time and in the manner stipulated in the contracts. The demands amount, in the aggregate, to $49,839.40. The Board do not express a definite opinion as to whether the Legislature should provide for the payment of these demands or not, but intimate that, in their judgment, justice may require that they should be paid.

It would be out of place in me, not having investigated these claims, to advise either their payment or rejection. But it cannot be out of place for me to call the attention of the Legislature to the limitations placed on the Board of Directors of the Napa State Asylum for the Insane, by the Act of March 24th, 1874, making an appropriation to complete the said Asylum Section two of the said Act requires the Board to complete the Asylum for the sum therein appropriated, and inhibits the Board from letting any contract in excess of the appropriation. Section four of the Act makes it a misdemeanor for the Board to let any contract in contravention of the provisions of section two, and makes all contracts thus let absolutely void. I suppose, but cannot state positively, that the claims of these parties for interest and damages have grown out of contracts let by the Board of Directors in disregard of the limitations on their powers above referred to.

The deficiency appropriation made by the last Legislature, to cover the cost of maintenance from the opening of the Asylum to the commencement of the 28th fiscal year, was inadequate to the purpose. The Board now ask an appropriation of $10,962.83 to make up the deficit. The report of the Board explains the reason of the insufficiency of that appropriation.

The Board also intimate that, in addition to the appropriation for the maintenance of the Asylum during the two ensuing fiscal years, a further appropriation will be required to furnish the Asylum with the necessary quantity of water; they ask, also, a further appropria-

tion for grading the grounds, and express the opinion that several other improvements should be made, which, if ordered, will require still further appropriations.

THE STATE PRISON.

There are few subjects, if any, which will engage your attention that are of greater practical importance than that of the management of the State Prison; yet there is no one which I feel a greater reluctance in undertaking to discuss This reluctance arises in part from a profound conviction that the subject is one of great inherent difficulties, and is very imperfectly understood: and, in part, from a consciousness that my experience in governing, or attempting to govern, persons of the criminal classes, has not been sufficiently prolonged or varied to justify me in speaking with full confidence on the subject.

To what extent State Prisons can be made reformatory institutions, I will not undertake to determine. My own convictions are against the practicability of reforming any large percentage of those who belong to the criminal classes proper, and who find their way into the State Prison. There are, of course, many in the State Prison at San Quentin, and. doubtless, in every other State Prison, who do not, in any proper sense of the word, belong to the criminal classes. These persons are the victims of misfortune rather than criminals. Persons who, under the influence of sudden passion, have assaulted, or, in a personal encounter, have killed a fellow-being, belong to this class. Others, again, overtaken by sudden temptation, may commit criminal acts, which, if they had only time to collect their faculties and reflect, they would not commit. The law, however, adjudges—and very properly, too—all such persons guilty of crime, and condemns them to punishment. All that need be said in vindication of the law for inflicting punishment in such cases is, that punishment is necessary both as a measure of discipline for those on whom it falls, and of warning to others. A salutary apprehension of punishment will do much to enable men to keep their passions under control, and resist temptation. And a man, having once suffered punishment for a crime committed in the heat of passion, or under some powerful and sudden temptation, will be likely to be on his guard against being surprised into the commission of a like crime again Nothing further need be said in defense of the policy of punishing the criminal acts of those who do not properly belong in the criminal classes.

But the question may very well be considered, whether persons of the kind above referred to ought, while undergoing punishment, to be compelled to associate with persons of the criminal classes, proper. I do not think they ought, if it could be avoided. These persons ought not to be regarded as permanently lost to society; they ought to be looked on as still possessing an interest in everything that concerned them before they committed crime; and they ought not to be subjected to treatment or exposed to influences that would unfit or disqualify them for resuming, on their discharge from prison, their old position among their fellow-men.

In this class, I think ought to be included also nearly all young persons, who are convicted of crime for the first time. The sentences of such persons also ought to be short, except in cases where the circumstances show the crime to be of an aggravated character, and the perpetrator a hardened or deliberate criminal. In such case the crim-

inal, however young, would be properly placed with those recognized as permanent criminals, and for whose reformation there would be but little, if any hope. If it is possible to reform a youth who has committed crime—that is, if he is not so mal-formed morally that it is impossible for him to refrain from criminal acts—I do not think a long term in prison will be required to effect his reformation. And, moreover, I hardly think, if a term of reasonable duration will not suffice to reform him, that his reformation can be effected by a term however long, or by punishment however severe. In all ordinary cases, therefore, of young persons convicted of their first crime, of which the punishment is confinement in the State Prison, I think the sentence should be meted out on the assumption that they are not yet beyond reformation. Moreover, I think, in accordance with what I have said above, the sentence should be a light one.

Those who commit crime when under violent passion, or when exposed to great and sudden temptation, and young criminals, who are convicted for the first time, ought, if it were possible, to be kept separate from other criminals, and ought to be treated on the assumption that they are not essentially criminal in their nature and instincts; that they are not so addicted to criminal habits but that they may, in the future, live honest and upright lives, and be useful and respected members of society. It is not practicable, however, with existing facilities, to keep convicts of the kind above indicated separate from others. The State has not been able, or has not deemed it necessary, to provide the means for keeping one class of prisoners separate from another. But I submit that in any system of improved prison management which may be undertaken the division of the prisoners into the classes I have indicated, and the separation of the classes from each other, should be one of the first, as it would be one of the most important steps.

Persons convicted of a second offense, after having served a term in the State Prison, should, as a rule, be regarded and treated as confirmed criminals, whose reformation can be regarded only as one of the possible, not as one of the probable, events of the future.

One great evil of our administration of penal justice is the inequality of sentences for crimes of essentially the same character. The same crime is not punished with the same severity in any two judicial districts, or in any two counties. A Judge who enjoys good dinners, has good digestion, is at peace with all the world, and overflows with the milk of human kindness, naturally takes optimistic views of the possible, if not actual, good in the poor criminal whom he is about to sentence. It is needless to add that the sentence is a light one. But the Judge in the adjoining judicial district, or adjoining county, has the misfortune to be afflicted with dyspepsia. Through the infirmity of his stomach, he is transformed into an Ishmaelite, whose "hand is against every man;" and especially against every man who has the temerity to commit crime, and the misfortune to be convicted in his court. Of course he is a practical believer in total depravity. It is hardly necessary to say that he would not deem it a compliment to himself, as a Judge, to be considered more merciful than the law requires, and hence always gives to the criminal the longest sentence that the law permits. Other causes, also, besides the idiosyncrasies of Judges, operate to produce sentences of unequal severity for crimes of the same grade. The local feeling for or against a prisoner, at the time of his trial and sentence, have in

many instances much to do in determining the severity of his punishment.

The result is that two persons from different counties, or it may be even from the same county, meet in the State Prison, both having been convicted of the same crime, committed under circumstances so similar that the one could hardly be distinguished from the other. Similar in all things else, how dissimilar the sentences in the two cases! One is sentenced to serve twice, or perhaps three times as long as the other. It is not in human nature—not even in criminal human nature—not to rebel against this kind of inequality. The convict who has the long sentence at once feels that he is the subject of injustice and oppression. In the forum of his own conscience he stands the accuser of society for the wrong it is inflicting on him. From being the sinner, he has become the sinned against. And he now feels the glow of a moral sanction as he resolves afresh to perpetuate his war against society.

Some system should be devised by which the present gross inequality of sentences for crimes of the same grade, and committed under circumstances so similar as to make them to all intents and purposes identical in character, may be remedied. This should be done in the interest of justice, for it is not just that under the same government and the same laws, A should be punished twice as severely as B for the same crime, no element entering into A's case, requiring or justifying punishment, which is not also found in B's. It should be done also as a means of reforming the criminal, or rather as an initial step in any system of measures or discipline that may be adopted, looking to his reformation. It will be hard to reform the criminal when he feels, and has such just cause to feel, that he is himself the subject of a greater wrong at the hands of society than he has ever inflicted on society.

It would properly devolve on the Legislature to devise a remedy for this evil; or if the Legislature has not the power to apply an effective remedy, the subject should receive the attention of the approaching Constitutional Convention.

I will venture to suggest, further, that with the introduction of a plan to equalize sentences, the pardoning power ought not merely to be taken from the Executive, but ought to be wholly eliminated from our system of criminal justice The exercise of the pardoning power by the Executive is wholly unsatisfactory to all parties concerned—to the criminals as a body, to their friends, to the community at large, and—more than to any one else—to the Executive himself. And I am led seriously to doubt whether the exercise of this power is not, on the whole, productive of more evil than good. I do not mean to say, and do not wish to be understood as saying, that I think the power has been too freely exercised, or, as a rule, exercised in improper cases, either by my predecessors or myself. And I do not know that this power could be lodged anywhere else—in any other officer or department of the government—so as to secure a more judicious exercise of it, or an exercise that would on the whole give any better satisfaction. The power, lodge it where you will, must be exercised on grounds more or less vague and ill-defined, and, in a degree, arbitrarily and capricious. Of course, the power ought to be vested somewhere to discharge prisoners, when it shall appear that they are innocent of the crime of which they stand convicted. But it is difficult to say on what grounds con-

victs, about whose guilt there is no question, ought to be pardoned. And it is still more difficult to adopt any rules to be observed in granting pardons which will not either, on the one hand, practically suspend the pardoning power, or, on the other, lead to a use of it inconsistent with the welfare of society. In the first case, the prisoners and their friends will be dissatisfied; in the latter, the community at large will complain. The party holding the power of pardon, will usually pursue a mean between these extremes, but, in doing so, will generally be compelled, in granting pardons, to act without reference to any distinct or well defined rules. I presume there has been no Executive who has exercised the pardoning power at all, no matter in how many or in how few instances, who has not felt that there was an indefinite number of other cases, in which precisely the same reasons existed for exercising it. The convicts themselves—many of them—also feel that precisely the same reasons exist for pardoning them, that are assigned for the pardons granted to their fellow prisoners. The tendency of such an exercise of the pardoning power is to produce among the prisoners, who are not pardoned, dissatisfaction, and a sense of injustice, analagous to that which results from the inequality of sentences.

I do not hesitate to declare, as the result of my observation and reflection, that I would take away the pardoning power entirely, as now vested in the Executive. As already stated, the power should be vested somewhere to discharge from prison, persons convicted, but who may afterwards be shown to be innocent But while no prisoner, not shown to be innocent, should receive a pardon, rules should be established by which every prisoner, not sentenced for life, could shorten, and shorten very materially, his term of sentence. This shortening of the prisoner's term should be made to depend absolutely on his own conduct; the rapidity of the reduction should be in exact proportion with his punctiliousness in the observance of the prison discipline, and his faithfulness, skill and efficiency in performing the work assigned him.

Under a regime of this character, every prisoner would be treated with "equal and impartial justice," no one would be saved from the just penalty of the law through the importunity of friends with the "Pardoning Power," there would be no shortening of the sentence for one prisoner—no commutation—which would not be equally within the reach of all. If a prisoner, except those sentenced for life, should serve out his term of sentence, it would be because he himself had so willed it. If he did not "commute his sentence," he would have no one but himself to blame.

Under such a system, prisoners would have the strongest conceivable motives both to submit to the prison discipline, and to endeavor to make their labor as valuable as possible. And these are precisely the conditions that would tend most powerfully to work a radical and permanent change in the habits and character of the prisoners Under this system, other conditions being favorable, we might reasonably expect a maximum of reformatory results.

I am quite aware that some changes, which I have suggested, can not be made by the Legislature. They can only be accomplished by amending the Constitution.

For a statement of the management of the State Prison during the last two years, and of its present condition, I beg to refer you to the very full and able report of the Resident Director, Lieutenant-Gov-

ernor James A. Johnson. This report is so full in its statements and, in the main, so judicious in its suggestions, that it leaves little to be added.

The practical questions that will press themselves on the Legislature will be: first, shall any appropriation be made for providing additional accommodations for prisoners; and, second, if this question is answered in the affirmative, shall the additional accommodations be provided at San Quentin, or at Folsom?

At the rate at which the prisoners at San Quentin have increased during the past two years, it will not be long before there will be as much need of more cell room as there was before the recent additions were made. The increase in the number of prisoners in the last two years is over three hundred—an average annual increase of more than a hundred and fifty. Nor will it be practicable to make improvements to a much greater extent within the present prison walls. And it is probably not desirable, for hygienic and disciplinary reasons, that arrangements should be made for maintaining, permanently, more prisoners within the present prison enclosure than there are there now. All this may be conceded, and the question still remain, is it sound policy for the present Legislature to order more prison accommodations, and provide the means for furnishing such accommodations? A Constitutional Convention will be held during the ensuing year; and there is little doubt that one of the first, as it certainly will be one of the most important, subjects that will engage its attention will be the devising of a proper prison system for the State. It is conceded by every one who has examined the question, that it is impossible to establish a proper State Prison system under our present Constitution; that, in order to the successful management of the prison, there must be an element of permanence in its government which it has been found impossible to secure under the Constitution as it is. The lack of this element has had an important, perhaps a controlling, influence on the conduct of the whole institution from its establishment to the present time. If the Convention, as is hoped and believed, is to give us a new system of State Prison management, which, if it do not give a guarantee of absolute success in its methods, will not, at least, be so organized as to make success impossible, would it not be better to get along for another year or two with our present accommodations, and when we enlarge, do it in harmony with the new system that will have been adopted?

If, however, the Legislature shall determine that the prison accommodations shall be enlarged, it will then devolve on it to determine also whether the new accommodations shall be made at San Quentin or at Folsom. And on the question of the policy of selecting Folsom, I concur in the following expression of opinion, taken from the report of the Resident Director of the State Prison.

"If sale could be found for the stone, of which there is the greatest abundance (at Folsom), it might, and in my judgment would, be good policy to work, say two hundred men at that place, as long as such sales could be continued, using the cheapest possible structures for officers and convicts in the mean time. This plan, however, I would adopt after contract made for the product of the labor."

The Resident Director's report contains a brief statement of the improvements made, with the expenditure of $153,953.66, out of the $200,000 appropriated by the last Legislature, for the erection of

work-shops and other improvements at San Quentin. Since that report was prepared, another cell-building, containing two hundred and four cells, sufficient to accommodate, in case of necessity, double that number of prisoners, has been completed. Thus, with the appropriation, the Prison Directors have provided shop-room to accommodate from 800 to 1,000 men; have put up a first-class Corliss engine, of two hundred horse-power, and a main line of shafting and pulleys extending the whole length of the building—four hundred feet; and in addition, have erected, in a most substantial manner, 252 cells.

I respectfully invite the Legislature, through the proper committees, to a rigid scrutiny of the manner in which the Prison has been conducted since the present Board has had charge of it; and I especially invite a thorough investigation into any and all charges which have been made or insinuated, and into all reports which have been circulated, reflecting on the management of the Prison, or on any officer or officers thereof.

THE STATE UNIVERSITY.

The biennial report of the Board of Regents bears gratifying testimony to the progress the University has made. While its financial resources are not yet as ample as could be desired, nor its arrangements for imparting instruction and accommodating students as perfect as those of older institutions, it must be a source of profound gratification to its friends, and to all the friends of the cause of sound learning in the State, that it has done so much to vindicate its character as a University. Great institutions of learning are not built up in a day. Time is an essential element in their growth and development. A foundation has been laid on which, by patient, judicious, and persevering labor, a great University may be reared. And, in my judgment, it ought not to be expected that we, by any patent or hot-house process, will be able to accomplish in a few years what it has taken other States and countries decades, or even centuries, to achieve. There is often wisdom in the adage, "make haste slowly." It is often the case that by attempting too much, we lose all. Sometimes it is wisest to hold on to, and secure, what we have.

As a rule, the higher institutions of learning, in the States of the American Union, have not been supported by a direct tax on the people. And, in fact, I do not know whether there is a single instance in which an institution of that class has been supported wholly in that way. And I doubt if it would be possible to support a University in any State for any long period which rested on that basis alone.

Fortunately our University does not rest on so insecure a foundation; it does not depend on so uncertain a support. The donation of lands by Congress, and the donation of the proceeds of the sales of salt marsh and tide lands by the State, with valuable endowments from other quarters, have placed the University, in a measure, beyond the necessity of applying to the Legislature for appropriations. Yet it is not wholly so. It will be necessary, to some extent, to supplement the revenues of the University by appropriations from the State treasury. But such appropriations should be asked for only in cases of the most urgent necessity, and should be granted only to the extent of such necessity. It cannot be denied that a large body of taxpayers regard with ill-concealed hostility all propositions

for large appropriations from the State treasury for an institution, the direct and immediate benefits of which must, from the very nature of the case, inure to but a very small percentage of the youth of the State. These appropriations, if frequent and for large amounts, may be, and doubtless will be, used by the opponents of the University to excite among the people, at large, hostility to the institution itself. While the Legislature ought not, in my judgment, to refuse all appropriations to the University, it ought to make them only for such necessary objects and in such reasonable amounts, as may be requisite to its continued usefulness and growth.

Much dissatisfaction has been expressed at the alleged lack of the practical in the instruction given at the University, particularly in the department of Agriculture. I will not attempt to decide how far this dissatisfaction is well founded. But Professor Hilgard, the Professor of Agriculture, and of cognate sciences, recognizing the existence of the dissatisfaction, proposes that there shall be an "Agricultural survey" of the State made, and what he calls "experiment stations" established. His report, included in the report of the Board of Regents, explains the nature of the "survey" and of the "stations" which he proposes. He says they would be productive of much valuable information of a strictly practical character, and he thinks would do much toward removing the unfriendly feeling, now existing or supposed to exist, on the part of the agricultural community, toward the University. Of course, to inaugurate and carry out measures of this character will require some means, and they can be obtained only through an appropriation from the State treasury. I am not sufficiently advised, as to the details of Professor Hilgard's plan, to speak of it with unqualified approval, but I think a small appropriation to be expended, under proper restrictions, for these purposes, might be productive of results of great practical value.

Plans and specifications for a Mechanic Arts College, for the construction of which an appropriation of $40,000 was made by the last Legislature, have been adopted, and a contract for the erection of the building is about to be let.

For an exhibit of the financial condition of the University, the present state of its land grant, as well as for a statement of its academic operations during the last two fiscal years, I beg to refer you to the report of the Regents. Included in this, and forming a part of it, you will find the reports of the Professors pertaining to their respective departments.

In conclusion, I desire to say that, all things considered, the progress made toward the establishment of a University ought, in my judgment, to be satisfactory to the people of the State; and, also, that I should regard any serious attempt to reorganize it on a different basis, or to change radically its character, as a very grave mistake.

ASYLUM FOR THE DEAF AND DUMB AND THE BLIND.

The report of the Board of Directors of the Institution for the Deaf and Dumb and the Blind, including the report of the Principal, contains a succinct statement of what has been done toward the erection of necessary buildings in the place of the one destroyed by fire, and also of the operations of the Institution during the two

fiscal years ending on the 30th day of June 1877. For full details of the action of the Board in the discharge of the trust imposed on it, by the Act of the Legislature of March 31st, 1876, making an appropriation for the construction of a building, etc., I beg to refer the Legislature to the report itself; also for a detailed statement of the management of the Institution, the number of pupils, etc.

As the report states, the Board adopted in carrying out the law, the segregated system of buildings. The reasons for adopting this plan, rather than the one which seems to have been contemplated by the law, are given at length. An appropriation of $110,000 was made, and the Board of Directors were required, with this sum, to construct a building which would accommodate 130 pupils. The Act seemed to contemplate that this should be the part of a larger building, which, when completed, would accommodate 250 pupils. Instead of commencing the construction of a building on this plan, the Board, with the sanction of the proper State officers, adopted a plan for the construction, complete, of two buildings, the two to accommodate the requisite number of pupils. These will be completed at a total cost of about $90,000—thus leaving about $20,000 of the appropriation unexpended.

The Board ask, in addition to $72,000, for the maintenance of the Institution during the 30th and 31st fiscal years, appropriations for further improvements, amounting in the aggregate to $130,000, inclusive of the unexpended balance of the appropriation made at the last session of the Legislature.

I think probably some of the improvements for which the Board ask appropriations should be made as soon as practicable, and that the necessary sums should be appropriated at the present session.

The larger appropriations asked for, however, I think perhaps may be deferred to a subsequent Legislature, without any special detriment to the Institution or to any public interest. The present depressed condition of the business interests of the people, especially in portions of the State, admonish the Legislature to make appropriations only for the most necessary objects, and the appropriations for these as small as may be compatible with the ends to be attained.

YOSEMITE VALLEY AND THE MARIPOSA BIG TREE GROVE.

The report of the Commissioners for the management of the Yosemite Valley and the Mariposa Big Tree Grove, herewith transmitted, in addition to much topographical and historical knowledge, gives a succinct statement of the relation of the State to the parks embracing those great natural wonders.

The State, in accepting the grant of Congress, became charged with a public trust which she is bound faithfully to execute. The obstacles with which the State has had to contend in executing the trust are detailed at length in the report of the Commissioners.

The State may not ignore or disregard any obligation she assumed when she accepted the grant from Congress; all the conditions of the grant must be fairly and honestly complied with; it is not a matter that addresses itself to legislative discretion whether the plighted faith of the State shall be preserved or not. The State must do whatever she stipulated with Congress that she would do. All beyond this, however, touching what shall be done to improve or to beautify the Yosemite Valley or the Big Tree Grove, to facili-

tate access to and egress from those parks, or to add to the comfort or enjoyment of travelers whilst visiting them—all this falls within the legitimate domain of legislative discretion. The terms of the grant bind the State to expend "all incomes from leases of privileges in the preservation and improvement of the property, or the roads leading thereto." In accepting the grant the State did not stipulate to do any more than this

Whether the State shall continue to do more, as she has done, and to what extent, must be determined by the Legislature on such considerations, as in a case of this kind properly address themselves to the legislative discretion. What then are the considerations which legislators may properly take account of, in determining whether the State ought to assist from the public treasury in the improvement of the Yosemite Valley and the Big Tree Grove. They are two—State pride, and the public interests.

Does not the condition in which these parks may be, when visited by civilized and cultivated people from every part of the globe, touch the pride of every citizen of the State? And is it not right and legitimate for the Legislature to make such reasonable appropriations from the public funds as may be necessary to protect the just pride of citizens in the condition of public parks in the custody of the State?

But a demand for a small appropriation for the improvement of these parks may be urged also on the ground that such appropriation will be promotive of the general pecuniary and business interests of the State. No doubt the Yosemite Valley and Big Tree Grove have already attracted travelers and tourists to the State, who have expended among our citizens hundreds of thousands, and perhaps even millions of dollars. Nor are the benefits of these expenditures confined to any particular localities, or classes of citizens. Tourists, once attracted here by these great wonders of nature, visit other parts of the State and coast, some going to one section and some to another. Thus do all parts of the State, and all classes of citizens, share in the benefits which result from the visits of tourists, attracted hither by the grand and majestic works of nature embraced within these parks.

It is hardly necessary to add, that the numbers which will visit Yosemite and the Big Tree Grove, from year to year, will be in proportion, somewhat, to the facilities they shall find for getting about and making themselves comfortable, after getting there.

Hence the necessity for making more roads and trails in these parks, and of improving and adding to the safety of those already made, and of making whatever other improvements the necessities or comfort of travelers may require.

The Commissioners ask for appropriations aggregating $28,500 for the next two fiscal years. Of this sum, $7,500 are for the purchase of trails now owned by private parties, and $1,000 for keeping trails in repair. I cannot advise that this appropriation be made. No interest, public or private, will suffer by permitting these trails to remain in private hands, and tolls to be collected for their use, till the State shall be in better condition to purchase them. $10,000 are asked to pay for the services and the expenses of a landscape engineer. It is important that the plan for improving these parks should be adopted at as early a date as practicable, so that whatever work is done may be done in pursuance of such plan. I advise, therefore, that such

sum, as may be necessary, be appropriated for this purpose. The appropriation of $5,000 for bridges, the appropriation of $2,000 for Guardian's salary and expenses of the Commissioners, should also be made.

REPORT OF THE TRANSPORTATION COMMISSIONERS.

Under the law passed at the last session of the Legislature, establishing a Board of Transportation Commissioners, I appointed as members of the Board, George B. Stoneman, of Los Angeles County, John T. Doyle, of San Mateo County, and Isaac W. Smith, of San Francisco—all gentlemen of high character and distinguished ability in their respective professions At a very early period after their appointment, it became apparent that there was a difference of opinion between the Commissioners on the one side and the officers of certain railroad corporations on the other, as to what the powers of the Commission were under the law, or a determination on the part of said railroad officers to disregard the law and defy the authority of the Commissioners. The Central Pacific Railroad Company refused to file in the office of the Commissioners, etc., their schedules of fares and freights, etc, as required by the Commissioners; and the Central Pacific, Southern Pacific, and other railroad companies refused to answer certain questions put to them by the Commissioners. With my approval, the Board engaged counsel and commenced proceedings against the companies in the District Court, of the Third Judicial District, to compel them to file their schedules, answer questions, etc., as required by the Board. A peremptory writ of mandate was issued in each of the cases, but appeals were taken by the companies to the Supreme Court. The cases have not yet been heard in that Court.

The Commissioners have devoted themselves with great assiduity to the study of the railroad problem, and have embodied the results of their investigations in an elaborate report, or rather in two reports, for Commissioner Smith, not agreeing fully with the views of his co-Commissioners, has written a separate report.

Owing to the lateness of the hour at which these reports were received, the preparation of them having been delayed by the sickness of Messrs. Doyle and Stoneman, I am unable to give an analysis of them.

The power to control corporations and regulate their charges for services is no longer a question, since the decision of the Supreme Court of the United States in the so-called "Granger cases." The only question left to be determined is, how to exercise this power judiciously.

As the Commissioners were without means to pay the counsel which they employed, I respectfully request that an appropriation be made for that purpose, and also to defray other expenses of litigation, if there were any.

REPORT OF STATE HARBOR COMMISSIONERS.

The biennial report of the State Harbor Commissioners gives in detail the operations of the Commission during the two fiscal years ending June 30th, 1877. The statement of the receipts from dockage, tolls, etc., for the past two years shows a large increase, as compared

with the receipts of the two years preceding. And the year, ending June 30th, 1877, shows an increase of receipts over those of the preceding year of $76,000. These receipts would indicate a steady increase in the business of the harbor. The receipts for the last year were $448,087.25 New wharves have been built and other improvements made as the exigencies of commerce have demanded.

The special commission, constituted by Section 2,582 of the Political Code, consisting of the Governor, the Mayor of San Francisco, and the Harbor Commissioners, to locate a new line for a sea-wall around the city front, after much careful consideration succeeded in establishing a line. Of this line, the Commissioners in their report say: "The position of this new line, and the considerations growing out of such change of the water front, will be presented in a separate report. At present it is sufficient to say that the construction of the sea-wall may now be resumed, and in a few years the most needed part be completed, if the Legislature will provide the means."

The report treating of the matters, suggested in the above, has not yet been received.

STATE PRINTING OFFICE.

From the organization of the State Government to the inauguration of the present administration, the State printing was done by a State Printer, who received compensation for work done and material found, according to rates fixed by law. Under the provisions of an Act passed at the session of the Legislature of 1871–2, the State established a printing office of its own, to be operated under the direction of a Superintendent of State Printing. The change from the old system to the new took place in December, 1875, contemporaneously with the accession of the present State officers to office. And as the State Printing Office has now been in operation during a session of the Legislature, has printed the Statutes, Journals, and Appendices of the Legislature, the biennial reports of the State officers, and of the several Boards of Commissioners, Trustees, etc., and has done the job printing of all kinds for the State for two years, it is possible now to compare the results of this period under the new system with the results of a like period—from December, 1873, to December, 1875—under the old.

In point of quality, I believe it is universally conceded that the work done at the State Printing Office will not suffer by comparison with that formerly done by State Printers. And the report of the Superintendent of State Printing shows that, while the State printing done from the 1st of December, 1873, to the 1st of December, 1875, cost $168,961.71, that done during the two years since in the State Office has cost $92,210. Thus does it appear that the cost of the State printing during the last two years under the new system was only about 54 5 per cent. of what it was for the two preceding years under the old one.

For details of the operations of the State Printing Office during the past two years, I respectfully refer you to the report of the Superintendent of State Printing.

STATE BOARD OF HEALTH.

I commend to your consideration the fourth biennial report of the State Board of Health. It will be found to be a valuable contri-

bution to that literature whose special object is to collect and record the facts, from which may be deduced the causes of disease and the laws of health. The Board ask that amendments may be made to the sections of the Code which provide for the keeping of a registry of births, deaths, etc., that they may be more effective. I trust the amendments, which the Board deem necessary, will receive the favorable consideration of the Legislature.

REPORT OF THE FISH COMMISSIONERS.

The report of the Fish Commissioners not only gives the operations of the Commission during the last two years, but embodies a large amount of practical information on the subjects of protecting and perpetuating fish in the waters of the State. With the Commissioners, I think the subject has become one of sufficient importance to justify the creation of a standing committee in each House on the subject of fish and fisheries, and I respectfully advise that such committees be created. And I trust the Legislature will regard the preservation of fish in the waters of the State, and the stocking of said waters with new varieties, as matters of sufficient importance to be entitled to the most intelligent and earnest consideration.

STATE LAND COMMISSION.

The last Legislature provided for the appointment of a State Land Commission, vested with the powers, and charged with the duty, to make certain specified investigations touching State lands, the disposal and sale of State lands, and the management of the Surveyor-General's office, from the date of its organization. The Commissioners were required to report, from time to time, to the Governor, and to make a full and complete report of all their proceedings to the Legislature at its next session. J. C. Ball, of Yolo County, H. F. Crane and James D. Fay, of San Francisco, were appointed on said Commission. They have made several preliminary reports to the Governor, and will make a full and complete report to the Legislature, embodying the substance of all preceding reports.

STATE LIBRARY.

For the present number of volumes in the State Library, the number added during the last two years, and the receipts and disbursements of the Library Fund for that period, I respectfully refer you to the biennial report of the Trustees

It gives me pleasure to be able to say that the library is increasing, with a good degree of rapidity, both in the number and value of its works.

WEST SIDE IRRIGATION DISTRICT.

At the last session of the Legislature an Act was passed creating the West Side Irrigation District. The district embraced portions of the counties of Tulare, Fresno, Merced, Stanislaus, San Joaquin, Contra Costa, and Alameda. The object of the bill was to provide for the construction of a canal for the irrigation of the lands of the district, and for purposes of navigation. The bill provided for the issue of bonds by the district, from the proceeds of the sales of

which the canal was to be built; it provided also for the levy of taxes on the property of the district, with which to pay the interest on the bonds and redeem the principal at maturity. With the main purpose of the bill I was in hearty sympathy; its leading features also had my cordial approval.

I, however, doubted the propriety of attempting to construct a canal for purposes of both irrigation and navigation; I doubted also whether the bill, as it passed the Legislature, defined with sufficient precision the boundaries of the district: I thought also that the proposed canal should be surveyed and definitely located, and approximate estimates of its cost made, before the citizens of the district should be required to decide by vote whether they would tax themselves to construct it. Owing to my objections, the friends of the bill consented to the introduction and passage of a supplementary bill, which provided for a survey and location of the canal, and a proximate estimate of its cost, before the question of imposing a tax for its construction should be submitted to a vote.

Under the provisions of the bill a Board of Commissioners was appointed. In pursuance of the supplementary act, this Board had a survey and location of the canal, and estimates of its cost, made; they also had made the estimates of the cost of a canal for irrigation alone. The result of the survey and the estimates was to demonstrate that the cost of a canal for both irrigation and navigation would be about a third more than the cost of one for irrigation alone. The survey demonstrated also that the canal would be very costly to construct over the twenty-six miles of the route next to Antioch, and that only a comparatively small amount of land could be irrigated from it I think I may state further that the survey disclosed conclusively that the boundaries of the district were not defined with sufficient definiteness.

Notwithstanding the defects in the plan of the canal proposed, as disclosed by the survey, the people of the district voted, by a large majority, in favor of the tax for constructing it. It was generally understood, however, that the canal would not be constructed under the provisions of the law, as passed at the last session of the Legislature, but that at the present session an effort would be made to amend it, so that it should provide for a canal for irrigation alone, circumscribe the district somewhat, and establish definitely its boundaries.

I trust a proper amendatory bill for the accomplishment of these purposes will receive the prompt and cordial support of the Legislature. The people of the locality for which the proposed canal is intended, deserve much credit for their energy and determination. It is to be hoped, not only that they may have an opportunity to test the system of irrigation which they propose, but that it may be successful even beyond their anticipations.

THE NECESSITY FOR AMENDING THE REGISTRY LAW.

No higher duty can devolve on the legislative power than to devise the most effectual remedies, practicable, against fraudulent voting, and against a fraudulent counting of votes, after they have been polled, in other words, one of the highest and most sacred duties, which the Legislature has to perform, is to guard the purity of the ballot-box.

The purity of the ballot-box is necessary, not merely to honest gov-

ernment, but to the very preservation of our form of government. Fraudulent voting, if it becomes general, means not only corruption and extravagance in office, and mal-administration generally, but it means the abandonment, at no very remote period, of the very forms of republican government. Of course, whenever there is enough fraudulent voting to affect the results of elections, the substance of republican government is already gone.

It is of the very essence of republican government that the electors shall be able to give expression to their will through the medium of the ballot-box. If through the cunningly devised tricks of artful manipulators, the votes of fabricated electors, or the duplicated or triplicated or quadrupled votes, of real electors, are admitted into the ballot-box, to neutralize and overcome the lawful votes of bona fide electors—and the lawful votes of such electors are thus neutralized and overcome—the very prime condition of all republican government fails. In its stead is substituted an oligarchy, composed of the manipulators of the machinery of elections, and of their tools—the repeaters. Craft and fraud have usurped the authority that rightly belongs to the will of the majority of electors, and they can only be expected to make such use of it, as logically results from the mode of its acquisition. Where the will of the electors is circumvented by the fraudulent practices of dishonest manipulators, an honest use of the power thus acquired would be too much to expect. Without honestly elected officers, honest administration will be impossible.

Nor can an intelligent people be expected to bear long with the farce of going through the mere forms of an election, when they know that the results, which the election, honestly conducted, would give, will be reversed by the dexterous management of an organized band of knaves. A practical people, as the people of this State and of the United States are, will not long maintain the system of popular elections, if it comes to be understood that they are to be uniformly and systematically cheated out of the legitimate and proper results of such elections. The minority will quietly acquiesce in the legally expressed will of the majority; but the majority will not always acquiesce in the subversion of its will, legally expressed through the ballot-box, by the frauds, not of the minority as such, but by a small band of unscrupulous persons, acting on the side of the minority. Hence honest elections are as essential to the permanence of the very form of our government, as to honest and economical administration.

It is believed that under our present registry law, the facilities for the commission of frauds are such, that an honest election will be impossible, whenever there may be sufficient inducements for the commission of frauds. After the Presidential election in 1876, the conviction became quite general that in San Francisco, at that election, there had been fraudulent voting on a gigantic scale. An investigation was ordered by the Board of Supervisors into the ballots, lists of voters, ward registers, certificates of registration, etc., used at the election in question, with the view of ascertaining, if possible, whether there had been illegal votes cast, and if there had, to what extent, and by whom. While it may be true, that this investigation did not demonstrate absolutely, and beyond all cavil, that there had been fraudulent voting, on a grand scale, at the Presidential election; and while it did undoubtedly fail to discover the persons who had been guilty of the fradulent voting, if there were

such, nevertheless the impressions made on candid and impartial citizens, by the facts developed in the investigation, were: first, that there was a large number—how many it was impossible to conjecture —of fraudulent votes cast at that election, this conviction being wholly independent of the question as to the side on which such fraudulent votes were cast; and second, that the registry law, in the hands of the artful and unscrupulous, is a positive assistance, instead of a hindrance, to fraudulent voting.

The general result of the investigations, made in San Francisco subsequent to the Presidential election, and of those which have been made in the same city since the election in September last, is a profound conviction in the public mind that an honest election cannot be had, with our present registry law, if there are inducements for fraudulent voting I believe this conviction to be well founded. I do not believe the laws, as a whole, furnish any guarantees for honest elections in San Francisco, or in any other city or town of any considerable size, if skilled and unscrupulous persons have an interest in having them otherwise.

What now is the remedy? The frauds, to which I refer, as being in the power of skillful and unscrupulous persons to commit, are those which may be committed under the registry law, by voting on the names of dead persons, of persons absent from the State, or absent from the polls, which still remain on the Great, and in San Francisco on the Ward, Registers, and by voting on certificates of registration. The remedy is to amend the registry law, or make a new one.

It will not be expected that I will do more at this time than to call the attention of the Legislature to the great importance of this subject, to urge that it receive early and earnest consideration, and to give assurance that I will cordially cooperate in any efforts the Legislature may make to protect the ballot-box from frauds.

SUBJECTS ON WHICH THERE SHOULD BE LEGISLATION.

There should be legislation, providing for the better protection of depositors in savings banks. The class of persons, who deposit their savings in these institutions, are entitled to all the protection against the mismanagement or rascality of those who conduct them, which it is possible for the law to give.

There should be legislation to better protect the stockholders in mines from the mismanagement and rascality of the Directors. Mining is a legitimate business, is one of the largest interests of the State, and is carried on now mainly through the agency of corporations. Those who invest their capital in mining stock for the purpose of developing and working mines are entitled to have the mines honestly worked, and to reap the legitimate fruits of such investment of their capital. The laws should compel Directors to operate mines in the interest of all stockholders, and not in the interest of an "inside ring."

I venture to suggest, also, that the purchase and sale of mining stocks should be made a source of revenue to the State. The purchase and sale of mining stocks may be as legitimate business transactions as any other transactions which take place in the business community. When the purchases are made for the purpose of investment, and with the expectation of receiving a return on the

investment from the yield of the mines, they are of that character. But the great bulk of the transactions in mining stocks is quite independent of the character of the mines, or of any expectations of a return on the capital invested from the yield of the mines. They are transactions wholly for purposes of speculation, and are totally disconnected with the mining industry of the country. Without assuming to deny that these transactions have been productive of some good to the community, it is safe to assert on the other hand that no other occupation, not even that of gambling, has been productive of such terrible and widespread evils. A tax on the sales of mining stocks would be a legitimate source of public revenue, and its imposition might be productive, also, of incidental benefits.

If the practice of making appropriations to the benevolent societies in the several localities of the State is to be continued, I respectfully suggest that there ought to be adopted some fixed and well defined rule, on the basis of which such appropriations should be made. Heretofore these appropriations seem to have been made by accident, or mere caprice, the necessities of the societies receiving the benefactions of the State, or their activity and efficiency in relieving the needy, having little to do in determining the amount of such benefactions. It would not do to establish the rule that appropriations should be made to these societies in proportion to their disbursements, else they might rely wholly on appropriations from the State. But some fixed relation might be established between the amount which the societies collect from other sources, and disburse, and the appropriations they would be entitled to receive from the State treasury. I commend the matter to the careful consideration of the Legislature.

There is a claim against the State, arising out of Indian war bonds, which has been before every Legislature for many years past, and which I presume will be before the present one. If the claim is a legal and just one, the holders of it are entitled to have it recognized and provided for, and the good name and credit of the State will not permit her to repudiate it. I respectfully submit to the Legislature that proper steps should be taken to have the legality and justice of the claim determined, and to provide for the payment of it, if it shall be decided to be legal and just.

The appropriation of $4,000 made by the last Legislature for the permanent improvement of the Capitol grounds has been expended in making such improvements, except $500 which it became necessary to use in paying for water for irrigation. A small additional appropriation will be required for improvements now being made, and for others which it is hoped the Legislature will authorize to be made.

CONSTITUTIONAL CONVENTION.

In pursuance of Section Two, Article X, of the Constitution, at the last session of the Legislature, two-thirds of the Senate and Assembly, thinking it necessary to revise and change the entire Constitution, recommended to the electors, at the election to be held on the 5th day of September, 1877, to vote for or against a Convention. The majority of the electors who voted at such election voted in favor of calling a Convention.

The Constitution now devolves on the Legislature the duty of

"providing for calling a Convention." In the performance of this duty the Constitution imposes on the Legislature just two restrictions:

First—The law providing for the Convention must fix the date on which it shall meet, within six months after the passage of the law.

Second—It must provide that the Convention shall consist of a number of members not less than that of both the Senate and Assembly—that is, a number not less than one hundred and twenty.

In other respects, the Legislature is left free to be guided by its own wisdom, "in providing by law for calling a Convention." The law which it shall enact must determine—

First—The place where the Convention shall be held.

Second—The time when it shall be held, subject to the Constitutional restriction.

Third—The number of members that shall compose the Convention, subject to the Constitutional restriction.

Fourth—The mode in which the members shall be elected.

Fifth—The compensation, if any, which members of the Convention shall be allowed.

Sixth—Whether the time the Convention may sit shall be limited, or left indefinite.

Whatever may be said in favor of other places than Sacramento for holding the Convention, the Legislature ought not to regard the question of the place of holding the Convention as an open one. The fact that Sacramento is the Capital of the State ought to be a conclusive reason with the Legislature for making it the place for holding the Convention. It is unnecessary to enumerate the advantages it has for such a purpose over any other place, growing out of the paramount fact that it is the Capital of the State.

The precise time when the Convention shall be required to meet is immaterial.

The Constitution prohibits a less number of members than that of the Senate and the Assembly, and it would probably be difficult to show a good reason why the number should be greater.

Shall the members be elected by the existing Senatorial and Assembly Districts? or shall a part of them be elected by general ballot throughout the State? and shall the electors of a district be compelled to select their member from their own number, or shall they be permitted to select him from the electors of the State at large? These are questions on which there will probably be much diversity of opinion. And while there can be much said in favor of the proposition to elect a part of the Convention by general ballot throughout the State, or to allow the electors of a district to choose as their member any elector of the State, it will probably be most fair as well as most satisfactory to require the members to be chosen by the present Senatorial and Assembly District, and to be citizens of the districts for which they are chosen.

The question has been raised as to whether the members of the Convention shall be required to serve gratuitously, or shall be paid a reasonable compensation for their time and services.

In support of the first proposition it is urged that if members were to receive no pay a better class of men—men of more character and higher intelligence, and, by consequence, better fitted for the peculiar work of Constitution making—would offer themselves as candidates, and be chosen members of the Convention.

It is claimed that thus the Convention would be composed of the

better and abler men of the State, and that, as the result of the deliberations and labors of a Convention thus composed, we would be much more likely to have a wise and beneficient Constitution.

No doubt, if the law shall provide a per diem, or other compensation, for members, it will be a temptation to unfit and unworthy persons to seek membership in the Convention. But the objection is too broad. If the fact that persons, who lack the requisite qualifications and are otherwise unfit, will seek to become members of the Convention, in the event of members receiving pay, constitutes a good reason for providing that the members shall not be paid, does not precisely the same reason exist for providing that all public officers shall serve without pay? There can be no question that persons, without the proper qualifications and otherwise unfit, seek public offices, and, in many instances, obtain them, for no other purpose than to secure the salary, or other compensation, attached to such offices. Yet this would hardly be deemed a sufficient reason for a declaration against all compensation to public officers. No doubt there would be plenty of persons to fill, at least, all the higher offices of government, if the salaries attached to them should be abolished. But it is not in consonance with the spirit of our institutions that the citizen should serve the public in these positions without compensation. If public service was without compensation, only the wealthy and the corrupt could afford to engage in it. The argument against compensation to the members of the Convention, is an argument, when carried to its logical consequences, against compensation to public officials at all.

But it is a sufficient answer to the suggestion that members should serve without pay, to suppose that, in some district, the citizen, best qualified to be a member of the Convention, and possessing the confidence of the electors of the district in the greatest degree, may be too poor to give his time without pay. Now this supposed case may be, and very probably will be, an actual case, not in one district alone, but in many districts.

While it is clear that members should not be required to serve without compensation, the question of the amount of the compensation, or, if a per diem be allowed, for what period it should run, is not without embarrassment. Perhaps the safest plan would be to provide a moderate per diem, with the proviso that the total of the per diem which a member might receive, should not exceed a certain specified sum.

The time which the Convention may sit need not be, and, in my judgment should not be, limited. It will be sufficient to limit the number of days for which members may draw a per diem.

It will be the duty of the Legislature also to make an appropriation to defray the expenses of the Convention.

CHINESE IMMIGRATION.

It is unnecessary that I should make an argument to demonstrate the evils of Chinese immigration. In this State, and everywhere on this coast, they are universally, or next to universally, conceded. Nor are these evils regarded as of any ordinary character. The presence of the Chinese in this State in large numbers, with steady additions thereto through immigration from the exhaustless hive in China, not only threatens an irrepressible conflict between the

American and the Chinese civilizations, but has actually initiated such conflict. If the right of unlimited immigration is conceded to the Chinese, as it is under the Burlingame treaty, and if Chinese immigrants are guaranteed in all the rights that immigrants from the most favored nations are, as they are under the same treaty, what is to prevent the triumph of their civilization in a modified form in its conflict with ours. Every one, conversant with the state of affairs in this State, knows that if the present conditions, guaranteed by the Burlingame treaty, continue, there is imminent danger of precisely that result.

Nay, I may go further, and say that that result is as certain as any event can be, which is yet in the future; but upon this condition only, that the Chinese shall enjoy perfect and absolute protection here. Under the provisions of the Burlingame treaty, their right to protection here is as perfect as is their right to come here. If then they shall be protected in their treaty rights—their right to come here and be protected while here—we shall most certainly be so far vanquished in the conflict, that the resulting civilization will be essentially different in its character from the civilization of the Mississippi Valley and the Atlantic seaboard.

But it is not always possible for a government to do what it is legally and morally bound to do. It may be unable to furnish the protection which its treaty obligations and the laws of humanity require it to furnish. I have said an irrepressible conflict between the Chinese and ourselves—between their civilization and ours—has already been initiated. Now if the unrestricted right of immigration shall continue to be secured to the Chinese, and they shall continue to exercise the right, there is danger, great danger, that this conflict will become so sharp, bitter and determined that it will be difficult, or even impossible, for the Government, National or State, or both, to secure to them the protection to which they would be entitled, both by treaty and the laws of humanity. We are in imminent danger of this contingency, and will continue to be, as long as the Chinese shall continue to exercise the rights guaranteed them by the Burlingame treaty.

What then is the plain duty of the United States Government? It is to secure the abrogation of the treaty provision which permits unrestricted Chinese immigration to this country. If the Government of China will not consent to such a modification of the treaty, then Congress should forthwith pass such laws, in disregard of the treaty, as will remedy the evil.

At the last session of the Legislature, the Senate, a few days before adjournment, appointed a committee of its own members to investigate the Chinese question. That committee made a very thorough investigation of the subject, and an exhaustive report on the evils resulting from the presence of the Chinese among us. A committee of Congress also was sent out here to study the question. The reports of both these committees are before Congress, so that that body now has ample means of information within its reach.

What now should the Legislature do in the premises? The only effective mode of action, it can adopt, is to memorialize the President and Congress. As representing the people of the State, the Legislature may very properly call on the President to move for the abrogation of the provision of our treaty with China which secures to the Chinese the right of unlimited immigration; in the same high

representative capacity, it may very properly memorialize Congress to pass, in the event the required modification of the treaty should not be obtained through executive action, an act inhibiting unrestricted Chinese immigration to this country, and such other acts as may be proper and necessary to effectually abate the evil of which we complain. Action of this character I hold to be the plain duty of the Legislature.

It is proper to say in this connection that I regard it as the duty of the State, through the proper officers, to extend the same protection to the Chinese within the State that is extended to other residents. The fact that the Chinese are universally deemed an undesirable element of population does not in the smallest degree abridge their right to be protected in the full enjoyment of all rights and privileges guaranteed them by the treaty with their government, or of the laws of this country, nor lessen the obligation of the State to give them such protection. In the past, this department of the State Government has endeavored to secure the equal protection of the laws to all residents of the State. It will pursue the same policy in the future.

In justice also to the officers in the several counties, judicial and otherwise, who are charged in any manner with the duty of administering the laws, or of arresting, trying and punishing those guilty of breaking them, I desire to bear my testimony to the fidelity and impartiality with which they have discharged their respective duties. The Chinaman has had his rights adjudicated in the courts with the same fairness and impartiality that the immigrant from any other country, or the citizen has had his; and the invader of the rights of the Chinaman, whether of person or property, has been pursued with the same vigor, and punished with the same severity, as the invader of the rights of the white man.

CONCLUSION.

Having given above such information concerning the condition of the State as has seemed to me pertinent, and recommended such matters as I think the public interests require, it remains with you to take such action in relation to the matters recommended, and, also, in relation to such other matters as may come before you, as you, in the exercise of your legislative discretion, shall think will be for the public good You form a separate and distinct branch of the government, and in the discharge of your proper functions are independent of the other departments, and are responsible for your official acts, only to your own consciences and public opinion. But it will not be amiss, I trust, for me to suggest that as we are about to have a Convention to form a new Constitution, it will be wise to enact only such laws, at this session, as the public exigencies imperatively demand.

WILLIAM IRWIN,
Governor.

APPENDIX TO GOVERNOR'S MESSAGE.

STATEMENT

Showing how much of, and in detail, from 9th December, 1875, to 30th June, 1877, the manner in which the appropriation for postage and expressage in the office of the Governor for the 27th and 28th fiscal years was expended, from 1st July, 1875, to 30th June, 1877.

TWENTY-SEVENTH FISCAL YEAR.

1875			
	Governor Pacheco—warrants drawn from July 1st, 1875, to December 9th		$221 00
December 30th	Telegraphing and register of letter	60	
December 31st	Telegraph, account of Governor Pacheco	$9 70	
1876.			
January 31st	Telegraph	1 00	
February —	Telegram to Luttrell (Jamestown)	3 35	
February 23d	Post-office bill to date	45 00	
February 29th	Telegraph to date	19 83	
March 1st	Paid express	50	
March 15th	Post-office bill to date	21 14	
April 1st	Telegraph bill for March	28 10	
May 1st	Telegraph bill for April	8 60	
June 1st	Telegraph bill for May	6 25	
June 13th	Paid for stamps	50	
July 1st	Telegraph for June	15 13	
July 13th	Post-office bill to June30th	26 75	
July —	Express account from December 9th, 1875, to May 9th, 1876	13 95	
			200 40
	Total		$421 40

TWENTY-EIGHTH FISCAL YEAR.

1876.		
August 1st	Telegraph bill for July	$6 65
September 1st	Telegraph bill for August	3 25
September 1st	Express charges	25
September 25th	Post-office bill to August 30th	32 18
October 2d	Telegraph bill for September	3 55
November 1st	Telegraph bill for October	26 00
December 1st	Telegraph bill for November	21 70
December 30th	Telegraph bill for December	12 90
December 30th	Paid for sundry telegrams	10 00
December 30th	Post-office bill and box rent	48 50
1877.		
February 1st	Telegraph bill for January	4 90
March 1st	Telegraph bill for February	1 20
March 31st	Telegraph bill for March	7 60
April 3d	Post-office bill to March 30th	45 00
May 1st	Telegraph bill for April	8 05
June 1st	Telegraph bill for May	50
July 3d	Telegraph bill for June	8 85
July 2d	Post bill to June 30th	20 26
	Express bills from July, 1876, to January, 1877, for Government documents and metric weights and measures	138 30
	Total	$399 64

RECAPITULATION.

By appropriation twenty-seventh fiscal year		$500 00
To amount expended	$421 40	
To amount unexpended	78 60	
		$500 00
By appropriation twenty-eighth fiscal year		$500 00
To amount expended	$399 64	
To amount unexpended	100 36	
		$500 00

NOTE.—As the last Legislature failed to make any appropriation for the postage and other expenses of the State Board of Examiners, this office supplied the Board with postage, which amounted to fully one-third of the amount stated as having been expended by this office.

LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR WILLIAM IRWIN, FROM JANUARY 31ST, 1876, TO NOVEMBER 24TH, 1877, INCLUSIVE.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Alfred McAllister	Sacramento	Murder, 2d degree	June, 1869	Twenty years.

DECISION.—Whereas, the sentence was commuted on the twenty-sixth day of February, eighteen hundred and seventy-five, by the Governor, Newton Booth, to a term of eight years, all credits for good behavior from the commencement of his imprisonment to be allowed, and whereas, the said Alfred McAllister has now served out the term to which his sentence was commuted, lacking ten days, and has been uniformly obedient to the rules established for the discipline of the Prison, and especially serviceable to the State. January thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Eric Glines	Nevada	Incest	May, 1869	Ten years.

DECISION.—Whereas, the said Glines has served, including his credits for good conduct, to this date, his term of sentence lacking one year and seven months, and whereas, his health is such that it is doubtful if he will long survive, while he is very anxious, and his family also, that he may not die within the prison walls, upon the condition that he immediately leave the State and remain away therefrom till after the fifteenth day of September, A. D. 1877, the period to which his yet unexpired term extends. February eleventh, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles M. Perdue	Yuba	Manslaughter	May, 1874	Two years.

DECISION.—Whereas, the said Charles M Perdue has now been confined since his conviction, about twenty-one months, over six months in the Yuba County Jail, and nearly fifteen months

in the State Prison at San Quentin, and whereas, the testimony on which he was convicted shows that the homicide of which he was guilty was not premeditated, and believing he has been already sufficiently punished for his offense, and that no good purpose can be subserved by his longer incarceration. February twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Coleman	San Joaquin	Housebreaking	January, 1875	Two years.

DECISION.—Whereas, though the said William Coleman plead guilty to the charge of housebreaking, being induced thereto, as it appears, by police officers who had him under arrest, with the promise of a light sentence, the Judge before whom he was tried and by whom he was sentenced, has since become satisfied that he did not commit the offense of which he was convicted; and now, with other officers of San Joaquin County, asks for his pardon. February fourteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Benjamin Scott	San Francisco	Grand larceny	December, 1874	One and one-half years.

DECISION.—Whereas, the said Scott now has less than one month to serve, deducting his credits for good behaviour, and whereas, there is reason to believe that punishment in his case has done all in the way of reforming him that it can do, and that now, if discharged from imprisonment he will lead an honest life. March fourteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Hoge	San Francisco	Robbery	November, 1873	Ten years.

DECISION.—Whereas, the said George Hoge has now served on said sentence two years four months and seven days, and exhibits evidence of having reformed; and whereas, he promises to leave the State if released from prison, and to try to lead an honest and honorable life in some foreign country; and whereas, his father who is one of the most respected citizens of the State has asked for his pardon, and promises to provide him the means of going to some foreign country and engaging in some lawful pursuit in such foreign country, and is very anxious that he may have another opportunity of retrieving his character April twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Sutherly	San Luis Obispo	Murder, 2d degree and grand larceny.	October, 1868	Twelve years.

DECISION.—Whereas, the said James Sutherly was but twenty years of age when committed to prison, and has now served in the prison seven years and five months, and whereas, his conduct during this period has been, with perhaps a single exception, most exemplary, by means whereof he has gained the good will and esteem of the several officers of the prison with whom he has come into most intimate contact, and whereas, the said officers freely express the

opinion that he has thoroughly reformed, and that he will, if restord to freedom, live an honest and honorable life: and I do also pardon the said Sutherly for the crime of grand larceny of which he was convicted at the September term, eighteen hundred and sixty-eight, of the County Court of San Luis Obispo County, and for which he was sentenced on the twelfth day of the month and year aforenamed, to a term of four years in the State Prison. April twenty-ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Joseph Fisher	San Joaquin	Grand larceny	March, 1875	Two and one-half years.

DECISION.—Whereas, the said Joseph Fisher has now served a little over a year on his sentence and is now very low with the consumption, and, as is believed, can live but a few days longer, and whereas his mother is very anxious that he may be pardoned, and return home before his death. April twenty-ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Edward Eagle	San Francisco	Robbery	November, 1873.	Eight years.

DECISION.—Whereas, the said Edward Eagle has now served two years and nearly five months of said term, and has during said period conducted himself in an unexceptionable manner; and whereas, there is reason to believe that he has become thoroughly reformed in his disposition and purpose, and that he will now, if given an opportunity, make an honest and earnest effort to retrieve his character, and whereas, his widowed mother, upon whom devolves the arduous duty of supporting and educating a family of helpless daughters, is in urgent need of his assistance, which he promises to render. April twenty-ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John H. Smith	San Joaquin	Murder, 2d degree	May, 1873	Twenty-three years.

DECISION.—Whereas, sometime after the trial and conviction of the said Smith, circumstances were brought to the attention of the then District Attorney of San Joaquin County (E. S. Pillsbury), which "fully satisfied him," as he afterwards declared in a letter to Governor Booth, that Smith "was not guilty of the offense of which he was convicted;" and whereas, the Assistant District Attorney (A. W. Roysdon), who prosecuted the said Smith, says that certain testimony was excluded, on his objection, on purely technical grounds, which, if it had been admitted, would probably have caused the jury to bring in a different verdict: and whereas, on a motion for a new trial, affidavits of certain neighbors of Quinn, the person whom Smith killed, were produced, to the effect that said Quinn, shortly before the homicide, in conversations with affiants, had said that if Smith did not settle with him he would "blow his head off," and whereas, the family of said Smith, (consisting, at the time of his conviction, of a wife and eight children, two of whom have since died), are dependent for support on appropriations from the treasury of San Joaquin County and contributions from the charitable, and are, consequently, in urgent need of the aid and assistance which he, if discharged from prison, would be able to render, on the condition that he forthwith leave the State, and remain permanently away therefrom. May third, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Blanchard	Calaveras	Felony.	January, 1876	One year.

DECISION.—Whereas, the conduct of the said Blanchard prior to his indictment, and also subsequent to his conviction but prior to his sentence, was such as to satisfy those cognizant thereof of his thorough contrition for his offense, and also of his determination to retrieve his character so soon as opportunity should offer, and whereas, he has a wife and three young children dependent on him for their support. May fifth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Benjamin Edwards	Sonoma	Murder, 2d degree	February, 1872	Twenty years.

DECISION.—Whereas, there is good reason for the belief that the said Edwards did not intend to commit murder, and whereas, the blow which inflicted death was given in the heat of passion, and without premeditation, and under strong provocation, and whereas, the said Edwards had always, previous to the commission of the act for which he is now imprisoned, borne a good character for sobriety and industry; and whereas, his conduct during his imprisonment has been uniformly unexceptionable; and whereas, there are sufficient reasons for believing that punishment, in his case, has already subserved all the legitimate purposes for which punishment may be justly inflicted; and also that he, if released, will become again an upright and valuable member of society. May seventeenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Gunther	Santa Clara	Grand larceny	August, 1874	Two years.

DECISION.—Whereas, the said Gunther has served, including his credits, the term of his sentence within eight days, and, whereas, his conduct during his imprisonment has been exceptionably good, and being desirous that he may have all the benefits morally as well as legally of a full pardon. May seventeenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank French	San Francisco	Robbery	February, 1871	Ten years.

DECISION.—Whereas, the said French was but seventeen years of age at the time of his conviction, and has now served out more than the half of what must be regarded as a sentence wholly disproportionate to his crime, when the circumstances of his youth and its being his first offense are considered; and, whereas, his conduct in prison has been at all times unexceptionable, and, whereas, he has an aged mother who is in urgent need of the aid which he could give her if given his enlargement. May seventeenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Antonio Garcia	Contra Costa	Grand larceny	March, 1875	Twenty-two months.

DECISION.—Whereas, the said Antonio Garcia is utterly helpless, from disease from which there is no hope of his recovery; and whereas, the dictates of humanity suggest that he should be surrendered to his friends for better care and treatment than it is possible for the officers of the prison to give him; and whereas, it is morally certain that he can survive only for a short period, whether in or out of the prison, and whereas, his relatives and friends are desirous of having the opportunity of ministering to his wants, and alleviating his sufferings in his sickness, which they feel sure must terminate in his death. May twenty-ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Cloonan	San Francisco	Burglary	July, 1875	Five years.

DECISION.—Whereas, James E Allen and John Curran, now confined in prison under sentence for the larceny of the picture "Elaine," have made severally, affidavits that the said William Cloonan, who was convicted of burglary in connection with the same crime for which they are now in prison, is wholly innocent of the crime of which he was convicted, and had no knowledge of its commission, nor any participation in it in any manner whatever; and whereas, the said Allen and Curran can have no motive, so far as appears, to make false statements, under oath, touching the innocence of the said Cloonan. May twenty-ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
M. Haley	San Francisco	Grand larceny	January, 1874	Three years.

DECISION.—Whereas, the said Haley has served, including credits for good conduct, his term of sentence, lacking less than four months, and whereas, his name is in the list of those recommended for favorable consideration by the officers of the prison, on account of meritorious conduct on the occasion of the burning of the prison work-shops, on the twenty-eighth day of February, eighteen hundred and seventy-six. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. Hoffman	San Francisco	Grand larceny	January, 1874	Three years.

DECISION.—Whereas, the said Hoffman has served, including credits for good conduct, his term of sentence, lacking less than three months, and whereas, his name is in the list of those recommended for favorable consideration by the officers of the prison, on account of meritorious conduct on the occasion of the burning of the prison work-shops, on the twenty-eighth day of February, eighteen hundred and seventy-six. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Stephen Wiggins---	San Diego------	Embezzlement ----	November, 1874-	Two years.

DECISION.—Whereas, the said Wiggins has served, including credits for good conduct, to within less than six months of his term of sentence: and whereas, his name is on the list of those recommended for favorable consideration by the officers of the prison, on account of his meritorious conduct on the occasion of the burning of the prison work-shops, on the twenty-eighth day of February, eighteen hundred and seventy-six. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Campbell---	San Francisco--	Robbery ----------	January, 1870--	Eleven years.

DECISION.—Whereas, the said Campbell has already served, including credits for good conduct, nearly eight years on a sentence for eleven years, and whereas, said sentence of eleven years was wholly disproportionate to the offense of which he was convicted, unless the commission of the offense was accompanied by some more than ordinarily aggravating circumstances, which does not appear to have been the case. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Brown------	San Francisco--	Grand larceny-----	July, 1870 -----	Twelve years.

DECISION.—Whereas, the said Brown has served, including credits for good conduct, six years on what must be regarded as a sentence of extreme severity, and whereas, there are grounds for hoping, at least, that if given an opportunity he will prove by his conduct that he is a reformed man; and whereas, the party whose property he stole has appealed in his behalf, and has asked that he be given an opportunity to retrieve his character. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
J. W. Knight------	San Francisco--	Grand larceny (two charges) --------	November, 1872-	Ten years.

DECISION.—Whereas, the said Knight has now served, including credits for good conduct, over four years of his term of sentence, and has at all times, during that period, paid due regard to the rules established for the government of the prisoners, and whereas, the family of said Knight is represented to me to be in a most destitute and forlorn condition, and in the most urgent need of the assistance which he—the husband and father—could render them if restored to liberty; and whereas, great numbers of persons, the neighbors and acquaintances of the wife of the said Knight, who are cognizant of how she has labored and toiled to support her dependent children, have represented to me that the burden resting on her is more than she is longer able to bear, and have appealed to me to exercise clemency to him, on her account and that of her children. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John McRoberts	Santa Clara	Murder, 2d degree	September, 1869	Ten years.

DECISION.—Whereas, the said McRoberts has served on his sentence, including credits for good behavior, over eight years, and whereas, during the entire period of his confinement in the prison he has scrupulously observed the rules established for the maintenance of discipline, and has worked steadily and faithfully for the State, and did during the fire on the twenty-eighth of February, eighteen hundred and seventy-six, exert himself to his utmost to save the property of the State from being destroyed. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
L. L. Brown	Stanislaus	Assault with a deadly weapon	November, 1875	One year.

DECISION.—Whereas, the said Brown has now but a few months more of his sentence to serve; and whereas, the state of his health is such that he requires better attention than it is possible to give him in prison; and whereas it is hardly possible that any evil should result to the community from his liberation, unable as he is to inflict harm on others, even if he were disposed to do so. June thirtieth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Pablo Martinez	Tulare	Murder, 1st degree.	September, 1873.	Death, commuted to imprisonment for life.

DECISION.—Whereas, the Governor, Newton Booth, commuted the sentence of death pronounced against the said Pablo Martinez to imprisonment in the State Prison for life—basing his action therein on the opinion that if the facts which immediately preceded the homicide had been in evidence before the jury, as they had been shown to him by affidavits of respectable citizens, the verdict would have been murder in the second degree: and whereas, the conduct of the said Pablo Martinez, during his incarceration in the State Prison, has been uniformly good; and whereas, Monsieur Ont Forest, the French Consul at San Francisco, now represents that the real name of the said Pablo Martinez is Boumadir, and that he is an Arab by birth and was formerly a soldier in the Second Regiment of Turcos in the French army, having made the campaigns of Italy and Mexico, and whereas the said M Ont Forest represents that having made inquiry into all the circumstances of the homicide committed by the said Pablo Martinez, alias Boumadir, he is satisfied that he acted in the matter in lawful self defense, and whereas, the said M. Ont Forest, in consequence of his conviction of the substantial innocence of the said Pablo Martinez, alias Boumadir, asks that further executive clemency be granted him; and whereas, the said M. Ont Forest has pledged himself to send the said Pablo Martinez forthwith out of the United States to Algeria, his native country, in the event of his pardon, upon the condition that he forthwith leave the State of California and the United States, never to return. July tenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Herman Shamwald	Napa	Arson, 2d degree	December, 1875	Four years.

DECISION.—Whereas, petitions have been presented asking for the pardon of the said Shamwald on the *ground that, in the opinion of the petitioners, he was not guilty of the crime of* which he was convicted, said petitions being signed by five hundred and twenty-five (525) citizens of Napa County—ninety-two of whom are residents of Pope Valley, the locality in which the arson is charged to have been committed, by four hundred and forty-two (442) business firms and citizens of San Francisco, including in the number the great body of leading mercantile establishments in that city, and by numerous citizens of Lake County whose proximity to the locality of the alleged crime has caused them to become familiar with the circumstances of the burning of the house with which Shamwald was charged, and of his trial and conviction for that act; and whereas, another petition has been presented, the signers whereof set forth that "being cognizant of the facts as developed on the trials of H. Shamwald, and of further facts and circumstances connected with the arson for which said Shamwald was tried, which have come to our knowledge since said trials, most earnestly request your Excellency to grant a pardon to said Shamwald," which said petition is signed by nineteen (19) citizens of Napa County, of whom six (6) were on the jury that convicted Shamwald, four (4) were jurors at the preceding trial which failed to convict, seven (7) are county officers, and the remaining two are among the most respected citizens of Napa County. Recognizing that these petitions by citizens so numerous and respectable, the great body of whom can not be suspected of being influenced in their action in the premises by any other motive than a simple desire to prevent an act of great injustice and wrong being done, imposed on me the duty of inquiring into the probable guilt or innocence of the party convicted before either granting or refusing the application for his pardon. I have examined with much care the testimony on which Shamwald's conviction was had. I have also considered such other facts and circumstances, as have been brought to my attention properly authenticated, which were not in evidence before the jury, and have endeavored to allow them such weight, and such weight only in determining my judgment, as they were properly entitled to. The petitions before me, to which reference is made above, ask for the pardon of Shamwald solely on the ground that he is innocent, and that the verdict of the jury which pronounced him guilty was not in accordance with the actual facts, even if justified by the testimony produced on the trial. The granting of the pardon asked involves the reversal of the verdict of the jury, and that, too, without the development of any new circumstances, or the discovery of any new evidence which can be claimed to show that the verdict was palpably erroneous. In granting a pardon to Shamwald under such circumstances, I feel that I assume a grave responsibility. Yet the examination of the testimony on which Shamwald was convicted, in connection with other facts which define and illustrate his relations to other parties, and his and their relations to the property burned, if they have not established an absolute conviction in my mind of his perfect innocence of the crime of which he has been convicted, have, at least, so impressed me with a sense of the improbability of his guilt that I do not think I would do justice to my own convictions of duty did I not save him from the sentence that has been pronounced on him. August twenty-sixth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
F. A. A. B. Ohlofsky	Los Angeles	Involuntary manslaughter	June, 1875	Seven years.

DECISION.—Whereas, from the best information I have been able to obtain, I am forced to the conclusion that the homicide for which the said Ohlofsky was convicted of involuntary manslaughter was wholly accidental on his part. September eleventh, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Manuel Viera	Tulare	Felony	September, 1874	Five years.

DECISION.—Whereas, an application has been made for the pardon of the said Viera, supported by petitions numerously signed by citizens of Tulare County and other portions of the State, among the signers being the Judge before whom he was tried, and by whom he was sentenced, and other officers of the county; and, whereas, there is on file in this office a certificate of the physician of the State Prison, in which it is stated that the said Viera is subject to hemorrhage of the lungs, in consequence of which he was able to labor, from the time of his imprisonment to March last, only at intervals, and that since that date he has not been able to labor at all; and, whereas, the said Viera was only about twenty or twenty-one years of age at the time of his conviction, and had, as the testimony of those familiar with his history shows, previously maintained a good character; and, whereas, the said Viera has now served, including credits for good conduct, as per Act of the Legislature, nearly one half of the term for which he was sentenced, and now consents to a conditional pardon, the condition being that he shall leave the State and the United States immediately on his discharge from prison and never return. September eighteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Nellie Handley	San Joaquin	Grand larceny	January, 1876	Two and one-half years.

DECISION.—Whereas, the said Nellie Handley is, as appears by the certificate of the State Prison Physician now on file in this office, *enciente* and near the period of confinement, and, whereas, the reasons against her being in the prison during and subsequent to that event outweigh, in my judgment, the requirements of justice demanding her incarceration during the remainder of her sentence. September twenty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Powers	Alameda	Murder, 2d degree	July, 1871	Thirteen years.

DECISION.—Whereas, the said William Powers has now served on his sentence, including credits for good conduct, six years and two months, and has during the whole of that period, as appears by certificates of the officers of the prison and the foreman of the shop in which he has been employed, now on file in this office, rendered faithful and efficient service to the State, and did at the fire in the prison on the twenty-eighth of February, eighteen hundred and seventy-six, behave in a very creditable manner; and, whereas, the application for the pardon of the said William Powers is signed by the District Attorney (now dead), who prosecuted him, and the Judge before whom he was tried, and by whom he was sentenced, and by many of the citizens of the county in which the homicide was committed; and, whereas, there is no cause to apprehend that his enlargement will, in any manner, endanger or disturb the peace of society, but on the contrary every reason to anticipate that he will, if released, deport himself as a good, industrious, and law-abiding citizen; and, whereas, finally he has a family dependent during his incarceration on the charity of others for their support. September twenty-third, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Brack	San Joaquin	Grand larceny	January and May, 1875	Three years and six months.

DECISION.—Whereas, the said Charles Brack has now served, including credits for good conduct about one-half of the period for which he was sentenced; and, whereas, his widowed mother is importunate in her application for his pardon, and is moreover in great need of his services to aid her in obtaining a livelihood, and, whereas, there is reason to hope that if he is discharged from further punishment, he being a mere youth and not yet confirmed in habits of crime, he will lead an industrious and upright life. The pardon herein granted, is granted on the fundamental condition that the said Charles Brack leave the State immediately on his discharge from prison, and not return thereto under two years from the date hereof. October third, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James J. McKeller	Sacramento	Burglary and robbery	January, 1871	Eight years

DECISION.—Whereas, seven other persons, indicted jointly with the said McKeller, were convicted and sentenced severally to terms in the State Prison, ranging from one year to twenty years in duration; and, whereas, all of the said seven persons have been discharged from the prison—three in consequence of the expiration of their terms of sentence, one by commutation of sentence and expiration of commuted term, and three by virtue of executive pardons, and, whereas, it does not appear that any reasons existed for the exercise of clemency in behalf of those whose crimes, in the estimation of the Judge who sentenced them, merited ten and twenty years imprisonment, which do not exist equally in favor of clemency for McKeller whose sentence was but for eight years, and, whereas, the said McKeller feels that he is now the victim of injustice in that he is compelled to suffer a greater punishment than was inflicted on those adjudged to be guiltier than himself; and, whereas, further punishment under these circumstances will not be calculated to promote his complete reformation, if that has not already been accomplished. November twenty-second, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James O'Hara	San Francisco	Robbery	September, 1870	Ten years.

DECISION.—Whereas, the said James O'Hara was but eighteen years of age at the time of his conviction, and has now served, including credits for good conduct, about seven and a half years on his sentence; and whereas, the sentence of ten years, when the age of the prisoner, the circumstances under which the crime was committed, and the character of the testimony on which a conviction was had, are considered, must be considered excessive, and whereas, the Hon. Delos Lake, who, as Judge of the Municipal Criminal Court for the City and County of San Francisco, passed sentence on the said O'Hara, has asked that he be pardoned, on the ground that, since passing such sentence, he has become satisfied that it was more severe than either the character of the crime or the interests of society required. December sixteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Gottfried Baier	Tuolumne	Altering and defacing brands	May, 1876	One year.

DECISION.—Whereas, the said Baier has now served more than one-half the term for which he was sentenced; and whereas, he has a wife and family of small children depending on him for support, and whereas, the District Attorney who prosecuted, the jurors, except one now absent from the State, who tried him, and the Judge who sentenced him, together with a large number of the most prominent and influential citizens of the county where the crime was committed, have asked for his pardon, on the double ground that he has already been sufficiently punished for his offense, and that his family is in imminent need of his services. January third, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Taylor	San Francisco	Robbery	September, 1870	Ten years.

DECISION.—Whereas, the said James Taylor was but nineteen years of age at the time of his conviction, and has now served, including credits for good conduct, three-fourths of the period for which he was sentenced; and whereas, the sentence of ten years, when the age of the prisoner and the circumstances under which the crime was committed are considered, must be regarded as excessive, and whereas, the Hon. Delos Lake, who, as Judge of the Municipal Criminal Court of the City and County of San Francisco, sentenced the said Taylor, did ask for the pardon of James O'Hara, a co-defendant with the said Taylor in the same action, and sentenced at the same time and for a like period with Taylor, on the ground that after the passing of such sentence he has become satisfied that it was more severe than the character of the crime justified or the interests of society required, and whereas, the said Taylor did render efficient service to the State during the progress of the fire at the prison on the twenty-eighth of February, eighteen hundred and seventy-six, as appears by certificate of officers of the prison, now on file in this office. January sixteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Little	Santa Clara	Assault to murder	November, 1869	Twelve years.

DECISION.—Whereas, the said Michael Little has now served, including credits for good conduct, nearly three-fourths of his term of sentence, which, when it is considered that his offense was the result of heated and uncontrolled passion, and not deliberation and malice, must be regarded as excessive in its severity, and whereas, the said Michael Little seems to be a person of good disposition and correct instincts, and has labored faithfully for the State during the whole of his imprisonment, and did render faithful service during the fire at the Prison in February, eighteen hundred and seventy-six. January sixteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Wingo	Colusa	Assault to murder	May, 1870	Ten years.

DECISION.—Whereas, the said William Wingo has now served, including credits for good conduct, eight of the ten years for which he was sentenced, and during this period he has been uni-

formly obedient to authority and faithful in the performance of whatever labor has been required of him, and did behave in a highly becoming manner during the fire at the prison on the twenty-eighth of February, eighteen hundred and seventy-six, as appears by certificate of officers of the prison now on file in this office; and whereas, there is reason to believe that the said William Wingo will depart himself, if discharged from prison, as a well disposed, law-abiding, and industrious member of society, particularly if he shall avoid the associations which led to the commission of the crime for which he is now suffering imprisonment. January seventeenth, eighteen hundred and seventy-seven. (The condition of this pardon is that he leave this State immediately on his discharge from prison, and never return thereto.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Geo. W. Cleaveland	Mendocino	Manslaughter	July, 1877	Five years.

DECISION.—Whereas, the said George W Cleaveland has served, including credits for good conduct, about three years of his sentence, during which time he has deported himself exceptionably well, having acted the last four or five months as "outside trusty," in which capacity he has ever been faithful, and has discharged with alacrity and fidelity whatever duties have been required of him, and whereas, it is difficult to see how his further confinement would be either beneficial to himself or promotive of the ends of justice, while there is every reason to believe that, if he be discharged from further custody, he will lead a sober and industrious life, and prove a useful member of society. January twenty-ninth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Richard Dickson	San Francisco	Rape	March, 1872	Twenty-five years.

DECISION.—Whereas, there are serious doubts in my mind whether the said Richard Dickson was guilty of the crime of which he was convicted, and whereas, he has already served on his sentence, including credits for good conduct, nearly six years, which must be regarded as severe punishment, if not adequate punishment for his crime, if he be guilty, but a great injustice and outrage if he be not guilty, and whereas, the attorney who prosecuted the said Richard Dickson on the part of the State, though he believes that he was guilty of the offense charged, yet thinks the sentence passed on him was unreasonably severe, and does not now oppose the granting of a pardon to him, as appears by the letter of said attorney on file in this office: and whereas, the said Dickson was but about twenty-one years old at the time of his conviction, has behaved himself well while in prison, and presented, in his general deportment, ground to hope that if discharged he will be an orderly, law-abiding, and industrious citizen. January twenty-ninth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Burke	San Francisco	Grand larceny	July, 1873	Ten years.

DECISION.—Whereas, the Judge who pronounced sentence on the said John Burke, has advised his pardon in language as follows (see letter of Judge M. C. Blake, on file in this office) "On the twenty-fifth of July, eighteen hundred and seventy-three, John Burke was, in the Municipal Criminal Court, upon a conviction of grand larceny and prior conviction, sentenced to imprisonment in the State Prison for a term of ten years, being the shortest term which could be imposed. Upon imposing sentence I made an entry in my minutes of which the following is a copy. 'I will ask the Governor to pardon this man at the end of three years, in case of

good conduct. Defendant nineteen years of age the twenty-third of next September.' I made this entry because I was fully convinced that a term of three years imprisonment was fully sufficient, under all the circumstances. Should Burke furnish your Excellency with satisfactory evidence of good conduct, I hope you will be pleased to pardon him. In case he has conducted himself well, I think he ought to be pardoned." And whereas, the Captain of the Yard of the State Prison has presented the name of said John Burke as a prisoner who worked faithfully and rendered valuable service to the State during the erection of the new work-shops at the prison. January thirty-first, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry E. Brown	Sonoma	Robbery	October, 1870	Fourteen years.

DECISION.—Whereas, the said Henry E. Brown has now served on his sentence, including credits for good conduct, about seven and a half years, which is about equal to, or perhaps above the average of sentences for the crime of which he was convicted, in cases of first convictions; and whereas, the contractors for whom he has worked at the prison have asked for his pardon, using the following language: "Working under us for the space of six years, constantly under our notice and control, we have had ample opportunity of testing his capacity to become an honest and reliable citizen of the State, and we can truthfully say that we have ever found him honest, truthful, diligent, industrious, and trustworthy; and, in our judgment, he is deserving of Executive interference in his behalf." January thirty-first, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Samuel Carr	San Francisco	Robbery	January, 1870	Life.

DECISION.—Whereas, the said Samuel Carr has now served on his sentence more than seven years, which, if credits for good conduct be counted, is increased to over eight and a half years; and whereas, he (the said Samuel Carr) has now been a patient in the hospital of the prison since September, 1875, suffering from Bright's disease of the kidneys, with but little, if any prospect of ever recovering; and whereas, his friends, who have applied for his pardon, have asked it on the ground that he is, and in all probability will be permanently an invalid, and have agreed that they will furnish him the means to return to his relatives in the Atlantic States. February third, eighteen hundred and seventy-seven. (The condition of this pardon is, that he forthwith on his discharge leave the State and never return thereto.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Cesario Jamie	San Francisco	Burglary	March, 1871	Ten years.

DECISION.—Whereas, the said Cesario Jamie was convicted jointly with two other persons—John B. Dagher and Paul Felix—for the same act of crime, both of whom have been discharged from prison. Felix by reason of the expiration of his term of sentence, he having become a witness for the State, and in consequence received a sentence of but three years; Dagher by reason of a pardon by the Governor on condition that he should leave the State within a certain specified time, and never return; and whereas, the said Cesario Jamie has now served, including credits for good conduct, over seven years on his term of sentence, while there is good reason for believing that he was the least guilty of the three in the matter of the crime in which they were jointly implicated, he having been a dupe and a tool of the others. (Pardon on the condition that he leave the State, and the United States, within twenty days from the date of his discharge, and never return thereto.) February twenty-first, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank J. Cassidy	Tulare	Grand larceny	July, 1870	Twenty years.

DECISION.—Whereas, the said F. J. Cassidy has now served on his sentence, including credits for good conduct, nearly seven years, and has so conducted himself during that period as to receive the warmest commendation of the contractor for whom he has worked; and whereas, Harmon, his accomplice in crime, who was indicted and convicted jointly with him for the same offenses, was pardoned when he had served but a little over two years on his sentence; and whereas, it is the opinion of the officers of the prison that the said F. J Cassidy may be discharged from custody without endangering the peace of society or jeopardizing the property rights of citizens. February twenty-third, eighteen hundred and seventy-seven.

Name of Prisoner.	County,	Crime.	Sentenced.	Term.
Joseph Price	San Francisco	Grand larceny	March, 1876	One and one-quarter years.

DECISION —Whereas, the said Joseph Price has conducted himself with entire propriety during his imprisonment, and rendered services, during the recent erection of prison buildings, especially valuable to the State; and whereas, there is good ground to hope that, if he is now discharged from prison, he will be a law-abiding, industrious and respected member of society. March twenty-first, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Darbey J. Touhey	Sacramento	Grand larceny	September, 1875.	Three years.

DECISION.—Whereas, the Judge before whom the said Darbey J. Touhey was tried, and the District Attorney who prosecuted him, have asked for his pardon, on the ground that disclosures have been made since the trial, which make it in the highest degree improbable that he was guilty of the crime of which he was convicted, and whereas, there is little doubt that there would have been a failure to convict the said Touhey of grand larceny if the facts and circumstances which have since come to the knowledge of the Prosecuting Attorney had been before the jury. March twenty-sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George McDonald	San Francisco	Burglary	April, 1875	Four years.

DECISION —Whereas, it is represented to me by those who have the best opportunties for knowing and no motives to misrepresent, that the said George McDonald when sober is an honest man, though when under the influence of liquor very foolish, with a mania for stealing; that he is well connected, his family being among the most respectable in Canada; that he is a young man of more than average education, who, if surrounded by proper influences, could, and perhaps would, become a useful member of society: and, whereas, the said McDonald has now served about two years on his term of four, and, whereas, there is reason to believe, at least to hope, that if he could be again surrounded by the influences of his old home and his relatives, who, I am informed, are ignorant of his present status, he might be saved from further crime and degradation; and, whereas, parties interested in the welfare of the said McDonald have

obligated themselves to see that he is provided with the means of returning to his home, and to see that he leaves the State, at least, on his way home. March twenty-ninth, eighteen hundred and seventy-seven. (The condition of this pardon, that said McDonald forthwith leave this State and never return thereto.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry DeHaven	Solano	Forgery	December, 1874	Three years

DECISION.—Whereas, the said Henry DeHaven has now served all except about four months of his term, and has deported himself in a highly becoming manner during his imprisonment; and, whereas, there is every reason to believe that all the legitimate purposes of punishment have been accomplished in his case; that he has sincerely repented of his offense, that an example has been furnished to deter others from the commission of like crimes; and that he has deliberately resolved to be an orderly and law-abiding citizen during the remainder of his life. April sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William G. Vicors	Fresno	Assault with deadly weapon	July, 1876	One and one-half years.

DECISION.—Whereas, the said William G Vicors has now served, including credits for good conduct, more than half his term of sentence, and during this period has so impressed the officers of the prison with his integrity of character that he has been made an "outside trusty;" and, whereas, the pardon of the said William G. Vicors is asked for by the Judge before whom he was tried, by the District Attorney who prosecuted him, and by numerous attorneys and county officers of the county in which he was convicted, on the ground, first, that, in their judgment, the evidence would have justified a verdict of simple assault or acquittal, or, in the second place, that if he was guilty as charged, he has already received sufficient punishment for his crime; and is asked for also by the prosecuting witness, and a very large number of the citizens of the county in which the crime was committed, on the ground that he had always borne a good reputation as a peaceable and law abiding citizen during his residence in the county, and also for the further reason that they think the punishment he has already suffered sufficient for his crime. April sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank K. Smith	San Francisco	Murder, 2d degree	October, 1870	Sixteen years.

DECISION.—Whereas, the said Frank K. Smith has now served on his sentence, including credits for good conduct, over seven years and a half, and has received a commutation of his sentence for meritorious conduct on the occasion of the fire in the prison on the twenty-eighth day of February, eighteen hundred and seventy-six, by the deduction of four years therefrom; and whereas, having read with care the testimony in the case, I am impressed with serious doubts whether it warranted the finding of a verdict for a higher grade of crime than that of manslaughter; and, moreover, am fully satisfied if it did justify the verdict of murder in the second degree, as found by the jury, that a sentence of ten years imprisonment, the lowest term that can be passed on one convicted of that crime, would have been an ample punishment for his offense; and whereas, the said Frank K. Smith does not seem to possess the character, the instincts, or the disposition of one predisposed to crime, so that there need be no apprehension that his enlargement will prove a menace either to the quiet and good order of society or

the rights or safety of individuals; and, moreover, firmly believing that in his case punishment has already accomplished all the objects for which society may justly punish the criminal, and that now, the demands of justice being fully satisfied, humanity requires that mercy be exercised. April ninth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Hoye	San Francisco	Burglary	April, 1876	Two years.

DECISION.—Whereas, the Judge before whom the said William Hoye was tried, and who passed sentence on him, now asks for his pardon, saying: "At the time I did not think I gave him too long a term, but now, in view of what his wife has said, I think it would be just and proper to pardon him, and I hope your Excellency will pardon him. I think mercy extended to him will be of great service to his family, and will do no harm to any person, cause, or thing." April thirtieth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime	Sentenced.	Term.
Frank Chapman	Shasta	Robbery	September, 1876	Four years.

DECISION.—Whereas, the pardon of the said Frank Chapman on condition that he leave the country, is now asked by the county officers of Shasta County—the county in which the offenses were committed—including the District Attorney who prosecuted, and the County Judge who sentenced him, for the following reasons: "The circumstances of the robbery, conviction and sentence, were that Chapman made the acquaintance of two old offenders—one named Tony, and the other known as Sheet-Iron Jack. The two induced Chapman to join them in the crime, which being committed, Chapman was arrested on suspicion, when he gave such information as led to the arrest and conviction of the other two. Chapman was convicted on his own confession in open Court, and sentenced to four years in the State Prison, the other two were sentenced, respectively, twenty-one and twenty-four years. Chapman is quite a youth, and has a father and mother of high standing and good repute living in England, who know nothing of his crime, but have received intimations that he needs assistance to enable him to return home. The father of Chapman has authorized a correspondent in this country to pay the fare of his son home, which the correspondent stands ready to do, if he shall be discharged from prison," and is asked, also, on like condition, by the President of the corporation known as Wells, Fargo & Co., on whose treasure box the robberies, for which Chapman is now in prison, were committed, and whereas, there is reason to believe that it is mainly, if not solely, due to the information given by Chapman that the officers were enabled to arrest and convict the other two offenders, who were old and hardened criminals; and whereas, Chapman being yet young in years, and, as is believed, only on the threshold of crime, there is ground to hope that if he shall be removed from the corrupting association of old criminals and restored to the influence of home he may be saved from a life of crime. (Pardon on condition that he immediately leave the State, and not return thereto under five years from the date hereof.) May second, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Walter Mankins	San Benito	Manslaughter	April, 1876	Two years.

DECISION.—Whereas, the pardon of the said Walter Mankins is now asked for by a very large body of petitioners, residents of the county in which the homicide was committed, on the ground; first, that his conduct since he has been in prison has been uniformly and exceptionably good; second, that he has a wife and seven children, who are poor and in an almost help-

less condition; and third, that his imprisonment, dating from the first week in April, eighteen hundred and seventy-six, added to nine months incarceration in the County Jail before conviction, has been sufficient, in the judgment of petitioners, to satisfy the demands of justice, and to impress the public mind with proper respect for the law; and whereas, the prosecuting attorney who prosecuted the said Mankins, and another eminent attorney who assisted in the prosecution, and the Judge before whom he was tried and who passed sentence on him, have asked for his pardon; the latter stating in his letter on file in this office "The case was tried before me. The evidence hardly warranted the verdict, and certainly did not show an aggravated case. The provocation came largely from the deceased, and, as I now recall the facts, the deceased was advancing upon the defendant, with a pistol in his hand, when the fatal shot was fired by the defendant. The appearance of the family of defendant at the trial fully warrants the statement of your petitioners as to their necessities, and claims upon the defendant for support and maintenance. Should your Excellency be pleased to accede to the petition for Mankins' pardon, I should consider such exercise of your clemency well bestowed;" and whereas, there is reason to believe that no good will result to Mankins from further confinement, and no evil to society from his liberation. May third, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Haun	Santa Clara	Murder, 2d degree	May, 1872	Twelve years.

Decision.—Whereas, the pardon of the said James Haun is now asked for by numerous citizens of Santa Clara County, among whom are the County Judge, the person who was District Attorney when Haun was convicted, and also the present District Attorney, the person who was Sheriff when Haun was convicted, and also the present Sheriff, and eight of the jurors who rendered the verdict against him; and, whereas, his mother, also, a very aged and feeble woman, has made personal application for his pardon, representing that she is in a very dependent condition, and that he has promised, if pardoned, to aid in her support; and, whereas, the present District Attorney of Santa Clara County, in addition to signing a petition for the pardon of said Haun, as set forth above, has written a letter, now on file in this office, in which he says "I prosecuted Haun upon his first trial. I have known him and his family for more than twenty years. From my knowledge of him and the circumstances connected with the killing, I am satisfied that he has been sufficiently punished for the offense which he committed." And, whereas, there is also on file in this office a certificate of the officers of the State Prison to the uniform good conduct of the said Haun during his confinement in said prison, and especially to his excellent behavior during the fire in the prison on the twenty-eighth day of February, eighteen hundred and seventy-six. May twenty-eighth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Allen	Fresno	Assisting a prisoner to escape	March, 1875	Five years.

Decision.—Whereas, there is reason to believe that the act, for which the said Allen was convicted of the crime of assisting a prisoner to escape, was not committed with the intent to aid such prisoner to escape, though his escape was a result of it, and, whereas, he has already served, including credits for good conduct, more than half the term for which he was sentenced; and, whereas, the Judge who sentenced him, in a letter now on file in this office, says "In addition, I would here state that the sentence or judgment rendered by me in this case may have been excessive, and I feel at this time that he has suffered sufficiently for his crime." June eighteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Albert Morehouse	Sonoma	Grand larceny	July, 1877	One year.

DECISION.—Whereas, the said Albert Morehouse had always, before the commission of the act for which he was convicted, borne an irreproachable character, as is attested by letters and petitions from numerous of the most prominent and respectable citizens of San José, in which place he had lived from childhood, which letters and petitions are now on file in this office, and, whereas, the pardon of the said Albert Morehouse is asked for by the District Attorney who prosecuted, the jurymen who tried, and the Judge who sentenced him, and by nearly, if not quite, all the members of the bar at which he was tried, on the ground that there is extreme doubt whether he committed the act, for which he was convicted, with criminal intent. August second, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Forbes	Sacramento	Burglary	January, 1875	Five years.

DECISION.—An application was made for the pardon of the said Thomas Forbes by the Hon. Wm. Lane Booker, British Consul at San Francisco, on the eighth of May, eighteen hundred and seventy-seven. In the said application it was set forth that the said Thomas Forbes was a native of Canada; that he is a member of a very respectable family, and has a brother who is a member of a leading law firm in Canada; that Mr Booker had been in correspondence with the said brother, and that he had agreed to provide the prisoner with the means to return to Canada, if a pardon could be obtained for him. Thereupon I corresponded with the District Attorney who prosecuted and the Judge who sentenced him, both of whom advised that he receive a conditional pardon. I then informed Mr. Booker that I would pardon him on his acceptance of these conditions: *first*—that he forthwith leave the State and the United States; *second*—that he remain away from the State of California at least five years from the date of his discharge. Now, whereas, it appears from a letter of the above named Wm. Lane Booker, now on file in this office, that the said Thomas Forbes agrees to the above named conditions, and, also, that sufficient money has been placed with the said Booker to defray the expenses of the said Forbes from this State to Canada, which money the said Booker agrees shall be used for such purpose. This pardon is granted on the express conditions *first*—that he leave the State and the United States, *second*—that he remain away from the State of California at least five years from the date of his discharge. August fourth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John J. Marks	San Francisco	Embezzlement	April, 1875	Seven years.

DECISION.—Whereas, the pardon of the said John J Marks is asked for by a numerous body of citizens as respectable and intelligent as any in the State, embracing members of every profession and persons engaged in nearly, if not quite, every vocation in life—many of whom (whose opinions are entitled to very great weight) express the unqualified opinion that the said Marks was convicted on inadequate testimony, and whereas, the said Marks has now served two full years on his term of sentence, exclusive of credits for good conduct, and of the commutation of sentence granted him in consideration of services rendered at the fire in the prison on the twenty-eighth of February, eighteen hundred and seventy-six, and whereas, he has a most devoted wife who has been indefatigable in her efforts, from the day of his incarceration, to alleviate his prison life, and secure his pardon, and, also, a family of young children who need a father's guardian care, and to whom all accounts concur in representing him as being devoted with all of a fathers' devotion; now, therefore, without assuming to question the adequacy of the testimony on which the conviction of the said Marks was obtained, but conceding the absolute justice of such conviction, I have concluded to grant him a pardon, and for the following reasons The purposes of punishment may be regarded as three-fold—*first*, to prevent

the commission of crime by the criminal during his term of imprisonment; *second*—his reformation by means of punishment so that he will not be disposed to prey further on society; *third*—to furnish an example to deter others from the commission of crime.

In my judgment all these purposes have been as thoroughly accomplished already in the case of the said Marks, as they could be by his retention in prison for the whole term for which he was sentenced. If this opinion is well founded, the interests of society and the cause of justice must unite their voices in support of the act by which he will be released from further imprisonment. September twentieth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Rudolph	Sacramento	Manslaughter	February, 1876	Three years.

DECISION.—Whereas, the said Thomas Rudolph has now served, including credits for good conduct, nearly two-thirds of the term of his sentence, and has conducted himself, during said period, in an exceptionally exemplary manner, and whereas, there is on file in this office a petition for his pardon, signed by many of the leading citizens of the State, residents of San Francisco, Sacramento, and other localities; and whereas, the District Attorney, who prosecuted him, has addressed me, under date of June second, eighteen hundred and seventy-seven, in language as follows: "The circumstances attending the homicide for which Thos. Rudolph is now confined in the State Prison, are substantially as stated in his petition for pardon. The homicide was most unfortunate, and was committed while Thomas was laboring under great mental excitement. His character was shown, at the trial, to have always been of the best, and his conduct both before and after the killing, most exemplary. I think it does no good to longer keep him in prison, and that if he is pardoned he will make a good and worthy citizen. I believe he has already suffered severely in mind, and sufficiently for the offense committed. I therefore join with the petitioners in asking executive clemency, and earnestly pray that you will pardon him:" and the Judge before whom he was tried, on same date, in language as follow: "Thomas Rudolph was tried before me, on the charge of murder, in February, A. D eighteen hundred and seventy-six, and from the facts developed upon the trial, I am convinced that his offense was the result of an unfortunate temper, and that he is not, in any view, a bad man. He was certainly laboring under severe provocation and extreme excitement at the time he committed his misdeed. I fully believe that by the exercise of executive clemency he will demean himself in the future, as he has in the past (with this unfortunate exception), and that a good citizen will be the result of the exercise of the pardoning power in this case. I therefore cheerfully and earnestly recommend his application to your favorable consideration;" and, whereas, I am satisfied that the objects of punishment would not be subserved by his further confinement in prison, but believe that, if discharged, he will deport himself as a good citizen, and will be a useful member of society, and especially serviceable to his parents, who, I am informed, greatly need the aid he will be able to render them. October second, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Cannon	San Francisco	Burglary	March, 1873	Fifteen years.

DECISION.—Whereas, the crime of which the said Frank Cannon was convicted was the breaking into a liquor store in the night, and taking thence a bottle of whisky with which to gratify an inordinate thirst for strong drink; and whereas, the Hon. M. C. Blake, Judge of the Municipal Criminal Court, who sentenced him, addressed me a letter, under date of May twenty-first, eighteen hundred and seventy-seven, which is now on file in this office, in language as follows: "On the eleventh of April, eighteen hundred and seventy-three, Frank Cannon was, upon a charge of burglary and prior conviction of petit larceny, sentenced in the Municipal Criminal Court of San Francisco, to fifteen years imprisonment in the State Prison. I had no discretion in the matter. If I could have fixed the term, in accordance with my views of what was proper, his imprisonment would not, at the longest, have exceeded four years. If he is still in prison I hope your Excellency will pardon him. I think he ought to be pardoned as an act of justice. The punishment in cases of prior conviction must sometimes be followed by executive clemency or great wrong will be done." and whereas, the conduct of the said Frank Cannon during his imprisonment has been uniformly good. October twentieth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Warren Griffin	Yolo	Robbery	July, 1872	Ten years.

DECISION.—Whereas, the pardon of the said Warren Griffin is now petitioned for by a large number of citizens, the said petition being based on the following statement of facts: In May, eighteen hundred and seventy, a robbery was committed in Yolo County. William Miller and Dwight Griffin (brother of the prisoner) were arrested and charged with the robbery. While awaiting trial they broke jail, but were recaptured, were tried and convicted of the robbery, and of the crime of jail breaking. On these convictions they were sentenced, each, for four years for robbery and two years for jail breaking. These convictions were had at the October Term of the County Court, eighteen hundred and seventy-one. Eight months later, Warren Griffin (the prisoner) surrendered himself to the officers of Yolo County, and confessed that he and Miller committed the robbery for which Miller and Dwight Griffin (his brother) were then serving a term in the State Prison. On this confession an indictment was found against him, to which he pleaded guilty. On this conviction he was sentenced to ten years in the State Prison. After his conviction Dwight Griffin (his brother) was pardoned, on the ground that he was innocent. In November, eighteen hundred and seventy-four, after he had been in prison about three years and a month, Miller was also pardoned; and whereas, it appears, from the facts above enumerated that the parties first convicted of the crime, for which the said Warren Griffin is now confined in prison, were sentenced for said crime but four years each, and for the additional crime of jail breaking, two years each—six years in all—and that Miller, who was equally guilty with the prisoner, was pardoned after he had been in prison a little over three years, that the prisoner, who voluntarily surrendered himself, confessed his crime, and pleaded guilty, thus saving the county the expense of a trial, was sentenced for a term of years, a sentence more than twice as long as those originally convicted of the crime had received, and whereas, the said Warren Griffin has now served, including credits for good conduct, six years—two years more than the whole term for which his partner in the crime was sentenced. November twenty-fourth, eighteen hundred and seventy-seven.

LIST OF PARDONS FROM COUNTY JAILS,

GRANTED BY GOVERNOR WILLIAM IRWIN, FROM FEBRUARY 9TH, 1876, TO NOVEMBER 19TH, 1877, INCLUSIVE.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Samuel Miller	Yuba	Malicious mischief	January, 1876	Three months.

DECISION.—Whereas, the said Miller is a poor man with a large family dependent on him for support; and whereas, the offense of which he was convicted was committed when he was in a state of intoxication, he being, when sober, an honest, industrious, and law-abiding citizen; and whereas, he has already served more than one month of the time for which he was sentenced; and whereas he has a child now lying at the point of death, of the recovery of whom there is no hope. February ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. P. Church	Sacramento	Disturbing the peace	February, 1876	Forty days.

DECISION.—Whereas, the said A. P. Church is a man of general good habits and character, the offense for which he is being punished having been committed while under the influence of

liquor; and whereas, it is thought if a proper presentation of all the facts connected with, and leading to his offense had been presented to the court, he would have been acquitted, or if not acquitted, would have received a much lighter sentence, and whereas, it does not appear that any good purpose can be accomplished by his longer confinement in the County Jail. February fourteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Mary Mulroy	San Francisco	Petit larceny	January, 1876	Two months.

DECISION.—Whereas, the said Mary Mulroy, as appears from statements made to me, was hardly of sound mind when she committed the offense for which she is imprisoned; and whereas, she has now been imprisoned one-half of the term for which she was sentenced; and whereas, the offense for which she is now undergoing punishment is the first of the kind of which she has been convicted; and whereas, she has a dependent daughter, whose poverty and delicate condition place her in imminent need of her mother's attention and services. February seventeenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Herbert E. Mann	San Francisco	Grand larceny	Pleaded guilty to an indictment.	

DECISION.—Whereas, the said Mann is but nineteen years of age, and it is believed to be the first crime of which he has been guilty; and whereas, the larceny was committed when he was in a condition of great despondency, and for the purpose, as is apparent, to procure the means of taking him to the home of his parents in the State of Maine; and whereas, the person from whom the certificates of deposit were taken, the officers of the bank which had issued the certificates, and which redeemed them, and the Captain of the Detective force who arrested him, the District Attorney who framed the indictment against him, and the Judge of the Court in which he was arraigned for trial, all have besought that executive clemency might interpose to save the said Mann from the State Prison, and whereas, there is reason to believe that the said Mann is thoroughly repentant of his crime, and that his pardon now will confirm him in his purpose to pursue a life of rectitude, on the condition that he leave the State immediately on his discharge from custody, and remain absent therefrom for the next ensuing five years. March twenty-second, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Fisher	San Francisco	Misdemeanor	December, 1875	One hundred and eighty days.

DECISION.—Whereas, there is ground for doubt as to whether the said Fisher was guilty of the offense of which he was convicted; and whereas, if guilty, there are no reasons for supposing that his longer incarceration will be productive of any practical good, while his family are in need of his assistance. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert McMahon	Yuba	Assault and battery	April, 1876	Ninety days.

DECISION.—Whereas, the said McMahon is a cripple, having but one leg, and is extremely poor, so that his family is greatly in need of such aid as he could render them if at large, and whereas, a number of the leading citizens of Marysville, who are acquainted with the circumstances of his offense and are cognizant of the condition of his family, ask for his restoration to liberty. May thirty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Dyas Shelton	Monterey	Assault with a deadly weapon	March, 1876	One year.

DECISION.—Whereas, a petition for the pardon of said Shelton has been received, signed by the District Attorney and Assistant Attorney who prosecuted him, by eleven of the twelve jurors who tried him, by all the members of the Board of Supervisors of Monterey County, by all the county officers and their deputies, except the County Clerk and County Surveyor (who, it is said, were absent from the county), by the executive officers of Salinas City, and by the editors of the local journals, and the attorneys practicing at the local bar, in which petition it is stated that since the trial and conviction of the said Shelton, grave doubts have arisen whether he was not justifiable, on the ground of self-defense, in inflicting the injury, which he did, on the person of Andrew Johnson, and also that the injury so inflicted was but slight; and whereas, the said Shelton has a helpless wife and two children, who have become a county charge since his incarceration. June twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Albert Howard	Sacramento	Petit larceny	March, 1876	One hundred and fifty days.

DECISION.—Whereas, the County Judge, Sheriff, and District Attorney of Sacramento County, the Police Judge of Sacramento City, and other prominent citizens, ask for the pardon of the said Howard, on condition that he will return to his home in the East, and whereas, there are sufficient funds belonging to the said Howard now in the hands of the Sheriff of the county, sent him by his mother to bear his expenses to his mother's home in one of the Atlantic States. On condition that he immediately leave the State, and not return thereto under one year from the date of his discharge. June twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Manion	Sacramento	Assault with a deadly weapon	January, 1876.	One year.

DECISION.—Whereas, there exist grave doubts as to whether the said Manion was guilty of the crime of which he was convicted; and whereas, nearly all the county officers of Sacramento County, including the District Attorney and his deputies, and a large number of other citizens, have asked for the pardon of the said Manion; and whereas, the said Manion had always been a peaceable, quiet, and industrious citizen, prior to the commission of the assault of which he was convicted, and which was provoked by others, of whom the assaulted party was one; and

whereas, there is every reason to believe that he will be an orderly, peaceable, and industrious citizen again, if restored to liberty, and will contribute by the earnings of his labor to the support of his family, in one of the Eastern States, as he was accustomed to do before his incarceration. June twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County,	Crime.	Sentenced.	Term.
Frank Abalos	San Francisco	Obtaining property under false pretense	July, 1875	One year.

DECISION.—Whereas, the said Abalos has a family depending on him for support; and whereas, he has now served more than three-fourths of the time for which he was sentenced. June twelfth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Martin	San Francisco	Misdemeanor	April, 1876	One year.

DECISION.—Whereas, the said George Martin has now served three months of the alternative sentence pronounced against him, in the County Jail; and whereas, it is represented that his health is such that his longer imprisonment would imperil his life, in consequence whereof a large number of prominent citizens of San Francisco, both in official and private positions, have invoked executive clemency in his behalf. July eighteenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Schwartz	San Francisco	Two misdemeanors	March, 1876	Ten months.

DECISION.—Whereas, it is represented by the Prosecuting Attorney of the Police Court of said City and County of San Francisco, and by numerous other citizens of San Francisco, many of them members of the legal profession, in a petition now on file in this office, asking for the pardon of the said Charles Schwartz, that they believe him (said Schwartz) "to be innocent of the crimes he was charged with, and attribute his plea of guilty simply as caused by the excessive excitement he was laboring under at the time;" and whereas, this opinion of these parties, as well as information obtained from other sources, causes a doubt in my mind as to whether the said Schwartz was not wholly innocent of the crime for which he is being punished; and whereas, he has already served nearly one-half of the period of his alternative sentences. July twenty-first, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Lanas	San Francisco	Assault and battery and petit larceny	February, 1876	Twelve months.

DECISION.—Whereas, the said Charles Lanas has now served the one-half of the period for which he was sentenced, and whereas, he is not yet sixteen years of age; and whereas, his father has removed from the City of San Francisco, and is very desirous that he may have an opportunity of making an effort to reform his son, where he will be removed from the tempta-

tions which led to his previous offenses; and whereas, the policy of so severe a punishment for one of so tender an age may well be doubted. August tenth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Francis McEnnerny.	Solano	Assault and battery.	April, 1876	One year.

DECISION.—Whereas, it is represented to me by the County Judge, District Attorney, and numerous other citizens of Solano County, including the Justice of the Peace before whom he was tried, that the said Francis McEnnerny is entirely harmless, with respect to all persons except his wife, for an assault and battery on whom he is now imprisoned; and whereas, it is further represented to me by the same parties that the wife of the said Francis McEnnerny is crippled and unable to support herself, and will suffer great hardships unless her husband be discharged from custody and permitted, by his labor, to provide her the means of support, and whereas, he has now served about one-half of the term for which he was sentenced, and has perhaps derived all the benefits which the infliction of a penal sentence in his case will confer. September thirtieth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
W. H. True	Napa	Petit larceny	November, 1876.	Six months.

DECISION.—Whereas, the said W. H. True is but twenty years old, and has heretofore, as is represented to me, borne a good character; and whereas, his mother and sisters are greatly grieved over his imprisonment, and ask his pardon, coupled with the condition that he immediately leave the State December fourth, eighteen hundred and seventy-six. (The condition of this pardon is that he forthwith leave the State of California, and not return thereto under one year from the date of his discharge.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Rogers	San Francisco	Assault and battery.	August, 1876	$300, or, in default, one hundred and fifty days.

DECISION.—Whereas, Davis Louderback, Judge of the Police Court of the City and County of San Francisco, before whom the said Frank Rogers was tried, now represents to me that if certain facts, of which he has since become cognizant, had been disclosed at the trial of the said Rogers, he would probably have made his sentence one hundred dollars less than he did, and does now petition me to remit the balance of his fine yet due. December seventh, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Kelly	San Francisco	Assault	September, 1876.	Six months.

DECISION.—Whereas, affidavits submitted to me raise very serious doubts in my mind as to whether the said William Kelly was ever guilty of the offense of which he was convicted; and

whereas, if he was guilty, I think his sentence was disproportioned to his crime. December ninth, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Mary Myers	Napa	An attempt to extort money by threats of criminal accusations	August, 1876	Six months.

DECISION.—Whereas, the said Mary Myers has a daughter—a child about nine years old—which daughter remains in the jail with her mother, and, whereas, all efforts to have the child removed and placed in a proper home have proved abortive, thus making it evident that the only practicable way of securing the removal of the child from the contaminating influences of the County Jail consists in the discharge of the mother from the same: and, whereas, out of consideration for the child, the County Judge, the District Attorney, the magistrate who committed the said Mary Myers, and other prominent citizens of Napa County, have asked for the pardon of the prisoner. January fourth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William L. Eppinger.	San Francisco	Petit larceny, two offenses	September, 1876	$500 or four hundred days on one charge, and $300 or three hundred days on another charge

DECISION.—Whereas, the said W. L. Eppinger is now in extremely delicate health, which was the controlling reason for his removal from the County Jail to the Branch Jail, where he is at present confined; and, whereas, in such Branch Jail he is brought into association with some of the most depraved ruffians of the State, which association must have an influence on him the very reverse of reformatory, and, whereas, his father, who is most anxious to effect his reformation and restore him to society, if possible, asks for his pardon, on the condition that he leave the State. January eleventh, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry Gildermeister	San Francisco	Petit larceny	October, 1876	One hundred and fifty days.

DECISION.—Whereas, the Judge before whom the said Henry Gildermeister was tried has said, in a letter now on file in this office, that the circumstances showing felonious intent on the part of the prisoner were of an equivocal character, so much so that he had regretted the long sentence he had given him, and, whereas, the Prosecuting Attorney of the City Criminal Court who prosecuted the said Henry Gildermeister concurs in the opinion of the Judge of said Court above recited, and, whereas, the District Attorney of the City and County of San Francisco, D. J. Murphy, Esq., in a letter on file in this office, says: "I do not desire to oppose the application [for pardon for Gildermeister] in view of a letter to your Excellency from Hon. Judge Ferral and Prosecuting Attorney Whalen, which I have seen. I find the young man's connections highly respectable, able, and disposed to place him beyond the reach of like temptations in the future," and, whereas, the said Henry Gildermeister has now served a hundred days on his sentence, or two-thirds of the whole term. January twenty-third, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Mackison	San Francisco	Assault	September, 1875.	Six months.

DECISION.—Whereas, the said Michael Mackison was a co-defendant with William Kelly, who was pardoned on the ninth day of December, eighteen hundred and seventy-six, the grounds on which said pardon of Kelly was granted being as follows: "Affidavits submitted to me raise very serious doubts in my mind as to whether the said William Kelly was ever guilty of the offense of which he was convicted, and, if he was guilty, I think his sentence was disproportionate to his crime," and whereas, the same grounds exist for the pardon of the said Michael Mackison, reinforced by the additional consideration that he has served out a greater proportion of his sentence. January twenty-sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Louis Ash	Sacramento	Distrubing the peace, and two offenses of battery.	October, 1876	Fine of $120 or sixty days imprisonment, and a fine of $400 or two hundred days imprisonment

DECISION.—Whereas, the said Louis Ash has now served in the aggregate, on the several sentences pronounced against him as above, one hundred and twenty-six (126) days; and whereas, the District Attorney of the county, the Assistant District Attorney who prosecuted him, and a large number of citizens ask for his pardon on the grounds as follows: "The said Louis Ash *is only twenty-one years of age, and before his imprisonment assisted in supporting his mother.* The offense of which he was convicted was committed in a moment of passion, and under circumstances which he now most sincerely regrets should have existed, and for his conduct he is truly repentant He has given his relatives and immediate friends faithful promises, that he will never be engaged in another violation of the law, and that he will reform himself and keep away *from bad company, and live a peaceable and industrious life.* We believe, as he has been imprisoned in the jail for more than three months, that he has been sufficiently punished, and that, if pardoned, he will be of greater assistance to his mother, and effectually turned from pursuing a reckless course of life." February sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Oscar F. Williams.	San Francisco.	Petit larceny	November, 1875.	Six months, and a fine of $500, or in default of payment of fine, five hundred days imprisonment.

DECISION.—Whereas, the said Oscar F. Williams has now served the six months term of imprisonment to which he was sentenced, and more than three hundred days of the five hundred to which he was sentenced in default of the payment of five hundred dollars, and whereas, the remission of the remainder of the sentence is now prayed for by the Sheriff, and numerous other officers, of the City and County of San Francisco, by the Visiting Physician of the City and County Jail, and by numerous citizens of San Francisco, on the grounds First—That the health of the said prisoner has already been greatly impaired by his imprisonment, and that further imprisonment will be attended with the danger of permanently disabling him from labor; Second—That it is impossible for him to release himself from prison by the payment of the fine imposed on him, Third—That he has three small children depending on him for support. March twenty-sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Charges.	Sentenced.	Term.
Julia Fernald.	San Francisco.	Drunkenness and vulgar language	April 2, 1877.	A fine of $200, or one hundred days imprisonment.

DECISION.—Whereas, the pardon of the said Julia Fernald is asked for by the following named citizens of San Francisco: J. Campbell Shorb, J. D. Blanchar, John Rosenfeld, A. J. Bryant, J. Brandenstein, James R. Kelly, and Philip S Fay, who, in their petition, set forth that "the drunkenness of which the said Julia Fernald was convicted, was caused and superinduced by a disease over which she has no control," and who further say in their said petition that "they personally know the said Julia Fernald, and know her to be a lady of very high repute, and the mother of two small girls, to whom she has always exhibited all the kindness and attention of a mother's care." April seventh, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William O'Brien----	Sacramento ----	Battery ----------	March, 1877----	$200 fine, or imprisonment one hundred days.

DECISION.—Whereas, the pardon of the said William O'Brien is now petitioned for by numerous prominent citizens of the City of Sacramento, on the ground that he is a poor man and has a wife and three children who are wholly dependent on his labor for support, and whereas, Mrs. Jane O'Brien, wife of the prisoner, on whose complaint he was arrested, tried, and convicted, is most importunate for his pardon; and whereas, the prisoner has now served the one-half of the term to which he was sentenced, in default of the payment of the fine imposed, which punishment, it is to be hoped, will deter him from the commission of a like offense in the future. April twenty-fifth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Josephine Kelly----	Sacramento ----	Petit larceny------	April, 1877-----	Sixty days.

DECISION.—Whereas, a pardon is now asked for the said Josephine Kelly, who is said to be but fourteen years of age, by a large number of the most intelligent and respectable citizens of the City of Sacramento, for reasons set forth in their petition, as follows, to wit: "It was proved by the defendants themselves" (Mary Lawson was a joint defendant with the prisoner) "that they met the prosecuting witness, George Colton, on the railroad on R Street in this City, and that he requested them to come to his house that night, as his wife would be away from home, promising to give them one dollar (which statement was denied by said Colton); that they went to his house as per agreement; staid in the house, waiting for him to come home, for the period of one hour: that he did not come, and they found in the house one or two small pieces of ribbon, one comb, and a piece of brass, which had once been a pin, of the value of about one dollar, and they took them: that they are now in said County Jail, and have been since the nineteenth day of April; that we believe a longer imprisonment will injure, and not benefit them, and that they have been already sufficiently punished for the offense charged;" and whereas, other prominent and intelligent citizens, though disclaiming all knowledge of the facts in the case of the prisoners, ask for their pardon on the ground that the County Jail is, in their opinion, "a very bad place for working the reformation of young girls," of the ages of these, charged with crime; and whereas, the testimony of the defendants, concerning the prosecuting witness, if true, show him to be much more culpable than the defendants themselves, and go

far to extenuate their offenses, and whereas, if this testimony is wholly false and the prisoners are without excuse for entering on the premises of the prosecuting witness, still their condition of mere childhood, coupled with the absence from the County Jail of all agencies adapted to work reformation in those so young, plead most earnestly for their liberation. May twelfth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Mary Lawson	Sacramento	Petit larceny	April, 1877	Sixty days.

DECISION.—Whereas, a pardon is now asked for the said Mary Lawson, who is said to be but fifteen years of age, by a large number of the most intelligent and respectable citizens of the City of Sacramento, for reasons set forth in their petition, as follows, to wit: "It was proved by the defendants themselves" (Josephine Kelly was a joint defendant with the prisoner) "that they met the prosecuting witness, George Colton, on the railroad on R Street in this City, and that he requested them to come to his house that night, as his wife would be away from home, promising to give them one dollar (which statement was denied by said Colton,) that they went to his house, as per agreement; staid in the house, waiting for him to come home, for the period of one hour, that he did not come, and they found one or two small pieces of ribbon, one comb, and a piece of brass, which had once been a pin, of the value of about one dollar, and they took them; that they are now in said County Jail, and have been since the nineteenth day of April; that we believe a longer imprisonment will injure, and not benefit them, and that they have been already sufficiently punished for the offense charged;" and whereas, other prominent and intelligent citizens, though disclaiming all knowledge of the facts in the case of the prisoners, ask for their pardon on the ground that the County Jail is, in their opinion, "a very bad place for working the reformation of young girls," of the ages of these, charged with crime; and whereas, the testimony of the defendants, concerning the prosecuting witness, if true, shows him to be much more culpable than the defendants themselves, and go far to extenuate their offenses; and whereas, if this testimony is wholly false, and the prisoners are without excuse for entering on the premises of the prosecuting witness, still their condition of mere childhood, coupled with the absence from the County Jail of all agencies adapted to work reformation in those so young, plead most easnestly for their liberation. May twelfth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Wagner	Sacramento	Petit larceny	April, 1877	Fine of $202 50, or one hundred days imprisonment in the County Jail.

DECISION.—Whereas, the pardon of the said William Wagner is now asked for by the persons whose property—a lot of potatoes of the value of about fifty cents—was stolen, by the policeman who arrested, the City Attorney who prosecuted, the Police Judge who sentenced him, by the Chief of Police, the Under-Sheriff, and other citizens, for the reasons that developments made subsequent to the conviction have satisfied them that this was the first offense of which the prisoner had been guilty, and that it was committed under the extenuating circumstance of sharp hunger; and whereas, believing that the sentence was disproportioned to the crime, and that the interests of justice will not be subserved by the longer confinement of the prisoner. May twenty-fourth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Schmidt	Sacramento	Petit larceny	April, 1877	Fine of $202 50, or one hundred days imprisonment in the County Jail

DECISION.—Whereas, the pardon of the said Charles Schmidt is now asked for by the persons whose property—a lot of potatoes of the value of about fifty cents—was stolen, by the policeman who arrested, the City Attorney who prosecuted, and the Police Judge who sentenced him, by the Chief of Police, the Under-Sheriff, and other citizens, for the reasons that developments made subsequent to the conviction have satisfied them that this was the first offense of which the prisoner had been guilty, and that it was committed under the extenuating circumstance of sharp hunger, and whereas, believing that the sentence was disproportioned to the crime, and that the interests of justice will not be subserved by the longer confinement of the prisoner. May twenty-fourth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Smith	San Luis Obispo	Assault with a deadly weapon	September, 1876	Sixty days and a fine of $300—in default of payment of fine, to be imprisoned one hundred and fifty days

DECISION.—Whereas, near four hundred citizens of the County of San Luis Obispo have petitioned for the pardon of the said William Smith, setting forth in their petition that "they believe the act committed by the said Smith, and for which he was convicted, was one which, if he was not entirely excusable for, amounted to a mere technical offense," also, that "the said Smith has a large family dependent on him for support and maintenance, and has but little property, consisting of a small tract of land and a few animals, which latter are liable to be dispersed and lost for want of proper care and attention, if he shall be confined in jail for the full term of his sentence," and whereas, the District Attorney who prosecuted him has advised his pardon, in language as follows "The circumstances of the case of Smith warrant me in saying to your Excellency that the interposition of executive clemency in his behalf would, in my opinion, best subserve the ends of good government," and whereas, the said Smith has now about served out his term of sentence in the County Jail; and whereas, to exact from him the payment of the fine imposed, or in default of payment to confine him for another one hundred and fifty days in the County Jail, would be an act of rigor which does not seem to be demanded by the circumstances of the case. May twenty-fifth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Moore	Sacramento	Assault with a deadly weapon	January, 1877	$1,000 fine or five hundred days imprisonment.

DECISION.—Whereas, the pardon of the said William Moore is now asked for by numerous prominent citizens of the City of Sacramento, by the foreman of the Grand Jury which indicted him, by the District Attorney who prosecuted him, by eleven of the trial jurors who convicted him, and by the Judge before whom he was tried and who passed sentence on him. July fifth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Uriah Winchester	Sonoma.	Assault with a deadly weapon	April, 1877	Two and a half months and a fine of $100—in default of payment of fine, $1 a day for each day's imprisonment

DECISION.—Whereas, the pardon of the said Uriah Winchester is now asked for by the County Judge who sentenced him, on the ground of "the present state of his health and his former good character," which recommendation is concurred in by the District Attorney who prosecuted him, the County Physician, the Sheriff, and a numerous body of citizens. July thirteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
E. Hervagault	Yuba	Battery	April, 1877	Six Months.

DECISION.—Whereas, the pardon of the said E. Hervagault is asked for by many of the prominent citizens of Marysville, including the District Attorney who prosecuted, and the Police Judge who tried and sentenced him, on the ground that there were extenuating circumstances in the case which were not known at the time of his conviction and sentence, but which, if they had been known, would have caused a much lighter sentence to have been imposed. The Judge, who tried and sentenced the said Hervagault, having forwarded to this office, the annexed statement "Having learned certain facts and circumstances since the trial and sentence of the person within named, which were not known to me at the time of sentence, and which would properly go in mitigation of judgment, I believe that the person has been sufficiently punished." August second, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Ford	Sonoma	Assault with a deadly weapon	January, 1877	One Year.

DECISION.—Whereas, the said Michael Ford has now served between seven and eight months on his sentence, and whereas his pardon is now asked for, by the Judge who sentenced, by nine of the jurors who tried, the District Attorney who prosecuted him, and many prominent citizens of the locality where the crime was committed, including the person assaulted; they, basing their request on the grounds: First, "That the family of the said Ford is greatly in need of his care and assistance, and, second, that he has conducted himself well since his confinement in prison, and promises good behavior, if released." September sixth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry H. Mitchell	Solano	Petit larceny	June, 1877	Fine of $299 00, of imprisonment a like number o days

DECISION.—Whereas, the pardon of the said Henry H. Mitchell is asked for by the Justice of the Peace who sentenced him, the Constable who arrested him, and by numerous citizens of

Solano County, who say in their petition: "We ask his pardon, as he states the deed was committed with non-criminal intent, while under the influence of liquor; and we believe the punishment he has already received sufficient for his offense," also by the County Judge and the District Attorney, and most of the other county officers of the county, who in their petition say: "From our information of the case we are satisfied the pardon is deserved, and would be an act of justice as well as mercy." September seventeenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Kautz	Alameda	Petit larceny	July, 1877	Four months.

DECISION.—Whereas, Mrs. C. Carpenter, the mother of the said Charles Kautz, now applies to have him pardoned, alleging as grounds for making such application the following facts and considerations. First, that his term of sentence will expire on the twenty-second day of November; second, that the "Georgia," a steamship plying between the ports of San Francisco and Panama, will sail from the former for the latter place on the fifteenth of November; third, that if her son is pardoned before the sailing of the said steamer, and in time to get aboard of her, he can obtain immediate employment thereon, and will thus be saved from a period of idleness after his discharge from prison, and from the temptations to crime which are always incident to idleness; and whereas, the District Attorney who prosecuted and the Judge who sentenced the said Charles Kautz, in a letter now on file in this office, reiterate the facts and considerations in the application made by his mother for his pardon, and advise that the pardon be granted; and whereas, the said Kautz has served out his term of sentence, except about a week. This pardon is granted on the express condition that the subject of it go from the County Jail aboard of the steamship "Georgia," and remain aboard thereof till the said ship leave the port of San Francisco for Panama. November twelfth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Mabel Gray	Nevada	Vagrancy	October, 1877	Ninety days

DECISION.—Whereas, the County Judge, District Attorney, and most of the other county officers of Nevada County, the Justice of the Peace who tried and sentenced her, and numerous other citizens of the county, now petition for the pardon of the said Mabel Gray, and allege in their petition as grounds for the pardon, "that since her confinement in prison she has been an invalid, and is now suffering from sickness; and that her friends from another State have forwarded to the Sheriff of Nevada County the means of transporting her to her friends, to whom she desires to go, and will go immediately if pardoned." November nineteenth, eighteen hundred and seventy-seven.

PARDON FROM HOUSE OF CORRECTION.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. Murphy, alias John Murphy	San Francisco	Assault with intent to commit robbery	September, 1876	Two years.

DECISION.—Whereas, there is reason to hope that the said James Murphy, alias John Murphy, being a mere boy, will reform if restored to liberty and removed from the bad influences to which he has been subjected in San Francisco, and whereas, his mother, Mrs. C. Murphy, has agreed to place him aboard the ship "Alex. Duncan" and send him out of the State, if I,

as Governor, will pardon him. This pardon is granted on the condition that the said James Murphy, alias John Murphy, go immediately on his discharge, aboard the ship "Alex. Duncan" and remain thereon till she shall leave the port of San Francisco, and that he leave the State thereon, and that he do not return to the State for one year from the date of his discharge. July twenty-first, eighteen hundred and seventy-seven.

PARDON FROM CITY PRISON.

Name of prisoner.	County.	Crime.	Sentenced.	Term.
Minnie Castell	Alameda	Residing in a house of ill fame	October, 1877	Fine of $100, or in default of payment thereof, one hundred days imprisonment in City Prison

Decision.—Whereas, the pardon of the said Minnie Castell is asked for by the following officers of the City of Oakland, to-wit: The Mayor, the Councilmen of the Second, Third, Fifth, Sixth, and Seventh Wards, the Police Judge, the Prosecuting Attorney, the City Physician and Health Officer, and the Captain of the Police—the said officers setting forth in their petition that the health of the prisoner is such that her discharge from prison is necessary to the saving of her life. November fourteenth, eighteen hundred and seventy-seven.

REPRIEVE OF SENTENCE GRANTED BY GOVERNOR WILLIAM IRWIN.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
Chin Mook Sow, alias Ah Sue	San Francisco	Murder 1st Degree	———, 1876	Death.

Decision.—Whereas, at the March term, A. D. eighteen hundred and seventy-six, of the District Court of the Fifteenth Judicial District of the State of California, in and for the City and County of San Francisco, one Chin Mook Sow, alias Ah Sue, a native of China, was tried upon an indictment for murder, and having been convicted of the crime of murder in the first degree, the said Court sentenced the said Chin Mook Sow, alias Ah Sue, to be hanged by the neck until he is dead, and the Court having fixed Friday, the thirteenth day of April, A. D. eighteen hundred and seventy-seven, as the day for execution, and whereas, a petition, signed by the counsel appointed by the Court to defend the said defendant, a number of the officers of the said county who are charged with the administration of justice, and also a large number of prominent citizens of said county has been this day presented to me, asking that the sentence of death passed upon said defendant be commuted to that of imprisonment for life in the State Prison, on the ground that, in the judgment of the petitioners, the testimony adduced on the trial did not justify the verdict. Now, therefore, because sufficient time will not elapse between this and the day fixed for the execution of said Chin Mook Sow, alias Ah Sue, for the examination of the testimony adduced on the trial of the said Chin Mook Sow, and in order that I may have ample opportunity to make such examination, and that justice may be done him, I, William Irwin, Governor of the State of California, do hereby reprieve the said Chin Mook Sow, alias Ah Sue, from the said sentence of death until Friday, the fourth day of May, A. D. eighteen hundred and seventy-seven. These, therefore, command you, the Sheriff of the City and County of San Francisco, to suspend the execution of the said sentence of death, passed upon said Chin Mook Sow, alias Ah Sue, until Friday, the fourth day of May, A. D eighteen hundred and seventy-seven, on which day you will carry the said sentence into effect. April twelfth, eighteen hundred and seventy-seven.

COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR WILLIAM IRWIN, FROM NOVEMBER 22D, 1876, TO NOVEMBER 23D, 1877, INCLUSIVE.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Samuel Enoch	Stanislaus	Manslaughter	April, 1874	Ten years.

DECISION.—Whereas, a great number of the citizens of the locality in which the manslaughter, of which the said Enoch was convicted, was committed, have signed a petition for the pardon of said Enoch, said petition placing the demand for the pardon on the ground that the prisoner, prior to this offense had always been a peaceable and law-abiding citizen; that this offense was committed, in the opinion of the petitioners, because the prisoner believed his life to be in danger from his assailant, and, on the further ground, that no injury will result to the community from his enlargement, and whereas, after passing in review all the circumstances of the homicide, as they have been presented to me, I have come to the conclusion that, while the homicide was not justifiable, there was much in the circumstances attending it which should be allowed its just weight in mitigation of the punishment of its perpetrator. Let his sentence be commuted to five years from the date of his delivery to the officers of the Prison at San Quentin. November twenty-second, eighteen hundred and seventy-six.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Woods	Sacramento	Housebreaking	October, 1875	Three years.

DECISION.—Whereas, the pardon of the said Thomas Woods is now asked for by a large number of the citizens of Sacramento City, including the County Judge and the District Attorney, on the ground of his youthfulness at the time of the commission of the crime, and believing that in the case of a young person guilty of the first offense, a moderate sentence may be more effective in accomplishing the legitimate purposes of punishment than a more severe one. Let his sentence be commuted to two years. May fourteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County	Crime.	Sentenced.	Term.
Charles O'Brien	San Francisco	Grand larceny	July, 1870	Twelve years.

DECISION.—Whereas, the said Charles O'Brien and James Brown and William Ludgate were convicted jointly of the same offense, and each was sentenced to twelve years imprisonment in the State Prison, and whereas, the sentence of the said William Ludgate was commuted on the twenty-first day of May, eighteen hundred and seventy-six, to nine years in the State Prison because of services rendered by him at the fire in the prison on the twenty-eighth of February, eighteen hundred and seventy-six, and the said William Brown was pardoned on the said thirty-first day of May, eighteen hundred and seventy-six, for the reason, among others, that his pardon was asked for by D. D. Colton, who had been the prosecuting witness against him; and whereas, the same prosecuting witness, and also the Judge who sentenced these prisoners, now ask that the sentence of the said Charles O'Brien may be commuted so that it will correspond in duration with the sentence of the above named William Ludgate Let his sentence be commuted to nine years. July tenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Stewart	Colusa	An offense against the town ordinance	October, 1877	Thirty days.

DECISION.—Whereas, it is now asked by the Justice of the Peace who sentenced the said Robert Stewart, by the City Attorney who prosecuted him, by the eight jurors who tried him, by three

of the City Trustees, and the City Marshal, that his sentence be commuted from imprisonment to the payment of a fine. Let his sentence be commuted by the payment of a fine of thirty ($30) dollars in the gold coin of the United States. October tenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William B. Bourne	Napa	Battery	October, 1877	Twenty days.

DECISION.—Whereas, an application is made for the pardon of the said Bourne, but said application is not, in my judgment, supported by such a statement of facts as will justify the granting of a pardon; and whereas, the crime of which the said Bourne stands convicted is punishable by fine or imprisonment, and whereas, in my judgment, all the ends of justice, and the interests of society, would have been as well secured by the infliction of a proper fine, as by the more humiliating punishment of imprisonment. Let his sentence be commuted to the payment of a fine of one hundred and fifty dollars, gold coin of the United States. The commutation herein granted is granted on the express condition that it shall not operate to satisfy the judgment, or to stay the execution of the sentence of imprisonment, as aforesaid, till the sum herein specified shall have been paid into the Justice's Court, or, if the said Bourne shall, in pursuance of said sentence, be in the custody of an officer, till it shall be paid to such officer. November eighth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William B. Mugford	Napa	Whipping a child in an extreme and cruel manner	July, 1877	One hundred and fifty days.

DECISION.—Whereas, the pardon of the said Mugford is now asked for by the principal citizens of Napa City, where his family resides, including the Justice of the Peace who sentenced him; and whereas, it has been represented to me that the severity of his sentence was due to a misapprehension on the part of the Judge as to the character or degree of the punishment he had inflicted on his child—the Judge being under the impression, at the time of pronouncing the sentence, that the said Mugford had punished his child in a very extreme and cruel manner, while the fact was that the punishment, though perhaps unnecessarily severe, could not be considered cruel, and inflicted only a temporary discomfort on the child. October twentieth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Carl Christienson	Sonoma	Resisting a peace officer	April, 1877	Nine months and a fine of $100, in default of payment of fine, one day's imprisonment for each dollar of the fine

DECISION.—Whereas, a petition, numerously signed, has been presented for the pardon of the said Carl Christienson, and whereas, the said petition is accompanied by a statement of the District Attorney who prosecuted the said Christienson, that in his opinion the release of Christiensen would not be injurious to the public interest, and whereas, it is represented that the prisoner is poor and unable to pay the one hundred dollars fine imposed on him, in addition to nine months imprisonment in the County Jail. Let his sentence be commuted to nine months in the County Jail. November twenty-third, eighteen hundred and seventy-seven.

COMMUTATIONS OF SENTENCE, GRANTED BY GOVERNOR WILLIAM IRWIN, FOR SERVICES RENDERED DURING THE FIRE IN THE PRISON WORK-SHOPS, FEBRUARY 28, 1876.

From May thirtieth, eighteen hundred and seventy-six, to January thirty-first, eighteen hundred and seventy-seven, inclusive.

Name of Prisoner.	County.	Crime.	Sentenced	Term.	Commuted to—
Thomas Rolondo	Alameda	Grand larceny	April, 1872	Seven years	Six years.
J. Dorsey	Alameda	Murder, second degree	October, 1871	Thirteen years	Six years.
Jos. Davidson	Alameda	Grand larceny	April, 1871	Ten years	Eight years.
C. H. Parker	Alameda	Grand larceny	September, 1875	Twenty years	Eighteen years.
J. D. Hayes	Butte	Manslaughter	March, 1875	Ten years	Eight years.
A. Shirley	Butte	Assault to murder	September, 1871	Five years	Four years.
M. McGee	Butte	Adultery	September, 1875	One year	Ten months.
James Carroll	Contra Costa	Murder, second degree	April, 1873	Twenty years	Fifteen years.
Max Shultze	El Dorado	Arson	August, 1873	Eight years	Six years.
A. Stewart	El Dorado	Manslaughter	November, 1873	Ten years	Eight years.
Joseph Tierney	El Dorado	Murder, second degree	February, 1874	Fourteen years	Twelve years.
J. A. Cook	Fresno	Grand larceny	January, 1875	Four years	Three years.
Patrick Carmody	Los Angeles	Murder, second degree	July, 1870	Ten years	Eight years.
Charles Bud	Los Angeles	Burglary	January, 1875	Five years	Four years and six months.
F. A. A. Olofsky	Los Angeles	Involuntary manslaughter	May, 1873	Seven years	Five years.
Robert Brayuham	Los Angeles	Robbery	September, 1875	Five years	Four years.
Wm. McNair	Los Angeles	Assault to rape	July, 1874	Fourteen years	Twelve years.
Daniel Lowery	Los Angeles	Burglary	January, 1875	Seven years	Six years.
Richard Cochran	Merced	Murder, second degree	July, 1874	Fifteen years	Twelve years.
Charles Sheppard	Mendocino	Manslaughter	April, 1871	Five years	Four years.
A. Hurst	Mendocino	Manslaughter	July, 1872	Eight years	Six years.
George Cleveland	Mendocino	Manslaughter	July, 1874	Five years	Four years.
John Sullivan	Napa	Burglary and grand larceny	July, 1871	Eight years	Six years.
Joe Edwards	Napa	Forgery	June, 1875	One and one-half years	One and one-sixth years.
Mike Mallan	Placer	Murder, second degree	May, 1869	Life	Twelve years.
George K. Davis	Stanislaus	Murder, second degree	January, 1873	Life	Ten years.
Charles Moore	Stanislaus	Robbery	March, 1875	Fifteen years	Eight years and six months.
Benjamin Doyle	Stanislaus	Robbery	September, 1871	Ten years	Nine years and six months.

Commutations of Sentence for Services During the Fire—Continued.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.	Commuted to—
J. T Thatcher	Stanislaus	Grand larceny	November, 1871	Ten years	Nine years and six months.
J. Cooney	Stanislaus	Perjury	November, 1875	Six years	Five years.
Samuel Enoch	Stanislaus	Manslaughter	April, 1874	Ten years	Seven years
Benjamin Johnson	Sacramento	Murder, second degree	April, 1870	Ten years	Eight years
Thomas Dunn	Sacramento	Grand larceny	October, 1875	Two years	One and one-half years.
William Hayward	Sacramento	Grand larceny	April, 1875	One and one-half years	One and one-fourth years
William C. O'Neil	Sacramento	Housebreaking	October, 1875	One year	Ten months.
William Warren	Sacramento	Murder, second degree	October 1868	Twenty years	Fifteen years.
Ah Ball	Sonoma	Grand larceny	January, 1876	Three years	Two and one-half years
William E Andrews	Sonoma	Murder second degree	January, 1872	Thirty years	Twenty-five years.
Joseph R. Gibbons	Sonoma	Murder, second degree	June, 1872	Fifteen years	Ten years.
N. C Gilbert	Santa Barbara	Murder, second degree	January, 1870	Eleven years	Eight years
J J Hayes	Santa Barbara	Assault to rape, and burglary	December, 1873	Ten years	Nine years.
Z W Bowen	Solano	Assault to rape	September 1875	Nine and one-half years	Eight and one-half years
G Secondy	Solano	Grand larceny	December, 1874	Three years	Two and one-half years
J J. Kelly	Solano	Grand larceny	August, 1873	Four years	Three years
William Berger	Santa Clara	Murder, second degree	September, 1872	Twenty years	Fifteen years
A. E Hamilton	Santa Clara	Felony	May, 1874	Ten years	Eight years
Frank Smith	San Joaquin	Housebreaking	September, 1875	Two and one-half years	Two years
Charles Black	San Joaquin	Grand larceny	January, 1875	Three and one-half years	Three years.
William Keating	San Mateo	Grand larceny	June, 1873	Ten years	Nine and one-half years.
Thomas Jackson	San Mateo	Burglary	March, 1875	Five years	Four and one-half years
John Grant	Shasta	Robbery	March, 1872	Seven years	Five years.
James Simpson	San Francisco	Assault to commit robbery	March, 1874	Six years	Five years
Ah Ping	San Francisco	Burglary	July, 1874	Four years	Three years.
William Davis	San Francisco	Manslaughter	September, 1875	Ten years	Eight years
Henry St Clair	San Francisco	Grand larceny	July, 1872	Ten years	Eight years.
James Riley	San Francisco	Robbery and burglary	March, 1872	Sixteen years	Fourteen years.
John Green	San Francisco	Grand larceny	January, 1870	Ten years	Seven and one-half years.
F Richardson	San Francisco	Embezzlement	November, 1875	Ten years	Eight years
Chas Emerson	San Francisco	Assault to murder	November, 1872	Ten years	Eight years
J O'Brien	San Francisco	Robbery	January, 1871	Ten years	Eight years.
E Finley	San Francisco	Burglary	March 1872	Eight years	Seven years
William Hayes	San Francisco	Burglary	May, 1873	Four years	Three years and seven months
John Jones	San Francisco	Grand larceny	September, 1874	Four years	Three years

Commutations of Sentence for Services During the Fire—Continued.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.	Commuted to—
B. Freel	San Francisco	Manslaughter	September, 1875	Five years	Four and one-half years.
Robert Bailey	San Francisco	Housebreaking	July, 1875	Two years	One and one-half years.
Wm. McGrath	San Francisco	Attempt to commit robbery	March, 1873	Eight years	Six years.
A E Manning	San Francisco	Attempt to mayhem	March, 1868	Thirteen years	Ten years
Geo. McDonald	San Francisco	Burglary	March, 1875	Four years	Three years.
Daniel Haley	San Francisco	Robbery	March, 1871	Twenty years	Fifteen years.
Newton Morgan	San Francisco	Forgery and felony	January, 1875	Fifteen years	Twelve years.
Robert O'Malley	San Francisco	Manslaughter	May, 1873	Five years	Four years.
Wm. Herbert	San Francisco	Robbery	March, 1875	Six years	Five years.
J Sullivan	San Francisco	Robbery	January, 1871	Fifteen years	Thirteen years.
J McCann	San Francisco	Robbery	May, 1873	Life	Ten years.
Charles Holmes	San Francisco	Robbery	March, 1875	Five years	Four years.
Charles Bennett	San Francisco	Grand larceny	October, 1874	Three years	Two and one-half years.
Robert Mathews	San Francisco	Burglary	March, 1872	Ten years	Nine years
F. S. Bates	San Francisco	Forgery	March, 1875	Three years	Two and one-half years.
John J Marks	San Francisco	Embezzlement	May, 1875	Seven years	Five years.
George L. Howard	San Francisco	Forgery	September, 1870	Fourteen years	Ten years.
George C. Brotherton	San Francisco	Forgery	September, 1872	Twelve and one-sixth years	Eight and one-sixth years.
Lewis C. Brotherton	San Francisco	Forgery	September, 1872	Twelve and one-sixth years	Eight and one-sixth years.
F. K. Smith	San Francisco	Murder, second degree	October, 1870	Sixteen years	Twelve years.
J. H. Hudson	San Francisco	Burglary	September, 1874	Ten years	Eight years.
L Tufts	San Francisco	Forgery	November, 1874	Four years	Three and one-half years.
Wm. Ludgate	San Francisco	Grand larceny	July, 1870	Twelve years	Nine years.
M. Donovan	San Francisco	Robbery	March, 1875	Four and one-half years	Three and one-half years.
Joseph Casey	San Francisco	Forgery and felony	January, 1875	Eleven years	Six years.
W. F. Ensign	San Francisco	Burglary	November, 1874	Four years	Three years.
Charles Kuehel	San Francisco	Embezzlement	September, 1875	Five years	Two years.
Peter Stanley	San Francisco	Assault with intent to commit robbery	May, 1874	Three and three-fourth years	Three years.
P. A. Dumas	San Francisco	Robbery	March, 1871	Twelve years	Nine years.
Charles Kyle	San Francisco	Robbery	January, 1870	Life	Ten years.
L. Savarat	San Francisco	Assault to rape	March, 1873	Eight years	Seven and one-half years.

Commutations of Sentence for Services During the Fire—Continued.

Name of Prisoner	County.	Crime	Sentenced.	Term.	Commuted to—
Robert Ennis	San Francisco	Grand larceny	March, 1875	Four years	Three years.
John Lamott	San Francisco	Burglary	January, 1874	Six years	Five and five-sixth years
E Frost	San Francisco	Grand larceny	September, 1875	Four years	Three and one-half years.
Thomas Woody	Tulare	Murder, second degree	May, 1873	Twenty-five years	Twenty years
Patrick King	Yuba	Petit larceny, second offense	January, 1875	Two years	One and two-third years.
Austin Smith	Yuba	Robbery	May, 1875	Eighteen years	Seventeen years.
P. W. Winkley	Yuba	Assault to rob	October, 1873	Four years	Two and five-sixth years.

All the foregoing May 30th, 1876; and

On—	Name of Prisoner.	County.	Crime.	Sentenced.	Term	Commuted to—
June 12, 1876	John W. Lewis	Lassen	Incest and abortion	November, 1874	Thirteen years	Eleven years.
July 14, 1876	John F. Barry	San Francisco	Robbery	July, 1872	Eight years	Six years.
July 14, 1876	Jas. F. McCall	Yuba	Forgery	January, 1875	Two years	One year, nine months, and twenty-two days.
July 15, 1876	Francisco Lopez	Sierra	Murder, second degree	July, 1869	Twelve years	Nine years.
July 15, 1876	William Wilson	Nevada	Grand larceny	November, 1875	One and a half years	One year.
July 21, 1876	John Creighton	San Francisco	Attempt to commit robbery	April, 1873	Six years	Four and a half years.
July 22, 1876	Ernst Houck	San Francisco	Robbery	February, 1871	Ten years	Nine years
July 22, 1876	James Craig	San Francisco	Grand larceny	April, 1873	Seven years	Six years
July 22, 1876	John F. Hannan	San Francisco	Embezzlement	February, 1875	Three years	Two years.
August 3, 1876	William Lear	San Francisco	Burglary	July, 1872	Six years	Five years.
August 3, 1876	Morris Haley	Santa Clara	Robbery	December, 1870	Twelve years	Eleven years.
January 29, 1877	Richard M. Hargrave	San Francisco	Burglary	January, 1875	Four years	Three years and three months.
January 29, 1877	Patrick Collins	San Francisco	Robbery	August, 1875	Five years	Four years and three months
January 30, 1877	Charles F. Dunn	Sacramento	Grand larceny	March, 1875	Three years	Two and a half years.
January 31, 1877	Thomas Dunn	San Francisco	Robbery	September, 1874	Six years	Five years.

COMMUTATIONS OF SENTENCE, GRANTED BY GOVERNOR WILLIAM IRWIN, FOR SERVICES RENDERED IN ERECTING NEW BUILDING AND CELL.

From March fifth, eighteen hundred and seventy-seven, to March twenty-eighth, eighteen hundred and seventy-seven.

Name of Prisoner.	County	Crime.	Sentenced.	Term.	Commuted to—
Michael Mallon	Placer	Murder, second degree	May, 1869	Life, commuted May 30th, 1876, to twelve years	Eleven years and six months
Andrew Dillon	Yuba	Murder, second degree	October, 1875	Fifteen years	Fourteen years and six months.
Matt Murray	Colusa	Murder, second degree	December, 1871	Ten years	Nine years and six months.
Lloyd Porter	El Dorado	Murder second degree	November, 1871	Twenty-five years	Twenty-four years and six mos.
William Keck	Mendocino	Murder, second degree	August, 1876	Fifteen years	Fourteen years and six months.
Thomas McCarty	San Diego	Murder, second degree	January, 1874	Ten years	Nine years and six months
Nathaniel Squires	Colusa	Murder second degree	April, 1876	Eighteen years	Seventeen years and six months.
Lorenzo Alegre	El Dorado	Murder, second degree	May, 1873	Ten years	Nine years and six months.
A A Haskins	San Mateo	Murder, second degree	May 1876	Ten years	Nine years and six months
James Leach	Sutter	Murder, second degree	February, 1871	Ten years	Nine years and six months.
Bartlett Friel	San Francisco	Manslaughter	November, 1875	Five years, commuted May 30th, 1876, to four and one-half years	Four years
William Davis	San Francisco	Manslaughter	September, 1875	Ten years, commuted May 30th, 1876, to eight years	Seven years and six months
George Langdon	Shasta	Manslaughter	March, 1876	Four years	Three years and six months.
James Page	El Dorado	Manslaughter	November, 1874	Ten years	Nine years and six months.
Daniel Lowery	Los Angeles	Burglary	January, 1875	Seven years, commuted May 30th, 1876, to six years	Five years and six months.
James Johnson	San Francisco	Burglary	March, 1873	Seven years	Six years and six months
John Simmons (colored)	San Francisco	Burglary	July, 1876	Six years	Five years and six months.
William Harmon	San Francisco	Burglary	March, 1876	Eight years	Seven years and six months.
Charles Anderson	San Francisco	Burglary	May, 1875	Four years	Three years and six months.
James Fitzgerald	San Francisco	Burglary	January, 1876	Five and one-half years	Five years.
Frank Barker	Plumas	Burglary	September, 1875	Five years	Four years and six months.
Charles Chon	San Francisco	Grand larceny	March, 1876	Five years	Four years and six months
Charles F. Redinger	Solano	Grand larceny	April, 1876	Four years	Three years and six months
John Eves	Los Angeles	Grand larceny	March, 1876	Seven years	Six years and six months.
Manuel Meides	Napa	Grand larceny	March, 1876	Two and one-half years	Two years.

Commutations of Sentence for Aid Rendered in Erecting New Building and Cells—Continued.

Name of Prisoner.	County.	Crime.	Sentenced	Term.	Commuted to—
John Shaw	Monterey	Grand larceny	April, 1876	Three years	Two years and six months.
William Shaw	Monterey	Grand larceny	April, 1876	Five years	Four years and six months.
Charles R Griffin	San Francisco	Grand larceny	May, 1876	Five years	Four years and six months.
Hiram K James	Solano	Grand larceny	April, 1876	Ten years	Nine years and six months
O. H Lewis	Sonoma	Grand larceny	July, 1874	Ten years	Nine years and six months.
Henry Halloway	San Francisco	Grand larceny	January, 1876	Six years	Five years and six months
Joaquin Hequera	Santa Clara	Grand larceny	August, 1875	Five years	Four years and six months.
John Burke	San Francisco	Grand larceny, etc.	July, 1873	Ten years	Nine years and six months.
Doc Horton	Fresno	Grand larceny, etc	November, 1875	Three years	Two years and six months
John Dillon	San Francisco	Petit larceny, etc,	July, 1875	Five years	Four years and six months.
Feluciano Martinez	Santa Clara	Petit larceny, etc,	August, 1875	Three years	Two years and six months.
Robert Braynham	Los Angeles	Robbery	September, 1875	Five years, commuted May 30th, 1876 to four years	Three years and six months.
Charles Tuckerman	San Francisco	Robbery	November, 1869	Nineteen years	Eighteen years and six months.
Frank Welsh	San Francisco	Robbery	November 1875	Four years	Three years and six months
William Miner	Calaveras	Robbery	March, 1872	Thirteen years	Twelve years and six months.
R Jones	Alameda	Robbery	January, 1871	Fifteen years	Fourteen years and six months.
Charles Kavanaugh	San Francisco	Robbery	March, 1876	Three years	Two years and six months.
Peter Watson	San Francisco	Robbery	May, 1875	Six years	Five years and six months
George Farrell	San Francisco	Robbery	March, 1875	Four years	Three years and six months.
Antonio Velacca	Butte	Robbery	May, 1876	Ten years	Nine years and six months.
Edward Garrity	San Francisco	Assault to rob	January, 1875	Four years	Three years and six months.
William McGregor	San Francisco	Attempt to commit robbery	March 1876	Six years	Five years and six months.
Thomas McCarthy	San Francisco	Assault to rob	January, 1875	Four years	Three years and six months.
William Watson	San Francisco	Assault to rob	January, 1876	Five years	Four years and six months
Matt Young	Nevada	Assault to murder	August, 1875	Six years	Five years and six months.
Frank Morris	Sonoma	Housebreaking	January, 1875	Four years	Three years and six months.
Stephen Sherman	El Dorado	Housebreaking, gr'd larceny	December, 1874	Six years	Five years and six months
George Clark	Humboldt	Felony	July, 1876	Six years	Five years and six months.
John Burch	San Diego	Rape	January, 1869	Twenty years	Nineteen years and six months.
E S Johnson	Amador	Arson (first degree)	November, 1875	Ten years	Nine years and six months.
Henry Clifford	Calaveras	Burglary (two charges)	April, 1876	Seven years	Six years and six months.
Walter Risley	San Joaquin	Burglary and grand larceny	March, 1875	Five and one-half years	Five years.
Sidney Day	Santa Cruz	Felony	January, 1876	Three years	Two years and six months.

Commutations of Sentence for Aid Rendered in Erecting New Building and Cells—Continued.

Whereas, the foregoing named prisoners did aid materially in the erection of the new buildings for workshops, and the new cells, at San Quentin, by faithfully performing such labor thereon, or in connection therewith, as was assigned them; and, hoping that some recognition of such services may have a beneficial effect on the discipline of the prison, by disposing the prisoners generally to labor faithfully at such work as may be assigned them, and to make their labor as valuable as possible to the State, therefore, I do hereby commute the sentence of the foregoing named prisoners, by deducting therefrom the period of time set opposite each name. March fifth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime	Sentenced.	Term.
Charles Emerson	San Francisco	Assault to murder	December, 1872	Ten years, commuted May 30th, 1876, to eight years.

Whereas, the said Charles Emerson did aid materially in the erection of the new building for workshops and new cells, at San Quentin, by faithfully performing such labor thereon, or in connection therewith, as was assigned him; and whereas, the services of the said Charles Emerson, rendered in the construction of said buildings, were specially valuable to the State; and, hoping that some recognition of such services may have a beneficial effect on the discipline of the prison, by disposing the prisoners generally to labor faithfully at such work as may be assigned them, and to make their labor as valuable as possible to the State. Let his sentence be further commuted from eight years to six years. March fourteenth, eighteen hundred and seventy-seven.

Name of Prisoner.	County.	Crime	Sentenced.	Term.	Commuted to—
John Kelly	Yolo	Grand larceny	January, 1876	Two years	One year and eight months.
William Clark	San Bernardino	Grand larceny	March, 1874	Four years	Three years and six months.
Peter Hanly	San Francisco	Grand larceny	March, 1875	Five years	Four years and six months.
Charles Andrews	Los Angeles	Grand larceny	November, 1875	Three years	Two years and six months.
Buff Horne	Sonoma	Grand larceny	April, 1874	Six years	Five years and six months.
William Jones	San Benito	Grand larceny	July, 1876	Six years	Five years and ten months.
John H. Lloyd	Sonoma	Grand larceny	July, 1874	Six years	Five years and six months.

Commutations of Sentence for Aid Rendered in Erecting New Building and Cells—Continued.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.	Commuted to—
James Crum	San Francisco	Grand larceny	November, 1871	Ten years	Nine years and six months.
Wm. Donohue	Alameda	Grand larceny	September, 1876	One year and two months.	One year.
Wm. Hall	San Francisco	Burglary, first degree	September, 1876	Four years	Three years and ten months.
O. A. Crooke	San Francisco	Burglary	March, 1876	Two and three-fourths years	Two years and three months.
Charles Smith	San Francisco	Burglary	July, 1875	Three years	Two years and six months.
Joseph Drisdom	Amador	Burglary	February, 1876	Three years	Two years and six months.
Frank Mapleson	San Francisco	Burglary, second degree	September, 1876	Three years	Two years and ten months.
James Burns	Contra Costa	Robbery	July, 1876	Two and one-half years	Two years and four months.
Charles Holmes	San Francisco	Robbery	March, 1875	Five years, commuted May 30th, 1876, to four years	Three years and six months.
Robert Maxwell	Calaveras	Robbery	May, 1875	Four years	Three years and six months.
Romualdo Dominguez	San Luis Obispo	Murder, second degree	January, 1874	Ten years	Nine years and six months.
Owen Carroll	San Francisco	Assault to rape	March, 1874	Seven years	Six years and six months.
Wm. Filbert	Siskiyou	Embezzlement	November, 1875	Two years	One year and eight months.
Frank Russell	San Joaquin	Housebreaking	September, 1875	Two and one-half years	Two years.
John Clark Whelan	San Francisco	Burglary	May, 1872	Five years	Four years and eight months.

RESOLUTION.

By Mr. Conroy—Assembly Concurrent Resolution, relative to a new Post-office in San Francisco.

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

In accordance with a resolution this day adopted, the Speaker appointed Messrs. Hinshaw, Hart, and Farnum a committee of three to fix upon and report a compensation due to the officers of the last session who assisted in the organization of the present House.

ADJOURNMENT.

Upon motion of Mr. Hart, at twelve o'clock and forty-five minutes P. M., the House adjourned until to-morrow, at eleven o'clock A. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 7th, 1877

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Mr. Johnson was granted one day and Mr. May three days' leave of absence.

REPORT OF SELECT COMMITTEE.

By Mr. Hinshaw:

MR. SPEAKER: We, the Committee appointed to ascertain and report the amounts due as per diem and mileage of the officers and attachés of the last session, for services rendered in the organization of the present House, make the following report. The following persons are required by Statute to be present, and are entitled to pay as follows.

Robert Ferral, Clerk, four days and mileage	$56 00
J. W. McCarthy, Minute Clerk, four days and mileage	55 10
Dana Perkins, Sergeant-at-Arms	43 10

We also recommend the payment of the following, for services rendered in the organization of the present session

James Glennan, Porter, five days	$20 00
William Lugg, Porter, five days	20 00
T. O'Connor, Assistant Sergeant-at-Arms, four days	24 00
C. M. O'Neil, Assistant Clerk, four days	32 00
James O'Neil, Page, four days	12 00
Bertie Worthington, Page, four days	12 00
G. L. Hood, Page, four days	12 00
Willie Beveridge, Page, four days	12 00
S. Dunlap, Postmaster, four days	12 00
W. M. Ord, Assistant Clerk, two days	16 00
H. Whittaker, Porter, two days	8 00
John Roford, Porter, two days	8 00

Resolved, That the Controller be ordered to draw warrants in favor of the above persons, for the amounts set opposite each of their names, respectively, and that the Treasurer pay the same out of the Contingent Fund of the Assembly.

E. C. HINSHAW,
T. J. HART,
J. E. FARNUM
} Committee.

Adopted.

MOTIONS AND RESOLUTIONS.

By Mr. Dinniene:

Resolved, That the Sergeant-at-Arms 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 session.

Adopted.

By Mr. Murphy of Del Norte—Memorial and Assembly Concurrent Resolution, relative to the Klamath Indian Reservation.

Read first and second times, and ordered on file.

By Mr. Murphy of San Francisco—Assembly Concurrent Resolution, relative to the removal of Chinese from California.

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

By Mr. Hinshaw:

Resolved, That W. R. Swim, Day Watchman of the last Assembly, be allowed the sum of sixteen dollars, for four days' service in this Assembly, to be paid out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant, and the Treasurer authorized to pay the same.

Adopted.

By Mr. Upton:

Resolved, That a committee of five be appointed by the Speaker on retrenchment and reform.

Mr. Tuttle moved to amend, by striking out the words "and reform," and the House so ordered.

The original resolution, as thus amended, adopted.

By Mr. Backus:

Resolved, That the Secretary of State be required to purchase from A. L. Bancroft & Co. ninety copies of the Codes and Statutes as contained in two volumes published by that firm—one set to be furnished to each member of the Assembly, one copy for the Clerk's desk, one copy for the use of the reporters, and the remaining copies for use of Assembly committees—the expense not to exceed fifteen dollars per set, payable out of any moneys in the State treasury not otherwise appropriated.

Referred to the Committee on Retrenchment, when appointed.

Mr. Tuttle moved that when this House adjourn it be till Monday, December tenth, eighteen hundred and seventy-seven, at two o'clock P. M.

Adopted.

NOTICES.

By Mr. Murphy of San Francisco:

I give notice that, as soon as the Committees of the House are announced by the Speaker, I will introduce a bill creating the office of Bank Commissioner for the State of California.

By Mr. Tuttle.

Notice is hereby given that I will, at an early day, introduce a bill regulating fares and freights on the railroads and transportation companies of this State

By Mr. Hugg:

I wish to give notice that I will, at an early day, introduce an Act to amend section three thousand six hundred and seventeen of the Political Code, to prevent the separate assessment of growing crops.

By Mr. Abbott:

I hereby give notice that I will, at an early day, introduce a bill authorizing the Board of Supervisors of Monterey County to issue the bonds of said county, for a sum not to exceed sixty thousand dollars, for the purpose of buying a lot and building a Court-house in Salinas City, county seat of said county.

By Mr. Hart:

I hereby give notice that on Monday next I will introduce a bill regulating fees and salaries of the County officers for Colusa County.

By Mr. Forsyth:

I hereby give notice that I will, at an early day, introduce a bill to regulate the rates of fares on street railroads in the City and County of San Francisco.

By Mr. Upton:

I hereby give notice that I will introduce, at an early day, an Act to amend an Act entitled "An Act to protect the public roads in Santa Clara County," approved March thirteenth, eighteen hundred and seventy-six

Also, an Act to repeal an Act entitled "An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State," approved April third, eighteen hundred and seventy-six.

Also, a concurrent resolution, relative to the payment of pensions to the soldiers and sailors of the Mexican war.

By Mr. Farnum:

I hereby give notice that I will offer bills as follows on Monday:

For the transfer of certain moneys to the General Fund of Alameda County.

Also, to amend section four thousand and twenty-four of the Political Code.

By Mr. Dare:

Notice is hereby given that I will, on some future day, introduce a bill creating a Board of Bank Commissioners, to consist of three, and providing for the election of the same.

By Mr. May:

I hereby give notice that I will, at an early day, introduce a bill to abolish the office of License Collector in the City and County of San Francisco.

By Mr. Whitlock:

I desire to give notice that, at an early day, I will introduce a bill to amend section one thousand seven hundred and seventy-five of the Political Code.

By Mr. Waters:

I hereby give notice that, on Tuesday next, I will introduce an Act making silver coin of the United States a legal tender for the payment of State and county taxes to the amount of fifty dollars or less.

LEAVE OF ABSENCE.

Mr. Dorsey applied for and was granted leave of absence on next Monday.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following Committee on Additional Attachés: Messrs. Dixon, Hinshaw, Ewing, Meyers, and Kercheval.

At eleven o'clock and fifty minutes A. M., Mr. Griffith moved to adjourn.

Lost.

INTRODUCTION OF BILLS.

By Mr. Barstow—An Act for the improvement of certain public reservations of the City and County of San Francisco.

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

By Mr. Dinniene—An Act to regulate fares on street railroads in San Francisco.

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

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Gough, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 10th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of Friday, December seventh, read and approved.

LEAVE OF ABSENCE.

Messrs. Sargent, Ames, Miller, Dixon, McClure, and Long were each granted one day's leave of absence. Mr. Abbott was granted two days, and Mr. Allen an indefinite leave of absence.

MOTIONS AND RESOLUTIONS.

By Mr. Coffey:

Resolved, That the San Francisco delegation be allowed a Clerk, to be elected by said delegation, at the per diem fixed by law for other Committee Clerks, to be paid in like manner.

Referred to the Committee on Additional Attachés.

By Mr. Tuttle:

Resolved, That so much of the Governor's message as refers to the finances of the State, and report of Board of Equalization, be referred to the Committee on Ways and Means.

2. Attorney-General—Committee on Judiciary.
3. Secretary of State—Committee on Ways and Means
4. Surveyor-General—Committee on Public Lands
5. Superintendent of Public Instruction—Committee on Education.
6. Adjutant-General—Committee on Military Affairs.
7. Insurance Commissioner—Committee on Corporations.
8. Insane Asylums at Napa and Stockton—Committee on Hospitals
9. State Prisons—Committee on State Prison.
10. State University—Committee on Education.
11. Asylum for the Deaf, Dumb, and Blind—Committee on Education
12. Yosemite Valley—Committee on Internal Improvements.
13. Transportation Commission—Committee on Corporations.
14. State Harbor Commissioners—Committee on Commerce and Navigation.
15. State Printer—Committee on Public Printing.
16. State Board of Health—Committee on Hospitals.
17. Fish Commissioners—Committee on Fisheries
18. State Land Commissioner—Committee on Public Lands.
19. State Library—Committee on State Library.
20. West Side Irrigation District—Committee on Irrigation.
21. Registry Law—Committee on Judiciary.
22. Protection of holders of mining stocks—Committee on Mines and Mining Interests
23. Taxing sales of mining stocks—Committee on State and County Revenue
24. Appropriations for benevolent purposes—Committee on Ways and Means.
25. Indian war bonds—Committee on Ways and Means.
26. Appropriation for Capitol grounds—Committee on Ways and Means
27. Constitutional Convention—Committee on Judiciary.
28. Chinese immigration—Committee on Federal Relations.

Adopted.

By Mr. Young—Assembly Concurrent Resolution:

Resolved by the members of this House, the Senate concurring, That all amendments to any section of the Codes of this State shall require not only the number of the section, but also the subject matter of the amendment, clearly and definitely stated

Read and referred to the Judiciary Committee, when appointed.

By Mr. Tuttle:

Resolved, That a committee of three be appointed by the Speaker to ascertain from the Secretary of State and State Librarian the number of copies of the Codes and amendments thereto, together with the Statutes of the twenty-first session of the Legislature, with the view of furnishing the members of the Assembly with copies thereof.

Adopted.

The Speaker, in accordance with the above resolution, appointed the following committee: Messrs. Tuttle, Dare, and Backus.

By Mr. Nott:

Resolved, That the Controller is hereby authorized to draw his warrant in favor of R G. Harris, Night Watchman, for the sum of twenty dollars, to be paid out of the Contingent Fund of the Assembly, the same being for four days' services rendered prior to the permanent organization of the Assembly.

Adopted

By Mr. Gough:

Resolved, That the Pages, Porters, Postmaster, and Watchman of the Assembly be under the immediate supervision of the Sergeant-at-Arms, and any dereliction of duty on the part of any of these officers be reported immediately to the Assembly.

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

By Mr. Ostrom:

Resolved, That a committee of three be appointed by the Speaker of this House, whose duty it shall be to furnish stationery and stamps to the attachés of this House as will be necessary for their actual use as such attachés, and no attaché of this House shall be entitled to make requisition for any stationery except through such committee.

Adopted.

In accordance with the above resolution the Speaker appointed the following committee: Messrs. Ostrom, Smyth, and Farnum.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 7th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 24—An Act giving control of the bridge across the Estuary of San Antonio to the Supervisors of the County of Alameda—and, under a suspension of the rules, ordered to be *transmitted to the Assembly forthwith, without engrossment.*

SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 7th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No. 2, relative to printing five thousand copies of the Governor's message, and herewith transmitted.

SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 7th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No. 3, relative to binding the report of the Transportation Commissioners, and herewith transmitted.

SECKEL, Assistant Secretary.

Senate Bill No. 24, above reported, read first and second times, and referred to the Alameda delegation.

Senate Concurrent Resolution No. 31, above reported, read, and, upon motion of Mr. Broderick, laid on the table.

Senate Concurrent Resolution No. 14, above reported, read, and referred to the Committee on Printing.

NOTICES.

By Mr. Johnson:

MR. SPEAKER: I hereby give notice that I will introduce, at as early a day as possible, the following bills:

An Act to amend sections six hundred and sixty-seven and six hundred and eighty-two of the Code of Civil Procedure, and thereby to repeal the so-called Specific Contract Law.

An Act to add another section to the Penal Code, to prevent opium smoking.

An Act to give relief to the unemployed workingmen of California.

An Act to give employment to the workingmen of California.

An Act to protect the rights of married women.

An Act to protect agriculture.

An Act to add a new section to the Political Code, to be designated section two thousand one hundred and eighteen, in relation to military affairs.

An Act to amend sections one thousand nine hundred and thirty-six and two thousand and ninety-four of the Political Code, in relation to military affairs.

An Act to amend section three thousand four hundred and seventy-one of the Political Code, in relation to swamp and overflowed land.

An Act to amend certain sections of the Code of Civil Procedure of this State, in relation to Justices' Courts.

An Act to amend section three thousand four hundred and sixty-eight of the Political Code, in relation to swamp and overflowed land.

By Mr. Ellis:

I desire, in a short time, to introduce the following bills:
A bill in regard to paying witnesses in criminal cases in Los Angeles County.
A bill in regard to the destruction of squirrels in Los Angeles County.
A bill in regard to the mileage and per diem of members of the Legislature.
A bill in regard to county roads in Los Angeles County.
A bill in regard to the trespassing of animals in Los Angeles County.

By Mr. McComas:

I hereby give notice that I will, at an early day, introduce a bill amending the wagon tire law of Santa Clara County.
Also, a bill amending the registry law.

By Mr. Murphy of San Francisco:

I hereby give notice that I will, at an early day, introduce a bill to create and maintain a State Labor Bureau in the State of California.

By Mr. Holloway:

Notice is hereby given that I will, at an early day, introduce a bill to promote irrigation in the County of Los Angeles.

By Mr. Barstow:

I give notice that, on to-morrow, I will introduce a bill entitled "An Act to regulate the course of study and the use of text-books in the public schools of the State of California."

By Mr. Upton:

I hereby give notice that I will, at an early day, introduce an Act supplemental to an Act to incorporate Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

By Mr. Murphy of Del Norte:

I give notice that I will, at an early day, introduce a bill to purify primary elections.

By Mr. Hinshaw:

I will, within a few days, introduce a bill in relation to fees and salaries of certain officers in the County of Sonoma.

By Mr. Tuttle:

I hereby give notice of the introduction of a bill to amend the Political Code, relative to salaries of State officers and attachés
Also, of a bill to provide text-books for the use of the common schools.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Colusa.

Read first and second times, and referred to the Colusa delegation.

By Mr. Forsyth—An Act to establish the rates of fare on street railroads, in the City and County of San Francisco.

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

By Mr. Murphy of Del Norte—An Act fixing the bonds of the County Treasurer of the County of Del Norte.

Read first and second times, and referred to the Del Norte delegation.

Also, An Act to fix the time of holding the County Court of Del Norte County.

Read first and second times; reference same as the previous bill.

By Mr. Welch—An Act to authorize the Trustees of Lower Lake School District, of Lake County, to issue bonds to pay for the Nichols' school building.

Read first and second times, and referred to the Lake delegation.

By Mr. Griffith—An Act to empower the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade.

Also, an Act to change the grading of certain streets in the City and County of San Francisco.

Both of the above bills read first and second times, and referred to the San Francisco delegation.

By Mr. Gough—An Act to increase and regulate the police force of the City and County of San Francisco.

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

By Mr. Farnum—An Act for the relief of the School Department of the City of Oakland.

Also, an Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and provide for the payment of certain warrants, if any now outstanding.

Each of the above bills read first and second times, and referred to the Alameda delegation.

Also, an Act to amend section four thousand and twenty-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee when appointed.

By Mr. Murphy of San Francisco—An Act creating the office of Bank Commissioner, and defining his duties and powers.

Read first and second times, and referred to the Committee on Corporations when appointed.

By Mr. Johnson—An Act to promote the health of the residents of the City of Sacramento.

Also, an Act in relation to the government of the City of Sacramento.

Each of the above bills were read first and second times, and referred to the Sacramento delegation.

By Mr. Hugg—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Waters—An Act amendatory of section three thousand eight hundred and eighty-eight of the Political Code.

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

By Mr. Coffey—An Act to provide for the adoption of text-books for use in the public schools.

Read first and second times, and referred to the Committee on Education.

RESOLUTION.

By Mr. Tuttle:

Resolved, That all local bills reported favorably by delegations shall, before their final passage, be referred to a standing committee of the Assembly.

Referred to the Committee on Rules.

GENERAL FILE.

Assembly Concurrent Resolution No. 7—Relating to certain Indian Reservations.

Rules suspended, considered engrossed, read third time, and passed, and ordered to the Senate without engrossment.

STANDING COMMITTEES OF THE ASSEMBLY.

The Speaker then announced the following standing committees:

On Agriculture—Messrs. Thompson, Haile, Ostrom, Mayfield, Ewing, McComas, and Cooley.
On Agriculture, Mining, and Mechanic Arts College—Messrs. Tobin, Broderick, Warden, McClure, Hanna, Sargent, and Whitlock.
On Claims—Messrs. Ostrom, Hinshaw, Garver, Thompson, Smyth, McComas, and Blake.
On Commerce and Navigation—Messrs. Haworth, Asmussen, Dixon, Griffith, and Dare
On Corporations—Messrs. Tuttle, Waters, Haile, Haworth, Garver, Dixon, Meyers, Swift, and Nott.
On Counties and County Boundaries—Messrs. Pace, Montague, Warden, Hanna, Whitlock, Russ, Allen, Miller, and Byington
On Culture and Improvement of the Grape-vine—Messrs. Mayfield, McComas, Routier, McClure, Wheat, Hinshaw, and Mace.
On Education—Messrs Haile, Tuttle, Young, Upton, Pauly, Hicks, and Abbott.
On Elections—Messrs Nealley, Holloway, Giffen, Ellis, Griffith, Forsyth, and Brooks.
On Engrossment—Messrs. Young, Asmussen, Dare, Dinniene, and Brooks.
On Enrollment—Messrs. Broderick, Nealley, Long, Farnum, and Russ.
On Federal Relations—Messrs. Gildea, Anderson, Murphy of Del Norte, Swift, Barstow, Moffat, and Johnson.
On Indian Affairs—Messrs Robertson, Adams, Pauly, and Russ
On Internal Improvements—Messrs. Dunlap, Blake, Mace, Forsyth, and Brooks.
On Irrigation—Messrs. Ewing, Meyers, Young, Dorsey, Mace, Routier, and Sherman.
On Judiciary—Messrs. Anderson, Waters, Barstow, Holloway, Murphy of Del Norte, Coffey, Hart, DeWitt, Welch, Swift, and Breen.
On Mileage—Messrs. Hicks, Giffen, and Conroy.
On Military Affairs—Messrs. Dorsey, Tobin, Backus, Dinniene, and Dare.
On Mines and Mining Interests—Messrs. Blackwell, Byington, Hugg, Wheat, Dunlap, Moffat, and Wilson.
On Public Buildings—Messrs. Dixon, Upton, Ludgate, Connolly, Forsyth, Byington, and Long.
On Public Expenditures—Messrs. Hinshaw, Nott, Smyth, McClure, and Johnson.
On Public Lands—Messrs. Welch, Hanna, Breen, Wheat, Blackwell, Nott, Sherman, May, and Smyth.
On Public Morals—Messrs Adams, Ellis, Gough, Blake, and Ames
On Roads and Highways—Messrs. Wheat, Ludgate, Hugg, Cooley, and Whitlock.
On Rules and Regulations—Messrs. Barstow, Gildea, Murphy of San Francisco, Abbott, and Backus.
On State Hospitals—Messrs. Montague, Mayfield, Thompson, Murphy of San Francisco, and Wilson.
On State Library—Messrs Tobin, May, and Johnson.
On State Prison—Messrs. Miller, Moffat, Griffith, Broderick, Allen, May, and Abbott.
On Swamp and Overflowed Lands—Messrs. Hart, Ostrom, Haile, DeWitt, Ewing, Brooks, Adams, Kercheval, Sargent, Robertson, and Ames.
On Ways and Means—Messrs. Nott, Gildea, Waters, Garver, Kercheval, Backus, and Tuttle.
On Public Printing—Messrs. Upton, Gough, Pace, Coffey, Conroy, Farnum, and Connolly.

Mr. Murphy of Del Norte requested to be excused from serving on the Committee on Indian Affairs.

Upon motion of Mr. Johnson, the request was granted.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., upon motion of Mr. Holloway, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 11th, 1877.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read, and the name of Mr. Backus, upon motion of Mr. Tuttle, was inserted instead of Mr. Broderick on the special committee to procure Codes. The Journal, as thus amended, adopted.

LEAVE OF ABSENCE.

Upon application of Mr. Meyers, Mr. Sargent was granted one day's leave of absence.

The Speaker presented to the House the papers in the contested case of Bishop vs. Ames, of San Mateo, which, upon motion of Mr. Gildea, were laid upon the table.

Mr. Sargent, upon his own application, was excused from serving upon the Committee on Agriculture, Mining, and Mechanic Arts College.

REPORTS OF SELECT COMMITTEES.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution allowing a Clerk to the San Francisco delegation, have had the same under consideration, and beg leave to report it back, and give, as our opinion, that said delegation will not need a Clerk until after the holidays.

DIXON, Chairman.

The resolution above reported adopted.

By Mr. Tuttle:

MR. SPEAKER: Your committee appointed to ascertain the number of the Codes of California, with the amendments thereto, together with the Statutes of eighteen hundred and seventy-five and eighteen hundred and seventy-six, ask leave to make the following report Codes complete, with amendments, in the custody of the State Librarian, forty-six sets: ditto, in office of Secretary of State, twenty-three sets; making a total of sixty-nine sets. Statutes of eighteen hundred and seventy-five and eighteen hundred and seventy-six, one hundred and thirty-six volumes. Statutes Continued in Force, fifty-six volumes.

All of which is respectfully submitted.

TUTTLE,
BACKUS,
DARE,
} Committee.

MOTIONS AND RESOLUTIONS.

By Mr. Johnson:

Resolved, That the Speaker be and he is hereby authorized to appoint an additional member of the Committee on State Prison.

Laid over for one day under the rules.

By Mr. Hart:

Resolved, That Grove L. Johnson be added to the Committee on Judiciary.

Laid over for one day under the rules.

By Mr. Swift—Assembly Concurrent Resolution, relative to reserving the fresh waters upon public lands.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Barstow—Assembly Concurrent Resolution, relative to approving the Southern policy of President Hayes.

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

By Mr. Gildea:

Resolved, That the Rev. O. P. Fitzgerald be and he is hereby invited to open the sessions of this House with prayer, and that he receive the usual per diem allowed to Chaplains, to be paid out of the Contingent Fund of the Assembly.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Haile, Ostrom, and Murphy of Del Norte.

The roll was called, and the resolution adopted, the vote being as follows:

AYES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Byington, Coffey, Conroy, Cooley, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Gifford, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Mace, May, Mayfield, McComas, Meyers, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Sherman, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Young, and Mr Speaker—55.

NOES—Messrs. Breen, Broderick, Brooks, Connolly, Dare, Dunniene, Farnum, Garver, Hanna, Hart, Kercheval, Long, Ludgate, McClure, Moffat, Montague, Nealley, Routier, Smyth, Upton, and Whitlock—21.

By Mr. Gough:

Resolved, That the Sergeant-at-Arms of the Assembly is hereby instructed and authorized to receipt to the Controller of State for the warrants of all officers and attachés of the Assembly during the session.

Adopted.

By Mr. Broderick:

Resolved, That the Chief Clerk is hereby directed to have printed and placed upon the desks of the members of the Assembly, each morning, the journal of proceedings of the preceding day.

Referred to the Committee on Printing.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 10th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under a suspension of the rules, passed Senate Joint Resolution No 4, relative to Chinese immigration, and ordered the same to be transmitted to the Assembly forthwith, without engrossment.

SECKEL, Assistant Secretary.

Senate Concurrent Resolution No. 4, above reported, read first and second times, rules suspended, read third time, and passed.

NOTICES.

By Mr. Pauly:

I hereby give notice that I will, at an early day, introduce a bill concerning roads and highways in San Diego County.

By Mr. Ewing:

Of a bill to amend certain sections of the Political Code, and to provide for the assessment of migratory bands of live stock in certain counties of this State.

By Mr. Moffat:

Of a bill in relation to the salary of the County Treasurer of Inyo County.

By Mr. Dinniene:

Of a bill amending section six of the Civil Code, making the marriages of white persons with negroes, mulattoes, or Chinese, null and void.

By Mr. Smyth:

Of a bill amending sections three thousand five hundred and eighty-four, three thousand five hundred and eighty-five, and three thousand five hundred and eighty-six, of the Political Code.

By Mr. Sherman.

Of a bill in relation to compensation of jurors and witnesses, in criminal cases, in the Counties of Santa Barbara and Ventura.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Long—An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide bounties for the same.

Read first and second times, and referred to delegations of the several counties.

By Mr. Tuttle—An Act to prescribe the manner of furnishing text-books for public schools.

Read first and second times, and referred to Committee on Education.

Also, an Act to establish a State Reformatory.

Read first and second times, and referred to Committee on State Prison.

By Mr. Barstow—An Act to regulate the course of study and use of text-books in public schools.

Read first and second times, and referred to Committee on Education.

By Mr. Hart—An Act entitled an Act to provide for the holding of a Constitutional Convention.

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

By Mr. Russ—An Act to amend section two thousand five hundred and sixty-eight of the Political Code.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Dixon—An Act to amend section three thousand six hundred and forty-four of the Political Code.

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

By Mr. Upton—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Johnson—An Act to protect the rights of married women.

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

Also, an Act to give relief to the unemployed workingmen of California.

Read first and second times, and referred to Committee on Ways and Means.

Also, an Act to add another section to the Penal Code, Chapter II, Title IX, Part I, to prevent opium smoking.

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

Also, an Act to amend sections six hundred and sixty-seven and six hundred and eighty-two of the Code of Civil Procedure, and thereby repeal the so-called Specific Contract Law.

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

RESOLUTION.

By consent of the House, the following resolution was introduced by Mr. Ostrom:

Resolved, That Mr. Moffat of Inyo be added to the Committee on Judiciary.

Laid over for one day.

REPORT.

Mr. Farnum had leave to make the following report:

MR. SPEAKER: The Alameda delegation, to whom Senate Bill No. 24 was referred, entitled "An Act giving control of the bridge across the Estuary of San Antonio, in the County of Alameda, to the Board of Supervisors of said county," most respectfully report the following amendment to the same, and favor the passage of the bill as amended.

J. E. FARNUM,
R. A. McCLURE,
M. W. DIXON.

Upon motion of Mr. Farnum the rules were suspended and Senate Bill No. 24, above reported, taken up for consideration.

The bill was amended, read a third time, and passed.

The Speaker presented a communication from the Secretary of State, transmitting an abstract of the vote cast for and against a Constitutional Convention, at the general election held on Wednesday, September fifth, eighteen hundred and seventy-seven.

Read, and referred to the Committee on Judiciary.

The Speaker announced the following gentlemen as the Committee on Retrenchment: Messrs. Upton, Haile, and Wilson.

ADJOURNMENT.

At twelve o'clock and forty-eight minutes P. M., upon motion of Mr. Tuttle, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 12th, 1877.

House met pursuant to adjournment.
The Speaker in the chair.
The roll was called, and a quorum present.
Prayer by the Chaplain.
The Journal of yesterday was read and approved.

REPORT OF SELECT COMMITTEE.

Mr. Murphy of Del Norte made the following report:

MR. SPEAKER: The Del Norte delegation, to whom was referred Assembly Bill No. 5—An Act fixing the bonds of the County Treasurer of Del Norte County; and Assembly Bill No. 6—An Act to fix the time of holding the County Court of Del Norte County—beg leave to report the same back and recommend their passage.

J. E. MURPHY, for Delegation.

MOTIONS AND RESOLUTIONS.

The following resolution was offered by Mr. Johnson:

Resolved, That the Speaker be and he is hereby authorized to appoint a Page to wait upon the Speaker's and Clerk's desks, said Page to receive the same per diem as paid to the other Pages of the Assembly, payable out of the appropriation for the contingent expenses of the Assembly.

Referred to the Committee on Additional Attachés and Employés.

On motion of Mr. Murphy of Del Norte it was ordered that the papers in the case of the contest of Bishop vs. Ames, of San Mateo, be returned to the Secretary of State.

By Mr. Haworth:

Resolved, That the Speaker be and is hereby authorized to appoint two additional members of the Committee on Education.

Laid over for one day under the rules.

By Mr. Murphy of Del Norte:

Resolved, That a committee of five be appointed by the Speaker to investigate the solvency of the savings and loan banks or societies of the State of California, and provide means to protect depositors.

Upon the question of reference of the above resolution to the Committee on Judiciary, the ayes and noes were demanded by Messrs. Tuttle, Murphy of Del Norte, and Dare.

The motion to refer was lost by the following vote:

AYES—Messrs. Allen, Blake, Coffey, Dixon, Ewing, Farnum, Garver, Haile, Hinshaw, Meyers, Miller, Murphy of San Francisco, Pace, Pauly, Swift, Thompson, Tuttle, Upton, Wilson, and Mr. Speaker—20.

NOES—Messrs. Adams, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Broderick, Brooks, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ellis, Forsyth, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Keicheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Tobin, Warden, Waters, Welch, Wheat, Whitlock, and Young—56.

The previous question was then moved by Messrs. Murphy of Del Norte, Johnson, and Holloway.

The question being upon the adoption of the original resolution, the ayes and noes were demanded by Messrs. Tuttle, Murphy of Del Norte, and Nott.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Connolly, Conroy, Dare, DeWitt, Dinniene, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Gough, Griffith, Haile, Hart, Hicks, Holloway, Hugg, Johnson, Keicheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Nealley, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Tobin, Warden, Welch, Wheat, Whitlock, and Young—57.

NOES—Messrs. Allen, Coffey, Cooley, Dixon, Farnum, Garver, Hanna, Haworth, Hinshaw, Meyers, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Swift, Tuttle, Upton, Waters, Wilson, and Mr. Speaker—22.

By Mr. Ellis:

Resolved, That J. B. Holloway of Los Angeles County be added to the Committee on Irrigation.

Laid over one day under the rules.

By Mr. Tuttle:

Resolved, That the Speaker appoint a committee of three for the purpose of ascertaining the number and location of rooms for the use of the various committees of the Assembly, and also the times of meeting of said committees.

Adopted.

By Mr. Holloway—Assembly Concurrent Resolution:

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be and they are hereby respectfully requested to use their most earnest efforts to procure an appropriation of money from the General Government for the improvement of Wilmington Harbor, in Los Angeles County.

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

By Mr. Pauly:

Resolved, That the Committee on Retrenchment be requested to report to-morrow on the matter of supplying the members of the Assembly with the Codes and Statutes Continued in Force, as published by A. L. Bancroft & Co., in two volumes.

Adopted.

By Mr. Miller:

Resolved, That George W Giffen be and is hereby appointed an additional member of the State Prison Committee.

Laid over for one day under the rules.

By Mr. Backus—Assembly Concurrent Resolution, relative to the encouragement of rifle practice in the Army of the United States, and the militia of the several States.

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

By Mr. Upton:

Resolved, That Mr. Dunnene be added to the Committee on Public Buildings and Grounds.

Laid over for one day under the rules.

By Mr. Meyers:

Resolved, That an invitation be extended to Professor George Davidson to deliver two or more lectures, to the members of the Legislature, on the subject of irrigation, at his earliest convenience, and that we tender him the use of the Assembly Chamber for that purpose.

Adopted.

By Mr. Wilson:

Resolved, That R. C. Sargent be added to the Committee on Claims.

Laid over for one day under the rules.

By Mr. Dixon:

Resolved, That C. H. Gough be added to the Committee on Public Buildings and Grounds.

Laid over for one day under the rules.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 11th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Assembly Concurrent Resolution No. 7, relating to certain Indian Reservations, and ordered the same transmitted to the Assembly forthwith

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 12th, 1877.

MR SPEAKER. I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 11, to appoint a Joint Committee upon matters touching Chinese immigration, and ordered the same transmitted to the Assembly forthwith.

G. SECKEL, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, December 12th, 1877.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 10, relating to joint standing rules, and ordered the same transmitted to the Assembly forthwith.

G. SECKEL, Assistant Secretary.

Senate Concurrent Resolutions No. 10 and No. 11, above reported, read, and concurred in.

RESOLUTION.

By permission of the House, Mr. Sherman introduced the following resolution:

Resolved, That John T. Dare be added to the Committee on Corporations.

Laid over for one day under the rules.

REPORT.

Mr. Ewing, by permission, made the following report:

MR SPEAKER: The Mariposa delegation, to whom was referred Assembly Bill No. 32—An Act conferring certain powers on the Board of Supervisors of Mariposa County, in employing special counsel in certain cases—have had the same under consideration, report it back, and recommend its passage.

EWING, for Delegation.

Assembly Bill No. 32, above reported.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

NOTICES.

By Mr. Breen:

I hereby give notice that I will, at an early day, introduce an Act to define and fix the legal distances from the county seat of San Benito County to the State Capital, the State Prison, the Insane Asylum at Stockton, and the Branch Insane Asylum at Napa.

Also, an Act to provide for the payment of the claim of Harry Roberts, Luis Raggio, and others, for services rendered the State of California by the capture of Cleodoveo Chavez, one of the associates of Tiburcio Vasquez, the bandit.

Also, an Act to amend section one thousand one hundred and fifteen of the Political Code.

By Mr. Griffith:

I hereby give notice that at an early day I will introduce a bill for the better regulation of the San Francisco Fire Department.

INTRODUCTION OF BILLS.

By Mr. Swift—An Act to provide and regulate the establishment and collection of water-rates.

Read first and second times, and referred to Committee on Corporations.

By Mr. Backus—An Act to amend the Political Code of California, and other Acts concerning military affairs.

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

By Mr. Breen—An Act to amend section two thousand eight hundred and thirty-two of the Civil Code.

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

By Mr. Young—An Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure.

Read first and second times, and referred to Committee on Corporations.

By Mr. Brooks—An Act to amend an Act entitled an Act to provide for the payment of the debt upon the Road Fund of Butte County, approved March twenty-seventh, eighteen hundred and seventy-six.

Read first and second times, and referred to the Butte delegation.

By Mr. Smyth—An Act to amend sections three thousand five hundred and eighty-four, three thousand five hundred and eighty-

five, and three thousand five hundred and eighty-six of the Political Code.

Read first and second times, and referred to Committee on Public Lands.

By Mr. Russ—An Act concerning fees of jurors in the County of Humboldt.

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

By Mr. Welch—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of Kelley Cañon road, in Lake County.

Also, an Act to fix the terms of the County and Probate Court for Lake County.

Each of the above bills read first and second times, and referred to the Lake delegation.

By Mr. Johnson—An Act to amend section three thousand four hundred and seventy-one of the Political Code.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, an Act to give employment to the working men of California.

Read first and second times, and referred to Committee on State Prison.

Also, an Act to amend certain sections of the Code of Civil Procedure.

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

By Mr. Ewing—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for the equitable distribution of the taxes derived therefrom.

Read first and second times, and referred to Committee on Agriculture.

The following resolutions, laid over from yesterday, were taken up.

Resolved, That the Speaker be and he is hereby authorized to appoint an additional member of the Committee on State Prison.

Adopted.

Resolved, That Grove L. Johnson be added to the Committee on Judiciary.

Adopted.

Resolved, That S. B. Moffat of Inyo be added as an additional member to Committee on Judiciary.

Adopted.

The Speaker announced the following to fill vacancies on committees:

On State Prison—Mr. Routier.
On Indian Affairs—Mr. Wheat.
On Agriculture and Mechanic Arts College—Mr. Murphy of San Francisco.

At twelve o'clock and forty minutes P. M., on motion of Mr. Ostrom, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, December 13th, 1877.

House met pursuant to adjournment.
Speaker in the chair.
Rolled called, and a quorum present.
Prayer by the Chaplain.
The Journal of yesterday read and approved.

PETITION.

Mr. Moffat presented a petition from citizens and taxpayers of Mono County, in reference to increasing the salary of the County Judge of Mono County.
Referred to Committee on Judiciary.

REPORTS OF SELECT COMMITTEES.

By Mr. Hart:

MR. SPEAKER: The Colusa delegation, to whom was referred Assembly Bill No. 3—Concerning an Act to regulate fees and fix the salaries and compensation for certain officers for the County of Colusa—have had the same under consideration, and hereby return the same and recommend its passage.

HART, for Delegation.

By Mr. Upton:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 27—entitled an Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—beg leave to report that they have examined said bill, and report the same back, recommending its passage.

UPTON,
McCOMAS,
HANNA.

Bill above reported taken up, rules suspended, considered engrossed, read a third time, and passed.
Title approved.
By Mr. Welch:

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 7—An Act to authorize the Trustees of Lower Lake School District, of Lake County, to issue bonds to pay for the schools and school buildings—respectfully report that the same has been taken under careful consideration, and report the same back, recommending its passage.

WELCH, for Delegation.

The bill above reported was taken up, and referred to the Committee on Education.

RESOLUTIONS.

The following resolution was introduced by Mr. Johnson:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to furnish the State Library with five copies of each bill, resolution, or other document, printed by the order of the Assembly.

Adopted.

By Mr. Brooks:

WHEREAS, The Postmaster rendered service to the House from the first day of the session (December third) to the time of his election (December sixth), therefore, be it

Resolved, That the Postmaster be allowed nine dollars for services rendered the House; the Controller be and is hereby authorized to draw his warrant, and the Treasurer to pay the same

Referred to the Committee on Retrenchment.

By Mr. Gough:

Resolved, That the Speaker be authorized to appoint a special committee of five on fish and game.

Laid over one day under the rules.

By Mr. Dare:

WHEREAS, The existing laws governing the salmon fisheries of California are in many particulars not satisfactory to the parties most in interest, and, whereas, the fishermen of the Sacramento river and its tributaries desire some change in the provisions of said law; therefore, be it

Resolved, That the Speaker of the Assembly appoint a committee of three to visit Rio Vista and Collinsville, and other points on the Sacramento River, for the purpose of obtaining such information as will enable them to devise some means of improving the present laws relating to such matters.

Referred to the Committee on Rules.

NOTICES.

By Mr. May:

Of a bill for an Act repealing sections three thousand three hundred and seventy-six, three thousand three hundred and seventy-nine, three thousand three hundred and eighty-two, and three thousand three hundred and eighty-five of the Political Code.

Also, of an Act to change the time of delinquent tax sales in the City and County of San Francisco, in that instead of thirty days after the property becomes delinquent ninety days be allowed before the sales shall take place.

INTRODUCTION OF BILLS.

By Mr. Tuttle—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Connolly—An Act relative to street repairs in the City and County of San Francisco.

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

By Mr. Breen—An Act to add a new section to the Political Code.

Read first and second times, and referred to Committee on Mileage.

By Mr. Nealley—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte, approved April third, eighteen hundred and seventy-six.

Read first and second times, and referred to Butte delegation.

By Mr. Moffat—An Act amendatory of an Act entitled an Act to regulate fees in office and salaries of certain officers, and to repeal certain other Acts in relation thereto.

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

By Mr. Johnson—An Act to add a new section to the Political

Code, to be designated section two thousand one hundred and eighteen.

Read first and second times, and referred to Committee on Mileage.

Also, an Act to amend sections one thousand nine hundred and thirty-six and two thousand and ninety-four of the Political Code.

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

Also, an Act to amend sections one thousand five hundred and twenty-one, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand seven hundred and twelve, one thousand six hundred and thirty-four, and one thousand six hundred and thirty-nine of the Political Code, in relation to school matters.

Read first and second times, and referred to Committee on Education.

By Mr. Montague—An Act to prevent hogs and goats from running at large within the limits of the town site of the Town of Weaverville, Trinity County, California.

Read first and second times, and referred to Trinity delegation.

GENERAL FILE.

Assembly Bill No. 5—An Act fixing the bonds of the County Treasurer of Del Norte County.

The above bill was taken up, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 6—An Act to fix the time of holding the County Court of Del Norte County.

The above bill was taken up, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

UNFINISHED BUSINESS.

Resolutions laid over from yesterday were taken up as follows:

Resolved, That Assemblyman C. H. Gough be added to the Committee on Public Buildings and Grounds.

Lost.

Resolved, That John T. Dare be added to the Committee on Corporations.

Lost.

Resolved, That George W. Giffen be and he is hereby appointed an additional member of the State Prison Committee.

Lost.

Resolved, That Mr. Dinniene be added to the Committee on Public Buildings and Grounds.

Lost.

Resolved, That J. B. Holloway of Los Angeles County be added to the Committee on Irrigation.

Adopted.

Mr. Routier, by permission of the House, was excused from serving on the Committee on Irrigation.

Mr. Wilson moved to reconsider the vote by which the resolution to add George W. Giffen to the Committee on State Prison was lost.

Lost.

Resolved, That R. C. Sargent be added to the Committee on Claims.

Lost.

Resolved, That the Speaker be and is hereby authorized to appoint two additional members on the Committee on Education.

Laid on the table.

The Speaker, in accordance with Senate Concurrent Resolution No. 10, announced the following appointments:

Joint Committee on Rules—Messrs. Barstow, Gildea, and Backus.

By permission of the House Mr. Barstow was excused from serving on said committee.

The Speaker then substituted the name of Mr. Haile.

Joint Committee on Chinese—Messrs. Anderson, Waters, and Swift.

Also, the following Assembly Committees:

Committee on Bank Investigations—Messrs. Murphy of Del Norte, Tuttle, Dare, May, and Swift.

Committee on Rooms—Messrs. Tuttle, Nealley, and Pauly

ADJOURNMENT.

At twelve o'clock and fifty-eight minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Friday, December 14th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of yesterday read and approved.

REPORT.

Mr. Young, from the Committee on Engrossment, made the following report:

ASSEMBLY CHAMBER,
SACRAMENTO, December 14th, 1877.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 32—An Act conferring certain powers on the Board of Supervisors of Mariposa County, in employing special counsel in certain cases.

Also, Assembly Bill No 27—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine

Also, Assembly Bill No 5—An Act fixing the bonds of the County Treasurer of the County of Del Norte.

Also, Assembly Bill No. 6—An Act to fix the time of holding the County Court of Del Norte County.

YOUNG, for Committee.

PETITION.

Mr. Hart introduced a petition from the citizens of Tehama County, with reference to an amendment to the so-called No-fence Law, in Tehama County, extending the provisions to certain portions of said county.

REPORTS OF STANDING COMMITTEES.

Mr. Hicks, from the Committee on Mileage, offered a report as to mileage due to members, which, after discussion, was referred back to the committee for correction.

By Mr Upton:

MR. SPEAKER Your Committee on Retrenchment, to whom was referred the resolution to furnish to the members of this Assembly copies of the Codes and Statutes Continued in Force, as published in two volumes by A. L. Bancroft & Co., would respectfully report that the Secretary of State has on hand twenty full sets of the Codes and Statutes Continued in Force, as published in the old form, and that there is in the State Library sixty full sets of said Codes and Statutes, being enough to furnish this Assembly with the same Your committee would, therefore, report back said resolution, with the following recommendation:

Resolved, That the Secretary of State and the State Librarian be directed to turn over to the Sergeant-at-Arms of this Assembly the copies of the Codes and Statutes Continued in Force, in their respective offices, or a sufficient number thereof to supply each member of this Assembly with one full set of said Codes and Statutes.

UPTON, Chairman.

Pending the discussion of the above resolution, Mr. Anderson offered the following substitute:

Resolved, That the Secretary of State be directed to purchase of Bancroft & Co. eighty copies of the California Codes, compiled in two volumes, at the price of fifteen (15) dollars per copy, and that the same be paid for out of the Contingent Fund of the Assembly; that the Secretary of State furnish to each member of the Assembly one copy, taking the member's receipt that the same shall be returned to him at the close of the session.

The question being upon the adoption, the ayes and noes were demanded by Messrs. Nott, Hart, and Sargent.

The roll was called and the substitute adopted, by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Brooks, Connolly, Conroy, Cooley, DeWitt, Dimmick, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Holloway, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Swift, Thompson, Tobin, Warden, Waters, Welch, Whitlock, and Young—54.

NOES—Messrs. Breen, Coffey, Dare, Dixon, Dorsey, Dunlap, Haile, Hanna, Hart, Hinshaw, Hugg, Ludgate, McComas, Nott, Ostrom, Pace, Sherman, Smyth, Tuttle, Upton, Wheat, Wilson, and Mr. Speaker—23.

The question now being upon the resolution as amended, the resolution was adopted.

By Mr. Welch:

MR. SPEAKER The Lake County delegation, to whom was referred Assembly Bill No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon road, in Lake County—respectfully report that the same has been considered, and report it back, with a recommendation that it pass

WELCH, for Delegation.

Also:

MR. SPEAKER The Lake County delegation, to whom was referred Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts of Lake County—respectfully report that the same has been carefully considered, and report it back, with a recommendation that it pass.

WELCH, for Delegation.

Mr. Long, from the delegations to whom was referred Assembly Bill No. 20—An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same—made a verbal report of the same, recommending its passage.

Assembly Bill No. 20, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Brooks:

MR. SPEAKER The Butte delegation, to whom was referred Assembly Bill No. 37, report favorably upon same, and recommend its passage.

MAX BROOKS,
G. L. NEALLEY.

Assembly Bill No. 37, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Broderick:

MR. SPEAKER Your Committee on Enrollment have examined Assembly Concurrent Resolution No. 7 and report the same correctly enrolled, and that the same was presented at eleven o'clock A. M., December fourteenth, eighteen hundred and seventy-seven, to the Governor for his approval.

BRODERICK, Chairman.

RESOLUTIONS.

By Mr. Johnson:

WHEREAS, It is the desire of all parties and persons that the monopoly of land in California should be broken up, and that the holders of vast quantities of the soil of our State should be legally forced to dispose of the same in small tracts to actual settlers; and whereas, under our present system of taxation, the owners of small cultivated farms pay more than their just share of the taxes of the State, and the owners of large grants, which are generally uncultivated, do not pay as much tax as they should; and whereas, these evils should be rectified, therefore,

Resolved, That the Judiciary Committee be and they are hereby instructed to examine as to the constitutionality of a law imposing the same rate of assessment upon uncultivated land as is imposed upon cultivated land of equal agricultural capacity, and if they find the same to be constitutional, to prepare a bill or bills to carry the same into effect, and report speedily the result of their deliberations to the Assembly.

Mr. Gildea moved to amend the resolution by striking out the preamble.

Pending the discussion of the amendment offered by Mr. Gildea, Mr. Waters moved to refer the matter to the Committee on Judiciary.

The question being on reference, the ayes and noes were demanded by Messrs. Johnson, Hart, and Sherman.

The roll was called, and the matter referred by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Asmussen, Backus, Blake, Breen, Broderick, Brooks, Byington, Conroy, Cooley, Dare, DeWitt, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Hanna, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Whitlock, Wilson, and Young—51.

NOES—Messrs. Barstow, Blackwell, Coffey, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Haile, Hart, Hinshaw, Holloway, Long, Ludgate, Mace, McComas, Miller, Montague, Nott, Smyth, Swift, Thompson, Welch, and Mr. Speaker—25.

REPORT.

By Mr. Tuttle:

MR SPEAKER: Your Committee on Rooms ask leave to report that rooms seventy-one and seventy-two, third floor, have been assigned to the Committees on Enrollment and Engrossment; that room sixty-three, off the State Library, can be temporarily used by the Judiciary Committee, and the Committee on Corporations, that permanent rooms can be obtained for all the standing committees after the adjournment of the present term of the Supreme Court.

TUTTLE, for Committee.

RESOLUTIONS.

By Mr. Nott:

Resolved, That the names and number of the newspapers entitled to stationery, as per resolution passed by this House, shall be handed to the Secretary of State, and that such number shall not exceed five, and that the Committee on Printing shall designate the papers entitled to such stationery.

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

The question being upon laying the resolution on the table, the ayes and noes were demanded by Messrs. Nott, Tuttle, and Johnson.

The roll was called, and the resolution laid on the table by the following vote

AYES—Messrs. Abbott, Allen, Asmussen, Barstow, Blackwell, Blake, Broderick, Byington, Coffey, Connolly, Cooley, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ewing, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hanna, Haworth, Hicks, Hinshaw, Hugg, Long, Ludgate, Mace, May, Mayfield, McClure, Meyers, Millet, Moffat, Montague, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Waters, Welch, Wheat, and Young—53.

NOES—Messrs. Ames, Backus, Breen, Brooks, Conroy, Farnum, Griffith, Hart, Holloway, Johnson, Kercheval, McComas, Murphy of Del Norte, Nott, Ostrom, Routier, Sargent, Tobin, Tuttle, Warden, Whitlock, and Mr. Speaker—22.

Mr Tuttle gave notice of reconsideration on Monday next.

Mr. Brooks was granted leave of absence for to-morrow.

Mr. Gildea moved that the Clerk of this House furnish the Secretary of State with a list of the names of reporters occupying desks on the floor of the House at the present time, that they alone might be allowed fifteen dollars' worth of stationery each.

By Mr. Ostrom:

Resolved, That representatives of the public press be required to make their requisition for stationery which they may require, of the committee appointed to furnish stationery to the employés and attachés of the House.

Pending the discussion of the above motion, at one o'clock and thirty-two minutes P. M., Mr. Gildea moved to adjourn.

Lost.

At one o'clock and thirty-five minutes P. M., Mr. Tuttle moved to adjourn until to-morrow, at ten o'clock A. M.

Lost.

ADJOURNMENT.

At one o'clock and forty minutes P. M., Mr. Griffith moved to adjourn till Monday, at 2 o'clock P. M.

Carried.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 17th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

The Journal of Friday, December fourteenth, read and approved.

One day's leave of absence was granted to Mr. Backus.

REPORTS OF STANDING COMMITTEES.

Mr. Hicks, from the Committee on Mileage due to members, offered the following report:

MR. SPEAKER: The Committee on Mileage would beg leave to report that the following amounts are due to the members of the Assembly for mileage from and to their residences to the Capital for the twenty-second session of this House. We have taken official distances as established by Part II, Title III, of the Political Code, as amended, as a basis, and have calculated mileage and amounts in accordance with section two hundred and sixty-six (266) of said Code.

NAME	County.	Miles.	Amount.
Abbott, S. C.	Monterey	392	$58 80
Allen, C. D	Marin	192	28 80
Adams, W. S	Kern	556	83 40
Anderson, W. F.	San Francisco	168	25 20
Asmussen, A	San Francisco	168	25 20
Ames, J. P.	San Mateo	220	33 00
Brooks, Max	Butte	156	23 40
Blackwell, S. L.	Nevada	188	28 20
Breen, J. F.	San Benito	346	51 90
Berry, C. P	Sutter	100	15 00
Byington, Lewis	Sierra	238	35 70
Barstow, George	San Francisco	168	25 20
Blake, Seth B.	San Francisco	168	25 20
Broderick, William	San Francisco	168	25 20
Backus, S. W.	San Francisco	168	25 20
Cofley, J. V.	San Francisco	168	25 20
Conroy, M. C	San Francisco	168	25 20
Connolly, J. E	San Francisco	168	25 20
Cooley, C. H	Sonoma	282	42 30
Dixon, M. W.	Alameda	182	27 30
Dunlap, Thomas	Amador	130	19 50
Dorsey, Caleb	Stanislaus	154	23 10

REPORT OF COMMITTEE ON MILEAGE—Continued.

NAME.	County.	Miles.	Amount.
Dare, John T	Solano	80	12 00
DeWitt, W. M.	Yolo	40	6 00
Dinmene, John H	San Francisco	168	25 20
Ellis, Asa	Los Angeles	956	143 40
Ewing, Andrew	Merced	228	34 20
Farnum, John E.	Alameda	182	27 30
Forsyth, W. K	San Francisco	168	25 20
Garver, M.	Nevada	142	21 30
Giffen, George W.	Nevada	260	39 00
Griffith, A. J.	San Francisco	168	25 20
Gough, C. H	San Francisco	168	25 20
Gildea, Charles	San Francisco	168	25 20
Hart, T. J.	Colusa	160	24 00
Holloway, J. B	Los Angeles	980	147 00
Haile, R C.	Solano	108	16 20
Himshaw, E C.	Sonoma	282	42 30
Hanna, William	Santa Clara	256	38 40
Hugg, B. P.	Yuba	104	15 60
Hicks, John A.	San Francisco	168	25 20
Haworth, James	San Francisco	168	25 20
Johnson, Grove L.	Sacramento		
Kercheval, R.	Sacramento	50	7 50
Ludgate, R.	Amador	106	15 90
Long, L. F.	Mendocino	410	61 50
McClure, R. A.	Alameda	182	27 30
Murphy, J E	Del Norte	728	109 20
Miller, J. H.	El Dorado	122	18 30
Mace, R P.	Fresno	298	44 70
Mayheld, J. M.	Napa	152	22 80
McComas, Rush	Santa Clara	272	40 80
Meyers, Samuel	San Joaquin	124	18 60
Montague, J. C.	Trinity	434	65 10
May, W. B.	San Francisco	168	25 20
Murphy, R. W.	San Francisco	168	25 20
Moffat, S. P.	Inyo	942	141 30
Nealley, G. H.	Butte	234	35 10
Nott, S. A.	Alpine	450	67 50
Ostrom, D. A	Yuba	104	15 60
Pauly, F. N.	San Diego	1,104	165 60
Pace, George	Santa Cruz	410	61 50
Russ, Joseph	Humboldt	624	93 60
Routier, Joseph	Sacramento	20	3 00
Robertson, P. C	Modoc	758	113 70
Sargent, R. C.	San Joaquin	96	14 40
Sherman, Caleb	Santa Barbara	738	110 70
Smyth, Edward	Tuolumne	200	30 00
Swift, John F.	San Francisco	168	25 20
Tuttle, B. F.	Sonoma	282	42 30
Thompson, R. B.	San Joaquin	96	14 40
Tobin, J. J.	San Francisco	168	25 20
Upton, C. W.	Santa Clara	256	38 40
Warden, L. M.	San Luis Obispo	586	87 90
Waters, Byron	San Bernardino	1,176	176 40
Welch, S. K.	Lake	408	61 20
Wheat, A. R.	Calaveras	146	21 90
Whitlock, J H.	Plumas	324	48 60
Wilson, M. W.	Placer	134	20 10
Young, Albert J.	Contra Costa	218	32 70

(Signed:)

J. A. HICKS,
M. C. CONROY.

By consent of the House, the following corrections were made to the report:

Sixty miles additional were allowed to Mr. Hanna.
Twenty-four miles to Mr. Ellis.
Thirty-two miles were deducted from Mr. Tuttle's allowance.
Fifty miles were added to Mr. McClure's allowance.
Sixty miles to Mr. Dixon's.
Twenty-eight miles were deducted from Mr. Sargent's allowance.
Ninety miles were added to Mr. Hugg's allowance.
Eighty miles were deducted from Mr. Robertson's allowance.
Mr. Nott moved that the report be re-referred to the committee for correction.
Lost.
The report as corrected was then adopted.

RESOLUTION.

By Mr. Murphy of Del Norte:

Resolved, That the Controller be and he is hereby authorized to issue warrants in favor of the members of the Assembly for the amounts due them from the report of the Committee on Mileage.

Adopted.

REPORT OF SELECT COMMITTEE.

By Mr. Farnum:

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 12—entitled an Act to authorize the transfer of certain moneys in certain funds of the County of Alameda to the General Fund of said county—herewith report favorably upon the same, and recommend its passage.

FARNUM, for the Delegation.

RESOLUTIONS.

By Mr. Ostrom:

Resolved, That the Chief Clerk and the Sergeant-at-Arms be each allowed fifteen dollars worth of postage stamps, the same to be paid for from the Contingent Fund of the Assembly.

Adopted
By Mr. Tuttle:

Resolved, That the Committee on Corporations be authorized to employ a Clerk from and after the adoption of this resolution.

Referred to the Committee on Public Expenditures and Accounts.
By Mr. Dorsey:

Resolved, That the Committee on Corporations be and they are requested to report a bill to regulate freights and fares on the various railroads in this State, at as early a day as possible.

Moved by Mr. Johnson, that the resolution be made the special order for January fifth, eighteen hundred and seventy-eight.
Lost.
Mr. Murphy of San Francisco moved to lay the resolution on the table.
The question being on laying on the table, the ayes and noes were demanded by Messrs. Johnson, Sargent, and Waters.
The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Asmussen, Barstow, Blake, Broderick, Brooks, Conroy, Dare, Farnum, Forsyth, Haile, Haworth, Johnson, Kercheval, May, McClure, Meyers, Miller, Murphy of San Francisco, Nott, Robertson, Routier, Tuttle, and Whitlock—27.

NOES—Messrs. Anderson, Blackwell, Breen, Byington, Coffey, Connolly, Cooley, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Mayfield, McComas, Moffat, Montague, Murphy of Del Norte, Nealley, Ostrom, Pace, Pauly, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Upton, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—52.

Mr Broderick offered the following substitute for the original resolution:

Resolved, That the Committee on Corporations inquire into the cause of the failure of the Transportation Commission to report to the Legislature, in conformity with an Act providing for the appointment of said Commission, passed during the twenty-first session of the Legislature, and report the same to this body at an early day.

Mr. Gildea moved to refer the whole subject matter to the Committee on Corporations.

The question being on reference to the Committee on Corporations, the ayes and noes were demanded by Messrs. Johnson, Gildea, and Sherman.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Ames, Asmussen, Broderick, Brooks, Byington, Conroy, Cooley, Dare, DeWitt, Forsyth, Garver, Giffen, Gildea, Haile, Haworth, Johnson, Kercheval, Ludgate, May, McClure, Miller, Moffat, Murphy of Del Norte, Pace, Routier, and Whitlock—27.

NOES—Messrs. Abbott, Allen, Anderson, Barstow, Blackwell, Blake, Breen, Coffey, Connolly, Dimmene, Dorsey, Dunlap, Ellis, Ewing, Farnum, Gough, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Hugg, Long, Mace, Mayfield, McComas, Meyers, Montague, Murphy of San Francisco, Nealley, Pauly, Robertson, Russ, Sargeant, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—49.

Mr. Barstow moved that the resolution and substitute be indefinitely postponed.

ADJOURNMENT.

Pending the discussion of the above motion, at four o'clock and twelve minutes P. M., on motion of Mr. Haile, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 18th, 1877.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday was read and, after being corrected by allowing, among others, seventy-four miles additional mileage to Mr. Cooley, was approved.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, December 18th, 1877.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 20—An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, eighteen hundred and seventy-six.

YOUNG, for Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Dixon:

MR. SPEAKER: Your committee, to whom was referred the resolution authorizing the Speaker to appoint a Page for the Speaker and Clerks at the desk, have had the same under consideration, and report that we find no necessity for any such appointment, and recommend that it do not pass.

DIXON, Chairman.

The following resolution, above reported, was then taken up to be acted upon:

Resolved, That the Speaker be and he is hereby authorized to appoint a Page to wait upon the Speaker's and Clerks' desks, said Page to receive the same per diem as paid the other Pages of the Assembly, payable out of the appropriation for the contingent expenses of the Assembly.

Report of committee concurred in and resolution lost.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred a resolution in relation to a Clerk for the Committee on Corporations, have had the same under consideration, and ask leave to report it back, and recommend its adoption

HINSHAW, Chairman.

The following resolution, above reported, was then taken up to be acted upon:

Resolved, That the Committee on Corporations be authorized to employ a Clerk from and after the adoption of this resolution.

Mr. Gough moved to lay the resolution on the table till after the holidays.

Lost.

Mr. Dinniene moved to amend by inserting the words "on and after the third day of January, eighteen hundred and seventy-eight."

The question being upon the amendment, the ayes and noes were demanded by Messrs. Ostrom, Murphy of Del Norte, and Dare.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Adams, Breen, Brooks, Byington, Dare, Dinniene, Dunlap, Farnum, Gough, Hart, Hugg, Kercheval, Long, Ludgate, Mace, McComas, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Robertson, Sherman, Wheat, and Young—26.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Broderick, Coffey, Connolly, Conroy, Cooley, Dixon, Dorsey, Ellis, Ewing, Forsyth, Garvey, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Johnson, May, Mayfield, McClure, Meyers, Miller, Montague, Nott, Ostrom, Pace, Rontier, Russ, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Whitlock, Wilson, and Mr. Speaker—54.

Mr. Dare then moved to amend by inserting January second, eighteen hundred and seventy-eight.

Lost.

The question being upon the adoption of the resolution, the vote was taken, and the resolution adopted.

RESOLUTIONS.

By Mr. Farnum—Assembly Concurrent Resolution, relative to increased postal facilities for the City of Oakland.

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

By Mr. Warden—Assembly Concurrent Resolution, relative to an appropriation from the General Government for the improvement of the Harbor of San Luis Obispo.

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

By Mr. Dixon:

Resolved, That no engrossed or enrolled bill containing any erasures or interlineations whatsoever shall be sent from the Engrossing or Enrolling Clerks' offices to the Governor for his approval.

Adopted.

By Mr. Moffat:

Resolved, That Theo B Ross be and is hereby appointed Assistant Journal Clerk, with the salary allowed per diem as other Clerks of this House.

Referred to Committee on Attachés.

By Mr. Cooley—Assembly Concurrent Resolution, relative to a postal savings bank.

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

By Mr. Welch:

Resolved, That the Judiciary Committee of this House be and they are hereby directed and required to report to the Assembly, at a date not later than the fourteenth day of January next, by bill or otherwise, as said committee may deem best, on the resolution presented to this Assembly on the fourteenth instant, by the Hon. Grove L. Johnson, member from the County of Sacramento, relative to the uniform assessment of all lands of equal agricultural capacity.

Moved by Mr. Haile that the resolution be laid on the table.

Carried.

By Mr. Cooley—Assembly Concurrent Resolution, relative to changing the manner of electing a President and Vice-President of the United States.

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

By Mr. Tuttle:

Resolved, That the Committee on Rules be requested to re-arrange the order of business, so that the order of motions, notices, and resolutions shall immediately precede the general file.

Referred to Committee on Rules.

BALLOTING FOR UNITED STATES SENATOR.

The House, at twelve o'clock meridian, took up the special order—the election of one United States Senator to succeed the Hon. Aaron A. Sargent—in accordance with the following Act of Congress:

An Act to regulate the time and manner of holding elections for Senators in Congress.

[Approved July 25th, 1866.]

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof; or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, as prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State, from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

The roll of the Assembly was called, and the following members responded:

Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker.

NOMINATIONS FOR SENATOR, TO SUCCEED THE HON. AARON A. SARGENT.

Mr. Murphy of Del Norte nominated Hon. James T. Farley.

Mr. Farnum nominated Hon. M. M. Estee.

The Clerk proceeded with the calling of the roll until the name of Mr. Swift was reached, when that gentleman arose in his seat and asked to be excused from voting, giving the following as his reasons:

Having been elected as an independent candidate by the votes of Democrats and Republicans, after assuring both parties that no action of mine should injure either in the election of United States Senator, had the present vote been close, I could not cast the deciding ballot, as my constituents elected me for a special purpose, trusting that I would keep my pledge concerning this election. Should I now vote for an outside party, it might seem a slight to those estimable gentlemen who have been placed in nomination, either of whom I would cheerfully vote for were I in the Republican or Democratic party lines. Therefore, I ask to be excused from voting.

By consent of the House, the gentleman's request was granted. The Clerk proceeded with the roll call, which resulted as follows:

For Farley—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dimmick, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garvey, Giffen, Gilden, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Ludgate, Mace, Mayfield, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Wheat, Young, and Mr Speaker.

For Estee—Messrs Abbott, Allen, Ames, Backus, Blake, Breen, Brooks, Conroy, Cooley, Farnum, Forsyth, Johnson, Kercheval, May, McClure, McComas, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Whitlock, and Wilson

For Jackson Temple—Mr. Welch

Whole number of votes cast	79
Necessary to a choice	40
James T Farley received	54
M. M. Estee received	24
Jackson Temple received	1

The Speaker declared the vote, and that James T. Farley is the choice of the Assembly for United States Senator for California, to succeed the Hon. Aaron A. Sargent

RESOLUTION.

By Mr. Tuttle:

Resolved, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, and that the Senate be requested to meet in the Assembly Chamber to-morrow, December nineteenth, eighteen hundred and seventy-seven, in joint assembly, for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

Adopted.

SENATE MESSAGES.

The following messages were received from the Senate.

SENATE CHAMBER,
SACRAMENTO, December 14th, 1877

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eleventh day of December, eighteen hundred and seventy-seven, passed Senate Bill No 17—An Act to ascertain and express the will of the people of the State of California upon the subject of Chinese immigration—under a suspension of the rules, and the same is transmitted herewith.

Also passed, under suspension of the rules, Senate Bill No. 43—An Act to provide for the construction of the Casitas Pass road, in the County of Ventura—and the same is transmitted herewith.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 14th, 1877.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eleventh day of December, eighteen hundred and seventy-seven, passed Senate Joint Resolution No. 5—Relative to Chinese immigration—and the same is transmitted herewith.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 17th, 1877

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, received a message from the Governor, transmitting the Fourth Biennial Report of the Board of Park Commissioners of the City and County of San Francisco, which was ordered printed; and, there being but one copy, the Senate was requested to notify the Assembly of its receipt.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 18th, 1877.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, have adopted Senate Concurrent Resolution No. 14—Providing for an adjournment of the Senate and Assembly until the third day of January, eighteen hundred and seventy-eight

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 18th, 1877.

MR SPEAKER. I am directed to inform your honorable body that the Senate, on the seventeenth instant, under suspension of the rules, passed Senate Bill No. 2—entitled an Act to Limit and fix the rates of fare on street railroads in cities and towns of more than one hundred thousand inhabitants.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 17, above reported, read first and second times, rules suspended, and, upon the third reading, Mr. Anderson offered the following amendment: Amend by inserting the word "special" after the word "or," in line twelve.

Amendment adopted, the bill read third time, and passed.

Senate Bill No. 43, above reported, read first and second times, and referred to the Santa Barbara and Ventura delegations.

Senate Joint Resolution No. 5, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 14, above reported, read first and second times, rules suspended, read third time, and adopted.

Senate Bill No. 2, above reported, read first and second times, and referred to the San Francisco delegation.

NOTICES.

By Mr. Pauly:

I hereby give notice that I will, to-morrow, introduce the following resolution.

Resolved, That the Sergeant-at-Arms be instructed to have the minutes of each day's session printed and placed upon the desks of the members of the Assembly the following morning, and that further reading of the minutes be dispensed with, save when specially desired for correction.

By Mr. DeWitt:

I hereby give notice that I will, on to-morrow, introduce a bill to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure.

INTRODUCTION OF BILLS.

By Mr. Berry—An Act to validate the assessment and assessment roll for State and county taxes in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven.

Read first and second times, and referred to the Sutter delegation.

By Mr. Berry—An Act to legalize and enforce the collection of a district school tax, and to render lawful the acts of the Board of Trustees of the North Butte School District, pursuant to an election held there.

Read first and second times, and referred to the Sutter delegation.

By Mr. Ames—An Act to fix the terms of the several Courts of record in the County of San Mateo.

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

By Mr. May—An Act to amend section three thousand seven hundred and sixty-four of the Political Code.

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

By Mr. Hart—An Act to amend an Act to protect agriculture and to prevent the trespassing of animals in Tehama County.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Swift—An Act to repeal an Act entitled an Act to confer further powers on the Superintendent of Public Streets, Highways and Squares in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-six.

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

By Mr. Swift—An Act to amend the Civil Code, relative to water rights and the appropriation of waters.

Read first and second times, and referred to Committee on Irrigation.

By Mr. Johnson—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Johnson—An Act to provide for the repairing of the sewers of Sacramento City.

Read first and second times, and referred to Sacramento delegation.

By Mr. Johnson—An Act to repeal an Act entitled an Act to restrict sheep from being herded or running at large in Sacramento County, approved March fourteenth, eighteen hundred and seventy-six.

Read first and second times, and referred to Sacramento delegation.

By Mr. Dinniene—An Act to amend section sixty of the Civil Code.

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

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Tuttle—An Act for the relief of Julius Blume.

Read first and second times, and referred to the Committee on Claims.

By Mr. Moffat—An Act to authorize the Board of Supervisors of Mono County to issue bonds for the establishment of a wagon road from Antelope Valley to Dexter's Mills, in said county.

Read first and second times, and referred to Mono delegation.

By Mr Whitlock—An Act to amend an Act to create the Twenty-first Judicial District.

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

By Mr. Breen—An Act to amend section three thousand seven

hundred and eighty-seven of the Political Code, in relation to the parties that may become purchasers at tax sales.

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

By Mr. Breen—An Act to provide for the payment of the claim of Harrison Roberts and Luis Raggio, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.

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

By Mr. Ellis—An Act relative to highways in Los Angeles County.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Ewing—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

Read first and second times, and referred to the Committee on Irrigation.

On motion of Mr. Ewing, it was ordered that double the usual number of copies of the bill relating to the West Side Irrigation District be printed.

RESOLUTIONS.

By Mr. Gildea:

Resolved, That the usual number of copies of all bills, now introduced, or hereafter to be introduced, relating to the City and County of San Francisco, be printed.

Adopted.

By Mr. Dunlap:

Resolved, That the Journal Clerk be and he is hereby authorized to appoint an assistant, at a per diem of six dollars, payable out of the appropriation for contingent expenses of this House.

Referred to Committee on Attachès.

ADJOURNMENT.

At one o'clock and five minutes P. M., on motion of Mr. Nott, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 19th, 1877.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read, and, after being corrected by inserting the words "Judiciary Committee" instead of the words "Sacramento delegation," in the matter of the reference of Mr. Johnson's

bill concerning the herding of sheep in Sacramento County, was approved.

By consent of the House, Mr. Ewing was excused from serving on the Committee on Agriculture.

REPORTS OF STANDING COMMITTEES.

By Mr. Anderson:

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 50—An Act amendatory of an Act entitled an Act to regulate fees in office, and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—have had the same under consideration, and have agreed to a substitute for said bill, and do now report the same back to the House, and recommend the passage of the substitute.

W. F. ANDERSON, Chairman.

Assembly Bill No. 50, above reported, was taken up, substitute adopted, rules suspended, considered engrossed, read third time, and put upon its final passage.

On the question of the passage of the bill, the ayes and noes were demanded by Messrs. Gildea, Nott, and Connolly.

IN JOINT ASSEMBLY.

WEDNESDAY, December 19th, 1877.

The hour of twelve o'clock, meridian, having arrived, the Assistant Sergeant-at-Arms announced that the members of the Senate were at the bar of the House

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress, entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-sixth, eighteen hundred and sixty-six.

Hon. James A. Johnson, President of the Senate, and Hon. C. P. Berry, Speaker of the Assembly, presiding.

The roll of the Senate was called, the following members answering to their names:

Messrs. Angney, Beazell, Boyston, Brown of Amador, Brown of El Dorado, Coleman, Craig, Crane, Curtis, Dean, Donovan, Evans, Flint, Fowler, Goodwin, Gwin, Haymond, Hilborn, Hill, Howe, Lambert, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Murphy of San Francisco, Murphy of San Luis Obispo, Murphy of Santa Clara, Norton, Nunan, Pierson, Porter, Ream, Rogers, Satterwhite, Searls, Shirley, Smith, and Whitney—40.

The roll of the Assembly was called, and the following members answered to their names:

Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dunniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—80.

The President directed the Secretary of the Senate to read the Act of Congress requiring the joint assembly to be held this day.

From the official publication it was read as follows:

An Act to regulate the time and manner of holding elections for Senators in Congress

[Approved July 25th, 1866.]

SECTION 14 The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC 15. Such election shall be conducted in the following manner. Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof; or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected

If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and shall take at least one vote, until a Senator is elected

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section, for the election of a Senator for a full term

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18 It shall be the duty of the Executive of the State, from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19 The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate then read from the Journal of the Senate so much of the proceedings of yesterday, which was the second Tuesday after organization, as relates to the election of a United States Senator to succeed the Hon. A. A. Sargent, whereby it appeared that forty Senators were present, and voted each for his choice, and that James T. Farley had received twenty-eight votes, and that M. M Estee had received twelve votes

The President of the Senate then announced that in the vote cast in the Senate yesterday, James T. Farley had received a majority of all the votes cast in the Senate.

The Chief Clerk of the Assembly then read as much of the Journal of the Assembly of yesterday as relates to the proceedings of that body in reference to the election of United States Senator, held in accordance with the Act of Congress above recited, whereby it appeared that every member of the House was present, and seventy-nine members voted each for his choice, James T. Farley receiving fifty-four votes, M. M. Estee receiving twenty-four votes, and Jackson Temple receiving one vote, and one vote excused.

The Speaker then announced that James T. Farley had received a majority of all the votes cast, and declared him the choice of the House for United States Senator.

The President of the Senate having announced that the Hon James T. Farley had received a majority of all the votes cast of those present and voting in each House of the Legislature yesterday, declared said James T. Farley to be duly elected United States Sen-

ator for the State of California, for six years, beginning on the fourth day of March, eighteen hundred and seventy-nine.

Mr. Satterwhite moved that the reading of the minutes of the joint assembly be dispensed with, and that they be approved.

Adopted.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Evans, the joint assembly adjourned.

The Senate having retired, the roll of the Assembly was called, and a quorum found to be present.

[Speaker in the chair.]

The calling of the roll on the passage of Assembly Bill No. 50 was resumed, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, DeWitt, Dorsey, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Holloway, Johnson, Kercheval, Long, Ludgate, Mace, May, Mayfield, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sherman, Swift, Thompson, Tobin, Upton, Waters, Welch, Whitlock, and Wilson—56.

NOES—Messrs Asmussen, Cooley, Dare, Dimmick, Dixon, Dunlap, Haile, Hanna, Hinshaw, Hugg, McComas, Miller, Nott, Ostrom, Pace, Robertson, Smyth, Tuttle, Wheat, Young, and Mr. Speaker—21.

Title approved.

REPORT.

MR. SPEAKER The Joint Committee on Joint Rules for Senate and Assembly recommend the adoption of the following joint rules:

1.

Committee of Conference.

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 committee 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.

2.

Messages must be announced by Door-keeper.

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.

3.

Secretary, Clerk, etc, to carry messages.

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.

4.

Notices to be on paper under proper signature.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed

5.

Enrolled bills to receive signature of proper officers.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

6.

Enrolling Committee to compare

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originated, 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, stating by whom such bill was examined.

7

President and Speaker to sign bills.

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.

8.

Enrolling Committee to present bill to Governor.

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 time of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

9

Orders, resolutions, and votes, to be approved as are bills

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.

10.

Joint addresses to Governor.

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.

11.

Bill or resolution of one House, rejected in the other, requires notice.

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.

12

Rejected bills require five days' notice and two-thirds vote for re-introduction.

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.

13.

Each House to transmit papers.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

14.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

15.

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.

16

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

17.

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.

18.

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.

19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

20.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution, except by unanimous consent.

21.

All concurrent or joint resolutions, which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

22.

Whenever a bill or resolution which shall have passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

GEO. H. ROGERS,
E. J. LEWIS,
W. H. BROWN,
} Committee of the Senate.

CHAS GILDEA,
S. W BACKUS,
R. C. HAILE,
} Committee of the Assembly.

Report concurred in, and joint rules adopted.

REPORTS.

ASSEMBLY CHAMBER,
SACRAMENTO, December 19th, 1877.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 37—An Act to amend an Act entitled an Act to provide for the payment of the debt due upon the Road Fund of Butte County, approved March twenty-seventh, eighteen hundred and seventy-six.

YOUNG, for Committee.

By Mr. Coffey:

MR SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 2—An Act to limit and fix the rates of fare on street railroads in cities and towns of more than one hundred thousand inhabitants—*report* the same back with *amendments*, and *recommend* the passage of the bill as amended.

The delegation further ask that the rules of the Assembly be suspended, and the bill considered at once.

J. V. COFFEY, Chairman San Francisco Delegation.

Senate Bill No. 2, above reported, was taken up.

Mr. Coffey moved to suspend the rules and put the bill upon its final passage.

Upon the question of suspending the rules, the ayes and noes were demanded by Messrs. Swift, Connolly, and Hicks.

Roll was called, and the rules suspended by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Haile, Hart, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffitt, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Pauly, Routier, Russ, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—72.

NOES—Messrs. Cooley, Dare, Dinniene, Hanna, Haworth, Murphy of San Francisco, and Sherman—7.

The question now being upon the passage of the bill, the ayes and noes were demanded by Messrs. Dinniene, Sargent, and Coffey.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Coffey, Connolly, Conroy, Cooley, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna,

Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Kercheval, Long, Ludgate, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—74.

NOES—Messrs. Barstow, Dare, and Sargent—3.

Title approved.

By Mr. Upton:

MR SPEAKER Your Committee on Public Printing, to whom was referred Senate Concurrent Resolution No. 14, have had the same under consideration, and report it back with the accompanying substitute, and respectfully recommend the passage of the substitute.

UPTON, Chairman.

Senate Concurrent Resolution, above reported, taken up.

Mr. Murphy of Del Norte moved to amend, by adding the words "five hundred copies in German."

Carried.

Mr. Haile moved to further amend, by adding the words "five hundred copies in French."

Lost.

Mr. Tuttle moved to reconsider the vote by which the words "five hundred copies in German" were added to the resolution.

Carried.

At two o'clock P. M., Mr. Haile moved to adjourn.

Lost

The question then being upon the amendment adding the words "five hundred copies in German," the ayes and noes were demanded by Messrs. Murphy of Del Norte, Murphy of San Francisco, and Cooley.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Ames, Anderson, Asmussen, Backus, Barstow, Broderick, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dunlap Ellis, Forsyth, Gough, Haile, Hart, Hinshaw, Holloway, Hugg, Mace, Mayfield, McClure, McComas, Meyers, Montague, Murphy of Del Norte, Murphy of San Francisco Nealley, Ostrom, Pace, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Tobin, Warden, Waters, Welch, and Wheat—43.

NOES—Messrs Abbott, Adams, Allen, Blackwell, Blake, Coffey, Connolly, Conroy, Dunniene, Dorsey, Ewing, Farnum, Gaiver, Gildea, Griffith, Hanna, Haworth, Hicks, Johnson, Kercheval, Long, Ludgate, May, Miller, Moffat, Nott, Pauly, Thompson, Tuttle, Upton, Whitlock, Wilson, Young, and Mr. Speaker—34.

At two o'clock and fifteen minutes P. M., Mr. Tuttle moved to adjourn.

Lost.

Mr. Ostrom now moved to strike out everything in the resolution after the word "English."

Pending the discussion of Mr. Ostrom's motion, the previous question was moved by Messrs. Johnson, Murphy of Del Norte, and Hart, and so ordered by the House.

The question being on Mr. Ostrom's motion to strike out, the ayes and noes were demanded by Messrs. Ostrom, Hart, and Johnson.

The roll was called, and the motion lost, by the following vote:

AYES—Messrs. Abbott, Allen, Anderson, Asmussen, Blake, Byington, Cooley, Dare, DeWitt, Dimniene, Dixon, Dorsey, Dunlap, Farnum, Haile, Kercheval, Long, Ludgate, Miller, Ostrom, Robertson, Tuttle, Upton, Wilson, Young, and Mr. Speaker—26.

NOES—Messrs. Adams, Ames, Backus, Barstow, Blackwell, Broderick, Brooks, Coffey, Con-

nolly, Conroy, Ellis, Ewing, Forsyth, Garver, Gildea, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Routier, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Warden, Waters, Welch, Wheat, and Whitlock—51.

The question now being upon the adoption of the substitute as amended, the ayes and noes were demanded by Messrs. Haile, May, and Cooley.

The roll was called, and the substitute, as amended, was adopted by the following vote:

AYES—Messrs Adams, Ames, Asmussen, Backus, Barstow, Blackwell, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Dorsey, Ellis, Ewing, Forsyth, Gildea, Gough, Griffith, Hanna, Haworth, Hicks, Hinshaw, Holloway, Johnson, Mace, May, Mayfield, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Warden, Waters, Welch, Wheat, and Whitlock—50.

NOES—Messrs Abbott, Allen, Anderson, Blake, Cooley, Dare, DeWitt, Dinmene, Dixon, Dunlap, Farnum, Garver, Haile, Hart, Hugg, Kercheval, Long, Ludgate, Miller, Montague, Ostrom, Tuttle, Upton, Wilson, Young, and Mr Speaker—26

The question now being upon the adoption of the resolution as amended, the vote was taken and the resolution adopted.

REPORT.

By Mr. Holloway:

MR SPEAKER The Los Angeles delegation, to whom was referred Assembly Bill No 72, have examined the same, and report it back to the House, and recommend its passage.

HOLLOWAY, for Delegation

[Mr. Gildea in the chair.]

Assembly Bill No. 72, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Upon motion of Mr. Coffey, the House took up Senate messages.

SENATE CHAMBER, December 18th, 1877.

Resolved, That the Senate has received the request of the Assembly to meet in joint assembly, at twelve o'clock M., December nineteenth, eighteen hundred and seventy-seven, in the Assembly Chamber, for the election of Senator in Congress, and accedes thereto.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December, 18th, 1877.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 45—An Act to amend an Act entitled an Act authorizing the Trustees of the San Buenaventura School District, of the County of Santa Barbara, in this State, to issue bonds for said district, for the sum of ten thousand dollars.

Also, passed Assembly Bill No 32—An Act conferring certain powers on the Board of Supervisors of Mariposa County in employing special counsel in certain cases

Also, passed Assembly Bill No 27—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—and have transmitted the same herewith.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 19th, 1877.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eighteenth instant, passed Senate Bill No. 59—entitled an Act relative to street repairs in the City and County of San Francisco

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 19th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, has passed Senate Bill No. 75—entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 75, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 45, above reported, read first and second times, and referred to the Santa Barbara and Ventura delegation.

Senate Bill No. 59, above reported, read first and second times, and referred to the San Francisco delegation.

INTRODUCTION OF BILLS.

The following bills were introduced by leave of the House:

By Mr. Abbott—An Act to provide for the purchase of a site and erection of a Court-house and Jail thereon, in the County of Monterey.

Read first and second times, and referred to the Committee on Public Expenditures.

By Mr. Griffith—An Act to ascertain the amount, and provide for the payment, of damages done to St. Francis Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue in said city and county

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

By Mr. Warden—An Act to amend section three thousand seven hundred and sixty-four of the Political Code, in relation to extending the time for the payment of taxes in certain counties in this State.

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

By Mr. DeWitt—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure.

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

By Mr. Long—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and apply proceeds thereof.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Ellis—An Act to legalize the incorporation of the Town of Anaheim.

Read first and second times, and referred to the Committee on Corporations.

REPORTS CONTINUED.

By Mr. Nealley:

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 49—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte—have had the same under consideration, and recommend its passage.

MAX BROOKS,
G. L. NEALLEY, } Delegation.

Assembly Bill No. 49, above reported, taken up, rules suspended, considered engrossed, and, upon motion of Mr. Murphy of Del Norte, referred back to the Butte delegation.

By Mr. Berry:

MR. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 55—An Act to legalize and validate the assessment and assessment roll for State and county taxes in the County of Sutter for the fiscal year commencing March, eighteen hundred and seventy-seven—have had the same under consideration, and recommend its passage.

Assembly Bill No. 55, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Sherman:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 43—An Act to provide for the construction of the Casitas Pass road, in the County of Ventura—beg leave to report that they have had the same under consideration, and respectfully request its immediate passage.

SHERMAN, for Delegation.

Senate Bill No. 43, above reported, taken up for consideration, and, upon motion of Mr. Nott, referred to the Committee on Roads and Highways, with instructions that they report it back on to-morrow.

By Mr. Farnum:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No 11, entitled an Act for the relief of the school department of the City of Oakland—report the same back, and recommend that the same be referred to the Committee on Education.

FARNUM, for the Delegation.

Assembly Bill No. 11, above reported, referred to Committee on Education.

ADJOURNMENT.

At three o'clock and forty minutes P. M., upon motion of Mr. Dinniene, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, December 20th, 1877.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read, and after correction by adding the words "*sine die*" in the matter of the adjournment of the Joint Assembly, on Wednesday, December nineteenth, was approved.

REPORT OF STANDING COMMITTEE.

By Mr. Johnson:

MR. SPEAKER: The Judiciary Committee, having had under consideration Assembly Bill No. 69—An Act to amend an Act to create the Twenty-first Judicial District—report the same back with a substitute, and recommend the passage of the substitute

ANDERSON, Chairman.

Assembly Bill No. 69, above reported, taken up.

Rules suspended.

Pending the discussion of the adoption of the substitute, Mr. Robertson moved to amend by inserting in section two of the bill the words, "to take effect January first, eighteen hundred and eighty-four."

Mr. Nott moved to strike out the enacting clause.

The question being on striking out the enacting clause, the ayes and noes were demanded by Messrs. Johnson, Nott, and Brooks.

The roll was called, and the motion to strike out lost by the following vote:

AYES—Messrs. Adams, Broderick, Byington, Coffey, Cooley, Dare, Dunniene, Dixon, Dunlap, Forsyth, Garver, Gildea, Haile, Hanna, Hart, Hinshaw, Long, Ludgate, Mayfield, McComas, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Sargent, Smyth, Thompson, Tuttle, Upton, Waters, Welch, Wheat, Young, and Mr Speaker—35.

NOES—Messrs Abbott, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Brooks, Connolly, Conroy, DeWitt, Dorsey, Ewing, Farnum, Giffen, Gough, Griffith, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Sherman, Swift, Tobin, Warden, Whitlock, and Wilson—44.

The question being upon the amendment offered by Mr. Barstow, the vote was taken, and the amendment adopted.

Mr Nott moved the indefinite postponement of the bill.

Lost.

Mr. Farnum moved that the bill as amended be re-referred to the Judiciary Committee.

Lost.

The question then being upon the substitute as amended, the vote was taken, and the substitute lost.

Pending the discussion of the engrossment of the original bill, Mr. Tuttle moved its indefinite postponement.

Adopted.

Mr. Coffey moved to take up the order of Senate messages.

Carried.

MESSAGES FROM THE SENATE.

Senate messages were received, as follows:

SENATE CHAMBER,
SACRAMENTO, December 20th, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of December, eighteen hundred and seventy-seven, adopted Senate Concurrent Resolution No. 8—Relative to County Clerks—and on this day ordered the same transmitted to the Assembly forthwith.

Also, directed to transmit to the Assembly forthwith, Senate Bill No. 2, as amended by the Assembly, the Senate refusing to concur in one of the amendments.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 20th, 1877

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth of December, eighteen hundred and seventy-seven, passed, under suspension of the rules, Assembly Bill No. 5—An Act fixing the bonds of the County Treasurer of the County of Del Norte.

Also, passed Assembly Bill No. 6—An Act to fix the time of holding the County Courts of Del Norte County—and transmit the same herewith.

G. SECKEL, Assistant Secretary.

Senate Bill No. 2, above reported, taken up, and the question being, "Will the House recede from its amendment?" the vote was taken, and the House receded.

Senate Concurrent Resolution No. 8, above reported, relative to County Clerks, concurred in.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, December 20th, 1877

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 50—An Act fixing the salary of the County Judge of Mono County.

Also, Assembly Bill No. 55—An Act to legalize and validate the assessment and assessment roll for State and county taxes in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven.

YOUNG, for Committee.

By Mr. Broderick.

ASSEMBLY CHAMBER,
SACRAMENTO, December 20th, 1877.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled, and at ten o'clock and forty-five minutes this A. M. were presented to the Governor for his approval:

Assembly Bill No. 27—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

Assembly Bill No. 32—An Act conferring certain powers on the Board of Supervisors of Mariposa County, in employing special counsel in certain cases.

BRODERICK, Chairman.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, having had under consideration Assembly Bill No. 74—An Act to provide for the purchase of a site and erection of a Court-house and Jail thereon, in the County of Monterey—report the same back, and recommend its passage.

HINSHAW,
NOTT,
McCLURE,
JOHNSON,
SMYTH,
} Committee.

Assembly Bill No. 74, above reported, taken up.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

REPORT.

By Mr. Wheat:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 43—An Act to provide for the construction of the Casitas Pass road, in the County of Ventura—have considered the same, and recommend its passage.

WHEAT, Chairman
HUGG,
LUDGATE
WHITLOCK,
COOLEY.

RESOLUTION.

By Mr. Dinniene:

Resolved, That the Controller of State be and is hereby authorized and empowered to deliver, on to-morrow, the twenty-first instant, to the Sergeant-at-Arms of the Assembly, warrants for

the per diem of the members for the two weeks ending Saturday, the twenty-ninth December, A. D. eighteen hundred and seventy-seven.

Mr. Haile moved to amend by inserting the words "before twelve o'clock."

Adopted.

The resolution, as amended, was then adopted.

RECESS.

At twelve o'clock and forty minutes P M., on motion of Mr. Gildea, the House took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Brooks was appointed a member of the Committee on Agriculture, in the place of Mr. Ewing, who was excused

Mr. Sherman moved to suspend the rules, for the purpose of considering Senate Bill No. 43. There being no objection, the rules were suspended, bill taken up, read third time, and passed.

Title approved.

REPORT.

By Mr. Nealley:

MR SPEAKER The Butte delegation, to whom was referred Assembly Bill No. 49, report the same back, corrected, and recommend its passage.

MAX BROOKS
G. L. NEALLEY.

December 20th, 1877.

REPORT OF STANDING COMMITTEE.

By Mr. Coffey:

SACRAMENTO, December 20th, 1877.

MR. SPEAKER. The San Francisco delegation, to whom was referred Senate Bill No. 59—An Act relative to street repairs in the City and County of San Francisco—report the same back, and recommend its passage. Twenty members present

Also, Senate Bill No 75—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—report the same back, and recommend its passage. Twenty members present

The delegation further ask that the rules of the Assembly be suspended, and the bills be considered at once.

J. V COFFEY, Chairman San Francisco Delegation.

Senate Bill No. 75, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 59, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Rules were now suspended for the purpose of taking up Assembly Bill No. 49—entitled an Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte—reported back by the Butte delegation with correction.

Rules suspended, considered engrossed, read third time, and passed as corrected.

Title approved.

On motion of Mr. Gildea, the vote by which Senate Bill No. 59 was passed, was reconsidered to correct the enacting clause.

The enacting clause was corrected by transposing the word "represented," and the bill passed.

Title approved.

On motion of Mr. Haile, the order of Senate messages was taken up.

MESSAGES FROM THE SENATE.

Messages from the Senate were read as follows:

SENATE CHAMBER,
SACRAMENTO, December 20th, 1877

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to concur in the Assembly substitute for Senate Concurrent Resolution No. 2—Relative to printing the Governor's message.

Also, passed, under a suspension of the rules, Assembly Bill No 20—An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, eighteen hundred and seventy-six.

Also, on the eighteenth day of December, eighteen hundred and seventy-seven, passed Senate Bill No. 3—An Act to preserve the name of a street in the City of San Francisco.

Also, on the eighteenth day of December, eighteen hundred and seventy-seven, passed Senate Joint Resolution No. 15—Relative to the improvement of the San Joaquin River, and the erection of public buildings in the City of Stockton.

Also, on the eighteenth of December, eighteen hundred and seventy-seven, passed Senate Joint Resolution No. 7—Relative to public buildings in Sacramento, and the navigation of the Sacramento River.

Also, on same day, passed Senate Bill No. 48—An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco.

Also, on this day, passed Senate Bill No 19—An Act to amend section three thousand six hundred and seventeen of the Political Code.

P. H. DUNN, Assistant Secretary.

Senate Concurrent Resolution No. 2, above reported, was taken up.

The question being, "Will the House recede from its amendment?" the vote was taken, and the House receded.

RESOLUTION.

By Mr. Swift:

Resolved, That the Judiciary Committee be and are hereby authorized to employ a Clerk, at the salary fixed by law, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Employés and Attachés.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 3, above reported, was taken up, read first and second times, and referred to San Francisco delegation.

Senate Concurrent Resolution No 15, above reported, was taken up, read first and second times.

Mr. Tobin moved to refer to Committee on Federal Relations.

Lost.

The question being upon the passage of the resolution, the vote was taken, and the resolution passed.

Senate Concurrent Resolution No. 7, above reported, was taken up, and read first and second times.

Mr. Ostrom moved to amend, by inserting between the words "Sacramento" and "River" the words "and Feather."

Amendment adopted, and resolution passed as amended.

Title approved.

Senate Bill No. 48, above reported, taken up, read first and second times, and referred to San Francisco delegation.

Senate Bill No. 19, above reported, taken up, read first and second times, and referred to Judiciary Committee.

REPORT.

By Mr. Sherman:

MR. SPEAKER: Your committee, to whom was referred Senate Bill No. 45—To amend an Act entitled an Act authorizing the Trustees of the San Buenaventura School District, of the County of Santa Barbara, in this State, to issue bonds for said district for the sum of ten thousand dollars—beg leave to report that they have had the same under consideration, and would most respectfully recommend its passage.

SHERMAN, for Committee.

Senate Bill No. 45, above reported, was taken up, and referred to Committee on Education.

REPORT OF STANDING COMMITTEE.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following named bills have been correctly enrolled, and this day presented to the Governor for his approval:

Assembly Bill No. 5—An Act fixing the bonds of the County Treasurer of the County of Del Norte.

Assembly Bill No. 6—An Act to fix the time of holding the County Court of Del Norte County.

BRODERICK, Chairman.

December 20th, 1877.

RESOLUTION.

By Mr. Barstow:

Resolved, That two hundred and forty extra copies of Assembly Bill No. 23 be printed for the use of the Assembly.

Mr. Gildea made a verbal report on Assembly Concurrent Resolution No. 6, relative to a new Post-office in San Francisco.

Reported with amendments, and passage recommended, rules suspended to consider the resolution, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Barstow's resolution, mentioned above, relative to printing extra copies of Assembly Bill No. 23, was taken up and adopted.

MOTIONS AND RESOLUTIONS.

By Mr. Dixon:

Resolved, That the Committee on Public Buildings and Grounds be authorized to proceed to make such examination of all public buildings and grounds of this State as they may deem necessary, and, whenever they deem it advisable, to take testimony relating thereto; that they be empowered to send for persons and papers pertinent to such investigation, and authorized to employ a short-hand reporter as Clerk of said committee, at a per diem not exceeding eight dollars, when it shall become necessary to employ said Clerk.

Laid over one day.

By Mr. Hanna:

WHEREAS, The atmosphere of the Assembly Chamber is offensive, and injurious to health and comfort, and whereas, it is believed that the insertion of a petite cock in the pipe that conveys

the steam through the radiators would renovate the atmosphere by immediately re-supplying the oxygen as fast as it is consumed by breathing, by mingling with and becoming incorporated with the unconsumed nitrogen, and would renew the atmosphere and render the air pleasant and wholesome, therefore, be it

Resolved, That the Secretary of State be authorized to employ a workman competent to do the work suggested, and to have it completed on or before the third day of January, eighteen hundred and seventy-eight.

Resolved, That the expense incurred in doing said work be paid out of any money in the Contingent Fund of the House.

Referred to the Committee on Public Buildings.

By Mr. Nealley:

Resolved, That J. W. McCarthy be and he is hereby appointed Assistant Minute Clerk at the desk, at the same per diem as is allowed the Minute Clerk, payable out of the appropriation for contingent expenses of the House.

By Mr. Tuttle—Assembly Concurrent Resolution, relative to soldiers' and sailors' additional homesteads.

Referred to Committee on Agriculture.

By Mr. Pauly:

Resolved, That the Sergeant-at-Arms be instructed to have the minutes of each day's proceedings printed and placed upon the desks of the members of the Assembly the following morning, and that further reading of the minutes be dispensed with, unless specially desired for correction.

Referred to Committee on Employés and Attachés.

By Mr. Gough:

Resolved, That Edward C Morris is hereby appointed Messenger to the Speaker and Assistant Page on the floor of the Assembly, and to be paid out of the Assembly Contingent Fund, at the same per diem as the other Pages of the Assembly.

Referred to Committee on Employés and Attachés.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, December 20th, 1877

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 72—An Act relative to highways in Los Angeles County.

YOUNG, for Committee.

By Mr. Dare:

Resolved, That a standing committee of five be appointed by the Speaker, to be known as the Committee on Fisheries.

Laid over one day.

By Mr. Upton—Assembly Concurrent Resolution, relative to pensions for soldiers and sailors of the Mexican war.

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

By Mr. Thompson—Assembly Concurrent Resolution, relative to an appropriation from the General Government for the improvement of Mokelumne River.

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

At three o'clock and ten minutes P. M. Mr. Nott moved to adjourn. Lost.

Upon motion, the House took up the following Senate message:

SENATE CHAMBER,
SACRAMENTO, December 20th, 1877.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth of December, eighteen hundred and seventy-seven, passed, under suspension of the rules, Senate Joint Resolution No 16—Relative to the improvement of Feather River

G. SECKEL, Assistant Secretary.

Senate Concurrent Resolution, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

By Mr. Backus—An Act to amend section eight hundred and eighty-two of the Penal Code.

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

By Mr. Forsyth—An Act to regulate the quality and price of gas in the City and County of San Francisco.

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

By Mr. Hicks—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

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

By Mr. Swift—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

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

By Mr. Pauly—An Act in relation to roads and highways in San Diego County.

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

By Mr. Johnson—An Act to amend section three thousand four hundred and sixty-eight of the Political Code.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Johnson—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

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

By Mr. Johnson—An Act to amend section three hundred and seven of the Civil Code.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hugg—An Act in relation to Road Overseers and road poll tax in the County of Yuba.

Read first and second times, and referred to the Yuba delegation.

By Mr. Barstow—An Act in relation to the disposition of State lands.

Read first and second times, and referred to the Committee on Public Lands.

By Mr McComas—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Giffen (by request)—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read first and second times, and referred to the Committee on Claims.

By Mr. Forsyth—An Act for the better protection of stockholders in corporations formed under the laws of the State of California for the purpose of carrying on the business of mining, and for the prevention of fraud.

Read first and second times, and referred to the Committee on Corporations, and ordered that four hundred and eighty copies of the same be printed.

By Mr. Routier—An Act to amend section fifty-four of the Penal Code.

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

By Mr. Hinshaw—An Act to amend an Act in relation to fence and pound districts in the County of Sonoma.

Read first and second times, and referred to the Sonoma delegation.

Also, an Act to regulate fees of officers, and salaries of certain officers, in and for the County of Sonoma, and to repeal certain other Acts in relation thereto.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Smyth—An Act to incorporate the City of Sonora.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Dinniene—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

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

At three o'clock and twenty-five minutes P. M., Mr. Dare moved to adjourn.

Lost.

NOTICE.

Mr. Broderick had leave to give the following notice:

MR. SPEAKER: I hereby give notice that I will, at an early day, introduce a bill to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

GENERAL FILE.

[Speaker pro tem. in the chair.]

Assembly Bill No. 3—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Colusa.

Ordered engrossed.

Assembly Bill No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon road, in said county.

Ordered engrossed.

Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

Ordered engrossed.

Assembly Bill No. 12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda, to the General Fund of said county, and provide for the payment of certain warrants, if any, now outstanding.

Ordered engrossed.

ADJOURNMENT.

At three o'clock and forty minutes P. M., upon motion of Mr. Haile, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 21st, 1877.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Messrs. Ellis and Ewing were each granted leave of absence for one day.

COMMUNICATION.

The following communication was received from the State Controller:

CONTROLLER'S OFFICE, December 20th, 1877.

To the honorable, the Speaker and Members of the Assembly:

GENTLEMEN: I am in receipt of a copy of a resolution passed by your honorable body, in words as follows, to wit:

"*Resolved*, That the Controller of State be and he is hereby authorized and empowered to deliver on to-morrow, the twenty-first instant, to the Sergeant-at-Arms of the Assembly, warrants for the per diem of the members for the two weeks ending Saturday, the twenty-ninth December, eighteen hundred and seventy-seven, by twelve o'clock M."

By reference to section SIX hundred and seventy-four of the Political Code, which reads as follows, to wit—"Whenever the Board (meaning the Board of Examiners) has reason to believe that the Controller has drawn, or is about to draw, his warrant without authority of law, or for a *larger amount than the State actually owes*, the Board must notify the Treasurer of State not to pay the warrant so drawn, or to be drawn, and thereupon the Treasurer is prohibited from paying the warrant, whether already drawn or not, until he is otherwise directed by the Legislature"—you will see that I am in duty bound to refuse compliance with your resolution.

With much respect, I am your obedient servant,

W. B. C. BROWN, Controller.

Above communication was ordered by the House to be laid on the table.

REPORTS OF STANDING COMMITTEES

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution authorizing the Judiciary Committee to employ a Clerk, have examined and would respectfully report the same back, and recommend its adoption.

Your committee has also examined the resolution appointing Edward C. Morris as Messenger to the Speaker and Assistant Page on the floor of the Assembly, and beg leave to report the same back without recommendation.

Your committee has also examined the resolution directing the Sergeant-at-Arms to have the Journal printed each day, and laid upon the members' desks, and to dispense with the daily reading of the Journal, and would respectfully report the same back, with the recommendation that it be not adopted

DIXON, Chairman.

The following resolution, above reported, was then taken up.

Resolved, That the Judiciary Committee be and are hereby authorized to employ a Clerk, at the salary fixed by law, to be paid out of the Contingent Fund of the Assembly.

Adopted.

Following resolution, above reported, taken up.

Resolved, That Edward C. Morris is hereby appointed Messenger to the Speaker and Assistant Page on the floor of the Assembly, and to be paid out of the Assembly Contingent Fund, at the same per diem as the other Pages of the Assembly, from and after third January, eighteen hundred and seventy-eight.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Ostrom, Smyth, and Johnson.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Ames, Anderson, Asmussen, Backus, Breen, Broderick, Brooks, Coffey, Connolly, Conroy, Dare, DeWitt, Dunniene, Farnum, Gildea, Gough, Griffith, Hanna, Haworth, Hicks, Holloway, Johnson, Ketcheval, May, McClure, McComas, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Upton, Warden, and Whitlock—41.

NOES—Messrs. Abbott, Adams, Allen, Barstow, Blackwell, Blake, Byington, Cooley, Dixon, Dorsey, Dunlap, Forsyth, Garver, Haile, Hart, Hinshaw, Hugg, Long, Ludgate, Mace, Mayfield, Meyers, Miller, Moffat, Murphy of San Francisco, Nott, Ostrom, Pace, Smyth, Tuttle, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—36.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, December 21st, 1877.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 49—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte, approved April third, eighteen hundred and seventy-six.

Also, Assembly Concurrent Resolution No. 6—An Act relative to new Post-office in San Francisco.

YOUNG, for Committee.

By Mr. Barstow:

MR. SPEAKER: The Committee on Rules and Regulations beg leave to report that they have had the same under consideration and recommend that the Assembly rules of the twenty-first session be adopted as the rules of this the twenty-second session, with the following additions and changes

1. An index to the rules, which index is herewith submitted.
2. There shall be an additional standing committee, to be numbered thirty-three. It shall consist of seven members, and shall be entitled Committee on Fish and Game.
3. That the order of business be so changed that special orders of the day shall be number nine, and that the other numbers be so changed as to correspond with this arrangement.
4. That Rule Forty-four be amended by adding the following words: "but such question or matter under discussion shall be placed at the head of the general file for the succeeding day."
5. That Rule Forty-five be amended by inserting the words "by leave of the House," after the word "withdrawn."
6. That Rule Seventy-nine be amended by placing the auxiliary verb "shall" next before the verb "be," in the first line, and striking it out where it now occurs
7. That Rule Eighty-one be amended by striking out all after the word "reported," in line six
8. That there be an additional rule, to be numbered eighty-two, and to read as follows:

"The author of a bill, motion, or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained."

All of which is respectfully submitted.

BARSTOW, Chairman.

On motion of Mr. Haile, the House proceeded to take up the amendments recommended, one by one, for consideration.

Section one of the report adopted.

Mr Tuttle moved to strike out the word "seven" and insert the word "five," in section two of the report.

Lost, and the section adopted as read

Mr. Forsyth moved to strike out the word "nine" and insert the word "ten," in section three of the report.

Lost, and section adopted as read.

The ayes and noes on the adoption of section four of the report were demanded by Messrs. Tuttle, Sargent, and May.

The roll was called, and the amendment recommended by section four of the report was lost by the following vote:

AYES—Messrs. Abbott, Ames, Asmussen, Backus, Blackwell, Broderick, Brooks, Byington Connolly, Dare, Farnum, Forsyth, Giffen, Gildea, Johnson, Mayfield, McClure, Miller, Moffat, Murphy of San Francisco, Nealley, Nott, Pauly, Robertson, Routier, Russ, Tobin, Waters, and Whitlock—24

NOES—Messrs. Adams, Allen, Anderson, Barstow, Blake, Coffey, Conroy, Cooley, DeWitt, Dinmene, Dorsey, Dunlap, Garver, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Ketcheval, Long, Ludgate, Mace, May, McComas, Meyers, Montague, Murphy of Del Norte, Ostrom, Pace, Sargent, Smyth, Swift, Thompson, Tuttle, Upton, Warden, Welch, Wheat, Wilson, Young, and Mr. Speaker—46.

The amendments recommended by the remaining sections of the report, five, six, seven, and eight, were then adopted

Mr. Gildea moved to strike out that portion of Rule Sixty, which reads as follows: "But there shall be no reconsideration of a vote on a motion to indefinitely postpone."

Adopted

The question being upon the adoption of the report as amended, the vote was taken, and the report adopted.

STANDING RULES OF THE ASSEMBLY.

Meeting.

1.

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

Order of Business

2.

1. Roll call.
2. Prayer by the Chaplain.
3. Reading and approval of the Journal.
4. Presentation of petitions.
5. Reports of standing committees.
6. Reports of select committees.
7. Messages from the Governor.
8. Motions and resolutions.
9. Special orders of the day.
10. Messages from the Senate.
11. Notices
12. Second reading and reference of bills.
13. Introduction and first reading of bills.
14. Unfinished on general file and third reading of bills.
15. Unfinished business of the preceding day.

3.

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

4.

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

Petitions.

5.

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 be on the table or be referred, as this House shall determine

Bills.

6.

No bill shall be introduced without at least one day's written notice previous to its introduction, except by unanimous consent of the House, or when introduced by a committee in accordance with a rule of the House.

7.

Every bill shall receive three readings previous to its passage. The first and second readings shall be on the same day, unless objection be made to the bill. The third reading shall be on a subsequent day. The Speaker shall give notice at each reading whether it be the first, second, or third reading. The first reading of a bill shall be for information, and if any opposition be made to it the question shall be "Shall this bill be rejected?" If the question to reject be negatived, the bill shall then take the usual course.

8

No appropriation of money, by bill or otherwise, belonging to the State treasury, shall be made for any claim or purpose whatsoever until the same shall first be referred to and reported on by a committee of this House

9

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

10.

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

Duties of Speaker.

11.

The Speaker, or, in his absence, the Speaker pro tem., or, in the absence of both, such Chairman as shall be elected by the members present, shall take the chair precisely at the hour appointed for meeting, shall immediately call the House to order, and, on the appearing of a quorum, shall cause the Journal of the preceding day to be read.

12.

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.

13

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.

14.

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

15.

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.

Sergeant-at-Arms and Door-keeper.

16.

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.

17.

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 arrest, 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.

18.

The Assistant Sergeant-at-Arms shall be the Door-keeper, and shall be sworn to keep the secrets of the House

19.

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 nine members.
3. A Committee on Public Printing, to consist of seven members
4. A Committee on Claims, to consist of nine 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 nine members
9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of seven members.
11. A Committee on Agriculture, to consist of seven members.
12. A Committee on Internal Improvements, to consist of five members.
13. A Committee on Public Buildings and Grounds, to consist of seven 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 nine 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 five members.
20. A Committee on State Prison, to consist of seven members
21. A Committee on Mileage, to consist of three 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 Rules and Regulations, to consist of five members.
25. A Committee on Swamp and Overflowed Lands, to consist of eleven members
26. A Committee on Roads and Highways, to consist of five members.
27. A Committee on the Culture and Improvement of the Grape-vine, to consist of seven members
28. A Committee on State Library, to consist of three members.
29. A Committee on Agricultural, Mining, and Mechanic Arts College, to consist of seven members.
30. A Committee on Indian Affairs, to consist of five members.
31. A Committee on Irrigation, to consist of seven members.
32. A Committee on Attachés and Employés, to consist of five members.
33. A Committee on Fish and Game, to consist of seven members.

20.

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

21.

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.

22.

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.

23.

It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims or 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.

24.

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.

25

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.

26.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine the books and accounts of the several public departments; 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; and to report, from time to time, the character and amount of the various appropriations made by the Legislature.

27.

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.

28.

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

29.

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.

30.

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

31.

It shall be the duty of the Committee on the Culture and Improvement of the Grape-vine to consider and report upon all matters relating to the culture of the grape and the production of wine in this State.

32

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House, with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with the exception of correction in grammar, orthography, and punctuation.

33.

It shall be the duty of the Committee on Education to consider and report on all matters pertaining to the State Normal School, State Board of Education, Agriculture, Mining and Mechanic Arts College, and State University, and such other matter pertaining to education as may come before them

34.

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

35.

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

Every committee of the House to whom a bill has been referred shall report the same to the House within fifteen days from the time the bill is received by the Chairman of the committee, unless further time to report is granted Unless otherwise ordered by the House, every bill shall be referred to the appropriate standing committee, as indicated by its name given herein.

36.

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.

37.

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.

38

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

Decorum and debate.

39

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.

40.

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

41.

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.

42

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.

43.

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.

44.

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

Motions, etc.

45.

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 by leave of the House at any time before amendment or decision.

46.

A motion to adjourn shall always be in order. The Clerk shall enter on the Journal the name of any member moving an adjournment, and also the hour at which the motion was made.

47.

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 certain day; 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.

48.

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.

49.

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

50.

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

51.

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

52.

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.

53.

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

54.

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.

55

Two hundred and forty copies of all bills of a general character shall be printed. No local or special 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 therefor.

56.

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

57

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

58.

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

59.

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.

60.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session

61.

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

62.

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.

63.

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.

64.

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

65.

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

66

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.

Call of the House.

67.

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.

Miscellaneous.

68.

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 Seven relating to third reading of bills.

69.

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.

70.

No persons, except Senators, State officers, Governors and ex-Governors of States, members of Congress, Judges of the Supreme or District Courts, members of the press, when accredited by their respective journals, ladies or gentlemen, when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of all such persons. The Speaker is charged with the enforcing of this rule.

71.

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

72

The rules of parliamentary practice contained in Cushing's Law and Practice of Legislative Assemblies 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

73.

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

74.

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.

75.

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

76

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; but engrossed bills shall be placed at the head of the file, in the order in which they are received. 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.

77

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

78.

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill.

79.

No increase of pay nor any extra pay shall be allowed any officer or attaché of the House by resolution, except by unanimous consent.

80.

The Engrossing Clerk, Enrolling Clerk, and Copying Clerks shall engross, enroll, or copy the bills which shall come to their hands for such purposes, respectively, in the order of time in which the same shall be acted upon by the House. Each of said Clerks shall be responsible for every violation of this rule by his assistants or deputies, nor shall any Clerk of this House, or his deputy or assistant, demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

81.

It shall be the duty of the Committee on Employés and Attachés, whenever there is a resolution offered for additional help in any of the various departments of clerical or other assistance in this Assembly, to inquire into the necessity for such proposed help and report to the House, when the Assembly shall proceed to vote upon the passage of the resolution which has been referred and reported.

82.

The author of a bill, motion, or resolution shall have the privilege of closing the debate, unless the previous question has been sustained.

The Speaker appointed, as a Committee on Fish and Game, Messrs. Dare, Griffith, Gough, Nott, Conroy, Kercheval, and Russ.

RESOLUTION.

By Mr. Murphy of Del Norte—Assembly Concurrent Resolution, relative to instructing our Senators and Representatives in Congress in regard to procuring an appropriation for the improvement of the Harbor of Crescent City, Del Norte County. Also, an appropriation of ten thousand dollars for the improvement of Smith River, in said county.

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

REPORTS.

By Mr. Coffey:

SACRAMENTO, December 21st, 1877

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 3—An Act to preserve the name of a street in the City of San Francisco—report the same back, and recommend its passage. Fifteen members present and voting.

The delegation also request that the rules of the Assembly be suspended, and the bill be considered at once.

J. V. COFFEY, Chairman San Francisco Delegation.

Senate Bill No. 43, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Broderick:

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following named bills have been correctly enrolled, and this day presented to the Governor for his approval:

Assembly Bill No 55—An Act to legalize and validate the assessment and assessment roll for State and county taxes in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven

Assembly Bill No. 20—An Act to repeal an Act entitled an Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, eighteen hundred and seventy-six.

BRODERICK, Chairman.

INTRODUCTION OF BILL.

By Mr. Tuttle—An Act making appropriations for deficiencies in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.

Read first and second times, and referred to Committee on Ways and Means.

RESOLUTIONS.

By Mr. Hart:

Resolved, That the subject of the education of children *towards* the industries, rather than *away* from them, is one of overshadowing importance, and demands special, exhaustive, consideration in the light of the experience of Schools of Mechanic Arts and Agriculture in our own and foreign countries.

Resolved, That the Committee on Agriculture, Mining, and Mechanic Arts College be instructed to inquire into and report upon:

1. Whether Agricultural and Mechanical Colleges established in other States under the "Morrill Bill" have been more successful and more useful to those industries when organized separately than when connected with a University system.

2. Also, how many of such colleges carry on practical agriculture and stock raising, and with what success, also, how many carry on practical mechanics, and with what success.

3 Also, specially, as to the feasibility and utility of adopting for our College of Mechanic Arts the system now controlling the "Boston School of Technology," the "Technical School at Moscow," or the "Artisans' School at Rotterdam."

4 Also, whether the system in either the Agricultural Colleges in Virginia, Massachusetts, Kansas, Maine, Michigan, or Glasnevin, Ireland, is feasible and advisable for the Agricultural College of California.

Resolved, That the Committee be further instructed to embrace in their report a review and examination of the whole subject, viewed from both foreign and domestic standpoints, so far as such examination and review can be made from reports, publications, and other sources available in this State. The committee is also instructed to report, as soon as practicable, all recommendations and Acts necessary to carry out the spirit of these resolutions.

Referred to Committee on Agriculture, Mining, and Mechanic Arts College.

INTRODUCTION OF BILLS.

By Mr. Griffith—An Act providing for the payment of certain claims for damages by reason of the change of grade of Montgomery Avenue, in the City and County of San Francisco.

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

REPORT

By Mr. Gildea:

ASSEMBLY CHAMBER,
SACRAMENTO, December 21st, 1877.

MR. SPEAKER Your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 5—Relative to Chinese immigration—report the same back, with two amendments, and recommend the adoption of the resolution as amended.

Also, Assembly Concurrent Resolution No. 13—Relative to postal facilities in Oakland—report the same back, and recommend its passage.

The committee also recommend that the rules be suspended, and the resolutions be immediately considered

GILDEA, for Committee.

Assembly Concurrent Resolution No. 13, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Senate Concurrent Resolution No. 5, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

RESOLUTION.

By Mr. Miller:

Resolved, That the State Prison Committee be authorized to visit the State Prisons at San Quentin and Folsom, with the view of making examination of same, and, whenever they deem it advisable, to take testimony relating thereto; that they be empowered to send for persons and papers pertinent to such investigation, and are hereby authorized to employ such clerical assistance as they may deem necessary.

Referred to Committee on Employés and Attachés.

On motion of Mr. Ostrom, the standing rules of the Assembly, as adopted this day, were ordered printed.

NOTICE.

By Mr. Coffey:

MR. SPEAKER: I hereby give notice that I will, at an early day, introduce a bill for an Act to amend section four hundred and eleven (411) of the Code of Civil Procedure, in relation to the service of summons

Also, an Act to regulate the quality and standard illuminating power and price of gas in the City and County of San Francisco

RESOLUTION.

Mr. Gildea, by consent of the House, submitted the following resolution:

Resolved, That the Committee on Agriculture, Mining, and Mechanic Arts College be authorized to proceed, during the Christmas recess, to the State University for the purpose of examining into the present status of those important branches at said University, and to receive such suggestions and information from the Professors as will enable said committee to report what legislation, if any, may be necessary, to this Assembly in relation thereto.

Adopted.

MESSAGE FROM THE SENATE.

Upon motion of Mr. Coffey, the House took up the following Senate message:

SENATE CHAMBER,
SACRAMENTO, December 21st, 1877.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed, under a suspension of the rules, Assembly Bill No. 49—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte, approved April third, eighteen hundred and seventy-six—and transmit the same herewith.

G. SECKEL, Assistant Secretary.

Assembly Bill No. 49, above reported, Senate amendments concurred in.

RESOLUTIONS.

By Mr. Dare:

Resolved, That the Committee on Fish and Game be permitted to hold one or more meetings during the holiday recess of the Assembly, for the convenience of witnesses who may desire

to appear before the committee, and that said committee be allowed to employ a Clerk, or short-hand reporter, to take down and transcribe the testimony of witnesses, who shall receive for his services the fees allowed by law in civil cases.

Rules suspended, and the resolution adopted.
By Mr. Backus:

Resolved, That two hundred and fifty additional copies of Assembly Bill No. 34 be printed.

Adopted.

Upon motion of Mr. Blackwell, the House reconsidered the vote by which the resolution, this day introduced by Mr. Miller, (relative to the Committee on State Prison holding sessions during the holidays, and the employment of a Clerk by said committee, if necessary,) was referred to the Committee on Employés and Attachés.

Upon motion of Mr. Blackwell, the rules were suspended, and the resolution adopted.

ADJOURNMENT.

At one o'clock and forty-five minutes P. M., on motion of Mr. Murphy of San Francisco, the House adjourned until two o'clock P. M. on Thursday, January third, eighteen hundred and seventy-eight.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 3d, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Minutes of Friday, December twenty-first, eighteen hundred and seventy-seven, read and approved.

LEAVE OF ABSENCE.

On motion of Mr. Gildea, all absentees were granted one day's leave of absence, with the exception of Mr. Hart, who was granted an indefinite leave, and Messrs. Mace and Adams, who were each granted two days' leave of absence.

PETITION.

By Mr. Pauly—From taxpayers of San Diego City, against the repeal or amendment of the law of eighteen hundred and fifty-eight, relative to the appointment of Water Commissioner.

Referred to the Committee on Corporations.

REPORT OF STANDING COMMITTEE.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, January 3d, 1878.

MR. SPEAKER — Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda, to the General Fund of said county, and to provide for the payment of certain warrants, if any now outstanding.

Also, Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

Also, Assembly Bill No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon road, in said county.

MAX BROOKS, for Committee.

REPORT OF SELECT COMMITTEE.

Mr. Tuttle, from the Committee on Rooms, made a verbal report, stating that there were no rooms available for committee uses, and was granted permission to offer the following concurrent resolution out of order.

Resolved by the Assembly, the Senate concurring, That the Secretary of State be requested to apportion the rooms in the Capitol, available for committee use, to the committees of the Senate and Assembly equally.

Adopted.

On motion of Mr. Tuttle, the above resolution was immediately transmitted to the Senate.

Mr. Pauly reported Assembly Bill No. 84—Relative to roads and highways in San Diego County—asking its reference to the Committee on Roads and Highways.

So referred.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT
SACRAMENTO, December 21st, 1877.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bill No. 55—An Act to legalize and validate the assessment and assessment roll for State and county taxes in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, December 21st, 1877.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bill No. 6—An Act to fix the time of holding the County Court of Del Norte County.

Assembly Bill 5—An Act fixing the bonds of the County Treasurer of the County of Del Norte.

Assembly Bill 20—An Act to repeal an Act entitled An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same, approved March twenty-ninth, eighteen hundred and seventy-six.

Assembly Bill 32—An Act conferring certain powers on the Board of Supervisors of Mariposa County, in employing special counsel in certain cases.

WILLIAM IRWIN, Governor.

RESOLUTIONS.

By Mr. Tuttle:

Resolved, That the Clerk of the Committee on Corporations of the Assembly be paid out of the Contingent Fund of this House.

Adopted.

By Mr. Tuttle:

Resolved, That the Committee on Education be authorized to employ a Clerk, payable out of the appropriations for the contingent expenses of the Assembly.

Referred to the Committee on Employés and Attachés.

On motion of Mr. Dixon, the following resolution was taken up:

Resolved, That the Committee on Public Buildings and Grounds be authorized to proceed and make such examination of all public buildings and grounds of this State as they may deem necessary, and, whenever they deem it advisable, to take testimony relating thereto, that they be empowered to send for persons and papers pertinent to such investigation, and authorized to employ a short-hand reporter, as Clerk of said committee, at a per diem not exceeding eight dollars, when it shall become necessary to employ said Clerk.

Mr. May moved that the resolution be amended by excepting the State Prison buildings.

Amendment adopted.

The question then being upon the adoption of the resolution as amended, by vote of the House the resolution was adopted.

Assembly Concurrent Resolution by Mr. Cooley:

Resolved by the Assembly, the Senate concurring, That one hundred and twenty copies of all local bills introduced in the Assembly or Senate be printed and distributed to the members in the same manner as bills of a general nature.

Laid on the table.

By Mr. Cooley:

Resolved, That the Sergeant-at-Arms be instructed to procure a suitable place for the members of the Assembly to deposit their coats and umbrellas.

Laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 21st, 1877.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed, under a suspension of the rules, Assembly Bill No. 72—An Act relative to highways in Los Angeles County.

Also, refused to pass Assembly Bill No. 50—An Act fixing the salary of the County Judge of Mono County.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 21st, 1877.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the twentieth instant, passed, under suspension of the rules, Assembly Bill No. 55—An Act to legalize and validate the assessment and assessment roll for State and county taxes in the County of Sutter, for the fiscal year commencing in March, eighteen hundred and seventy-seven—and the same is transmitted herewith.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 3d, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the twentieth of December, eighteen hundred and seventy-seven, passed, under a suspension of the rules, Senate Bill No. 16—An Act to amend section five hundred and ninety-six of the Civil Code.

Also, Senate Bill No. 62—An Act supplemental to an Act entitled an Act to provide for the maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one—and the same are transmitted herewith.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 16, above reported—An Act to amend section five hundred and ninety-six of the Civil Code—was taken up, read first and second times, and referred to Committee on Judiciary.

Senate Bill No. 62, above reported—An Act supplemental to an Act entitled an Act to provide for the maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one—was taken up, read first and second times, and referred to Siskiyou delegation.

NOTICES.

By Mr. Murphy of Del Norte.

Of a bill regulating savings banks in the State of California.

By Mr. May:

Of a bill defining the duties of the Superintendent of Public Schools in the City and County of San Francisco.

Of a bill relating to the Board of Education of the City and County of San Francisco.

Of a bill relating to savings banks.

By Mr. Long:

Of a bill to incorporate the Town of Mendocino City, in the County of Mendocino.

INTRODUCTION OF BILLS.

By Mr. Gough—An Act to relieve laborers, and improve the City and County of San Francisco.

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

By Mr. Murphy of San Francisco—An Act to create and maintain a Labor Bureau in the State of California.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Russ—An Act to authorize the Board of Supervisors to pay the claim of Abner D. Sevier, ex-Sheriff of Humboldt County.

Read first and second times, and referred to the Humboldt delegation.

By Mr. Upton—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Warden—An Act to amend section five of an Act entitled

an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

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

By Mr. Warden—An Act to amend an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

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

By Mr. Johnson—An Act to amend section two hundred and fifty-eight of the Code of Civil Procedure of the State of California.

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

By Mr. Johnson—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.

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

By Mr. Tuttle—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Tuttle—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Miller—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred (200) dollars out of the School Fund of said county.

Read first and second times, and referred to Committee on Education.

By Mr. Welch—An Act to prevent and restrict sheep and goats from being herded or running at large in certain portions of Lake County.

Read first and second times, and referred to the Lake delegation.

At four o'clock and thirteen minutes P. M., on motion of Mr. Ostrom, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 4th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.
Mr. Abbott was granted two days' leave of absence.

REPORTS.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 4th, 1878.

MR. SPEAKER — Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 3—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Colusa.

Also, Assembly Bill No. 74—An Act to provide for the purchase of a site and the erection of a Court-house and Jail thereon in the County of Monterey

Also, Assembly Concurrent Resolution No. 13—Relative to increased postal facilities for the City of Oakland.

YOUNG, for Committee.

By Mr. Haile:

MR SPEAKER — Your Committee on Education, to whom was referred Assembly Bill No. 7—In relation to Lower Lake School District, in Lake County—beg leave to report that we have carefully examined the same, and herewith report it back with amendments, and recommend its passage as amended.

By Mr. Broderick:

MR SPEAKER — Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

No. 49—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte, approved April third, eighteen hundred and seventy-six—and has this day, at eleven A. M., been presented to the Governor for his approval

BRODERICK, Chairman.

PETITIONS.

Mr. Swift presented a petition and offer of H. C. Kinney in regard to a spelling-book.

Referred to Committee on Education.

By Mr. Waters—From citizens and taxpayers of San Diego County, in regard to a change of the boundary lines of San Diego and San Bernardino Counties.

Referred to San Diego and San Bernardino delegations.

REPORTS

By Mr. Upton:

MR. SPEAKER — Your Committee on Public Printing, to whom was referred the resolution directing the Chief Clerk to have printed and placed upon the desks of the members of the Assembly, each morning, the journal of proceedings of the preceding day, would respectfully report that they have examined the same and submit the following subsitute, to-wit

Resolved, That the Chief Clerk is hereby directed to have printed and placed upon the desks of the members of the Assembly, each morning, the journal and proceedings of the preceding day, and that the Chief Clerk be authorized to employ a Clerk to prepare the said work for the printer, at a cost of twelve cents per folio, to be paid out of the Contingent Fund of this House.

And your committee would respectfully recommend the adoption of the resolution as amended.

UPTON, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, January 3d, 1878.

MR. SPEAKER: — The San Francisco delegation, to whom was referred Assembly Bill No. 58—An Act to amend section three thousand seven hundred and sixty-four of the Political Code—report the same back, and recommend its passage. Fifteen members present and voting.

Also, Senate Bill No 48—An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco—report the same back, and recommend its passage Fifteen members present and voting

The delegation also request that the rules of the Assembly be suspended, and the bills be considered at once.

Also, Assembly Bill No. 2—An Act to regulate fares on street railroads in San Francisco—report the same back and recommend that the author have leave to withdraw it.

Also, Assembly Bill No. 4—An Act to establish the rates of fare on street railroads in the City and County of San Francisco—report the same back, and recommend that the author have leave to withdraw it.

Also, Assembly Bill No 47—An Act relative to street repairs in the City and County of San Francisco—report the same back, and recommend that the author have leave to withdraw it.

J. V. COFFEY, Chairman San Francisco Assembly Delegation.

Assembly Bill No. 58, above reported; rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 48, above reported, taken up, rules suspended, and, after discussion, referred to Committee on Judiciary.

Assembly Bill No. 2, Assembly Bill No. 4, and Assembly Bill No. 47, above reported, were withdrawn as recommended.

REPORT.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled

No. 72—An Act relative to highways in Los Angeles County—and was, upon the twenty-first of December, eighteen hundred and seventy-seven, presented to the Governor for his approval.

BRODERICK, Chairman.

REPORT OF SELECT COMMITTEE.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 3d, 1878.

MR. SPEAKER. The Sacramento delegation, having had under consideration Assembly Bill No. 15—An Act to promote the health of the residents of the City of Sacramento—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Assembly Bill No. 15, above reported, taken up, and it was moved by Mr. Ostrom that it be referred to the Judiciary Committee.

Lost.

Mr. Tuttle moved to amend by striking out section one of the bill.

Lost.

Rules were now suspended, bill considered engrossed, read third time, and passed.

Title approved.

RECESS.

At twelve o'clock and thirty-three minutes P. M., on motion of Mr. Murphy of Del Norte, the House took a recess of one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORT OF SELECT COMMITTEE.

By Mr. Long:

MR. SPEAKER: The delegation to whom was referred Assembly Bill No 78—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds,

and to apply the proceeds thereof—has had the same under consideration, and now report the same back with amendments, and recommend the adoption of the amendments, and that the bill pass as amended.

LONG, for Delegation.

Assembly Bill No. 78, above reported, taken up, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

Title approved.

RESOLUTIONS.

By Mr. Gildea:

Resolved, That M. F. O'Connor be and he is hereby appointed Assistant Clerk at the desk, at the same per diem allowed to the other Assistant Clerks, to be paid out of the Contingent Fund of the Assembly.

Rules were suspended for the purpose of considering the above resolution, and pending its discussion the following substitute was offered by Mr. Long:

Resolved, That the Chief Clerk be allowed an Assistant at the reading desk, to be elected by the House, and that he receive the same per diem as other Clerks at the desk, to be paid out of the Contingent Fund of the Assembly.

The following substitute to the substitute was offered by Mr. Barstow:

Resolved, That the Chief Clerk of the Assembly is authorized to employ such assistance as he may require, to aid him in reading at the desk, but without compensation

Lost.

Mr. McComas moved to indefinitely postpone the whole subject matter.

Lost.

Pending the discussion of the substitute offered by Mr. Long, the following resolution was offered by Mr. Dare:

Resolved, That the service of a third Clerk at the desk is not yet needed.

Lost.

The question now being upon Mr. Long's substitute, the substitute was adopted.

The question being upon the original resolution, it was adopted as amended.

By Mr. Johnson:

Resolved, That the Assembly will, each day, unless sooner adjourned, take a recess from twelve o'clock and thirty minutes P. M. to one o'clock and thirty minutes P. M.

Adopted.

By Mr. Murphy of Del Norte.

Resolved, That the Sergeant-at-Arms of the Assembly be and is hereby authorized to appoint a Porter for the committee rooms of the Assembly

Referred to Committee on Employés and Attachés.

By Mr. Griffith—A resolution with reference to an increase of the salary of the Mail Carrier of the Assembly.

Referred to Committee on Employés and Attachés.

By Mr. May:

Resolved, That the Committee on Attachés be and it is hereby instructed to inquire into the necessity of a Messenger Porter for the committee rooms, and, if in its judgment best, to report the name of a suitable man for that duty.

Referred to Committee on Employés and Attachés.

By Mr. Dare:

Resolved, That the following be substituted for the resolution offered by Mr. Dare, and passed by the Assembly on the twenty-first day of December, eighteen hundred and seventy-seven, in relation to the Committee on Fish and Game, and the same take effect as of said twenty-first December, eighteen hundred and seventy-seven, viz "The Committee on Fish and Game are hereby permitted to hold one or more meetings during the holiday recess of the Assembly, and at such other times as they may deem expedient, at such places as they may deem proper, within the State, with power to take testimony and send for persons and papers, and with power to employ a Clerk, to be paid out of the Contingent Fund of the Assembly, at the legal per diem."

Ruled out of order.

By Mr. Wilson—A resolution relative to an examination of hospitals, and the taking of testimony in relation thereto.

Referred to Committee on Employés and Attachés.

By Mr. Dinmene—Assembly Concurrent Resolution.

Resolved by the Assembly, the Senate concurring, That a joint committee of three, three from the Senate and three from the Assembly, be appointed to take into consideration the condition of the laboring classes.

Adopted.

By Mr. Johnson:

Resolved, That the Assembly proceed to the election of the Assistant Clerk provided for by resolution this day adopted, on Saturday, January fifth, eighteen hundred and seventy-eight, at ten A M, and that the candidates for the position be permitted and required to test their qualifications by reading from the Journal at that time to the Assembly, for such length of time as the Assembly may direct, and that when the Assembly adjourn it be until ten o'clock A. M., on Saturday, January fifth, eighteen hundred and seventy-eight.

Above resolution was ruled out of order by the Chair, whereupon Mr. Johnson took an appeal from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the decision of the House," the ayes and noes were demanded by Messrs. Tuttle, Miller, and Gildea, the roll was called, and the Chair sustained by the following vote.

AYES—Messrs. Adams, Allen, Anderson, Asmussen, Broderick, Coffey, Connolly, Cooley, Dare, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Gildea, Griffith, Haile, Haworth, Hicks, Hinshaw, Holloway, Hugg, Ludgate, May, Mayfield, McConnas, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wilson, and Young—50.

NOES—Messrs. Barstow, Blackwell, Blake, Breen, Byington, Conroy, DeWitt, Farnum, Forsyth, Garvey, Hanna, Hart, Johnson, Kercheval, Long, McClure, Meyers, Pauly, Routier, Sargent, and Whitlock—21.

By Mr. Anderson.

Resolved, That the members of the Assembly will, at the hour of adjournment this day, remain in their seats, and hear, for ten minutes, each person who may desire the position of assistant at the reading desk

Ruled out of order.

Mr. Farnum moved to take up the report of the Committee on Public Printing.

Lost.

By Mr. Nott:

Resolved, That the members of the Assembly meet in caucus on Saturday, January fifth, at ten A. M., for the purpose of nominating an Assistant Clerk at the desk.

Ruled out of order.

By Mr. Ostrom:

Resolved, That the Committee on Claims, Ways and Means, and Public Expenditures, be allowed to employ a Clerk after this date, at a per diem of five dollars, the same to perform the duties of Clerk jointly for the three committees.

Referred to the Committee on Employés and Attachés.

By Mr. Dare.

Resolved, That the members of the Committee on Fish and Game be allowed three days' leave of absence, for the purpose of investigation and gaining correct data upon which to act in forming laws for the governing of the fisheries of this State.

Adopted.

By Mr. Broderick:

Resolved, That the resolution reported on by the Committee on Public Printing be taken up.

Ruled out of order.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 4th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, Senate Bill No 65—An Act making appropriations for deficiency in the appropriation for the payment of salaries of District Judges for the twenty-eighth fiscal year—and ordered the same transmitted to the Assembly without engrossment

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 4th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twentieth day of December, eighteen hundred and seventy-seven, passed, under a suspension of the rules, Senate Joint Resolution No 9—In relation to the stone dry dock at Mare Island—and the same is transmitted herewith.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 65, above reported, taken up, read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 9, above reported, taken up, read first and second times, and referred to the Committee on Federal Relations.

NOTICES.

By Mr. Holloway:

Of a bill amending section sixty-eight of the Civil Code of this State.

Also, of a bill amending section one thousand four hundred and thirty of the Penal Code of this State.

Also, of a bill amending section nine hundred and twenty-three of the Code of Civil Procedure.

Also, of a bill amending sections one thousand two hundred and four, one thousand two hundred and five, and one thousand two hundred and six of the Code of Civil Procedure of this State.

INTRODUCTION OF BILLS.

By Mr. Murphy of Del Norte—An Act to amend section five hundred and seventy-one of the Civil Code.

Read first and second times, and referred to Committee on Savings Banks.

By Mr Griffith—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco.

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

By Mr. May—An Act to amend an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco.

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

By Mr. May—An Act to create the office of Savings Bank [Commissioner], and to prescribe his powers and duties.

Read first and second times, and referred to Committee on Savings Banks.

By Mr. May—An Act relating to the Board of Education of the City and County of San Francisco.

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

By Mr. Tuttle—An Act to amend section one thousand five hundred of the Code of Civil Procedure

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

By Mr. Tuttle—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure.

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

By Mr. Swift—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

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

By Mr. Swift—An Act declaratory of and supplementary to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six.

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

By Mr. Dinniene—An Act amendatory of and supplementary to an Act entitled an Act providing for a Paid Fire Department in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-four.

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

By Mr. Brooks—An Act in relation to roads and highways in the County of Butte.

Read first and second times, and referred to the Butte delegation.

By Mr. Whitlock—An Act to provide for the payment of certain outstanding road bonds of Plumas County.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Broderick—An Act for the relief of John Rierdon, B. H. Kenney, and Patrick Donahue

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

By Mr. Farnum—An Act to change the name of the First Independent Presbyterian Church of Oakland.

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

By Mr. Farnum—An Act to amend section nine hundred and two of the Code of Civil Procedure, relative to the execution from Justices' Courts.

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

By Mr. Farnum—An Act to amend section four thousand three hundred and fourteen of the Political Code, relative to certain duties of Constables.

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

By Mr. Coffey—An Act to regulate the quality and standard illuminating power and the price of gas in all cities within the State of California having a population of one hundred thousand or more.

Read first and second times, and referred to the San Francisco delegation, and on motion of Mr. Coffey, double the usual number of copies were ordered printed.

By Mr. Haworth—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley.

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

By Mr. Johnson—An Act for the relief of Amelia C. Cowne, by authorizing the issuance to her of a patent for survey number six hundred and one of the swamp and overflowed lands in Sacramento County.

Read first and second times, and referred to the Committee on Public Lands.

By. Mr. Nealley—An Act to add a new section to the Political Code, to be numbered section one thousand six hundred and twenty-five, relative to Boards of Trustees of School Districts, and City Boards of Education.

Read first and second times, and referred to Committee on Education.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 5th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Giffen, and two days' leave to Mr. Backus.

PETITION.

By Mr. Young—A petition from citizens of Contra Costa County, relative to an amendment of the West Side irrigation law.
Referred to Committee on Irrigation.

REPORT.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution allowing five dollars per diem to the Mail Carrier of the Assembly, would respectfully report that they have examined into the matter, and beg leave to present an amendment thereto, as follows

Resolved, That the Mail Carrier of the Assembly be and is hereby allowed three dollars per diem, from the date that he entered upon his office, and that the Sergeant-at-Arms be instructed to have his warrant drawn for that amount, payable out of the Contingent Fund of the Assembly.

And your committee would recommend the adoption of the resolution as amended.

Your committee would also respectfully represent that they have examined the resolution referred to them, authorizing the Committee on Claims to employ a Clerk, and beg leave to report the same back, with the recommendation that it be adopted.

DIXON, Chairman.

Mr. Broderick moved to amend the substitute offered in the above report, relative to increasing the salary of the Mail Carrier, by striking out the words "three dollars" and inserting "four dollars" per diem.
Lost.
The question then being upon the resolution reported by the committee, Mr. Ostrom moved to amend by inserting after the words "per diem" the words "in full compensation for his services."
Adopted.
The question being upon the resolution as amended, the resolution was lost.
Also, resolution above reported, relative to the employment of a Clerk by the Committee on Claims, was taken up and adopted.

PETITION.

By Mr. Warden—A petition relative to mail facilities in San Luis Obispo County.
Referred to Committee on Federal Relations.

REPORTS.

By Mr. Tuttle:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 36—entitled an Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure—beg leave to report it back with the recommendation that it be referred to the Committee on the Judiciary.

TUTTLE, Chairman.

By Mr. Young.

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 15—An Act to promote the health of the residents of the City of Sacramento.

Also, Assembly Bill No 58—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of this State.

Also, Assembly Bill No. 78—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and apply the proceeds thereof.

YOUNG, Chairman.

By Mr. Dorsey:

SACRAMENTO, January 4th, 1878.

MR. SPEAKER: The Committee on Military Affairs respectfully report to the House Assembly Concurrent Resolution No. 11—Relative to encouragement of rifle practice in the Army of the United States and militia of the several States—and recommend its adoption.

By Mr. Wheat:

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 84—An Act in relation to roads and highways in San Diego County—have had the same under consideration, and report it back with amendments, recommending its passage as amended.

WHEAT, Chairman.

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County, have had the same under consideration, and report it back, recommending its passage.

WHEAT, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms—beg leave to report the same back with amendments, and recommend its passage as amended.

THOMPSON, Chairman.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR SPEAKER: Your Siskiyou delegation, to whom was referred Senate Bill No. 62—An Act supplemental to an Act entitled an Act to provide for the maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one—have had the same under consideration, report it back, and recommend its passage.

P. C. ROBERTSON, Chairman.

Senate Bill No. 62, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Ames:

ASSEMBLY CHAMBER,
SACRAMENTO, January 5th, 1878.

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 57—An Act to fix the terms of the several Courts of record of the County of San Mateo—have had the same under consideration, report it back, and recommend its passage.

J. P. AMES, of Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 4th, 1878.

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No. 27—entitled an Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—without my approval.

The purpose of this bill is to modify the powers of the Santa Clara Valley Agricultural Society. It is not a bill amendatory of or supplemental to the general law under which agricultural societies are incorporated, but is intended to apply to and affect a single corporation framed under the general law. It is, therefore, in my judgment, repugnant to a provision of Section Thirty-seven, Article Four, of the Constitution of this State, which is in language as follows

"Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes."

The Supreme Court has held that this language not only inhibits the creation of corporations, except for municipal purposes, by special Act, but also the modification of the powers of corporations formed under general laws, by such Acts.

The objects sought by this bill may be attained by proper amendments to the general law for the incorporation of agricultural societies.

It may not be amiss to state that, in this view of the unconstitutionality of the bill, I understand its author to concur

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 4th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 72—An Act relative to highways in Los Angeles County.

WILLIAM IRWIN, Governor.

Assembly Bill No 27, returned by the Governor, without his approval, was taken up, and the question being, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by the following vote:

AYES—Mr Johnson—1.

NOES—Messrs. Adams, Allen, Anderson, Asmussen, Barstow, Blake, Broderick, Brooks, Byington, Coffey, Connolly, Cooley, DeWitt, Dunnene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Hugg, Kercheval, Long, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Upton, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—62

AMENDMENT TO RULE SECOND.

Mr. Tuttle offered the following amendment to Rule Second:

Amend Rule Second to read as follows:

1. Roll call
2. Prayer by the Chaplain.
3. Reading and approval of the Journal.
4. Presentation of petitions.

5. Reports of standing committees.
6. Reports of select committees.
7. Messages from the Governor.
8. Introduction and first reading of bills.
9. Special orders of the day.
10. Messages from the Senate.
11. Notices.
12. Second reading and reference of bills.
13. Motions and resolutions.
14. Business on general file and third reading of bills.
15. Unfinished business of the preceding day.

Adopted.

RESOLUTIONS.

By Mr. May:

ASSEMBLY CHAMBER,
SACRAMENTO, January, 5th, 1878.

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to transmit two copies of each bill printed during the session to the Mercantile, the Mechanics', and to the Odd Fellows' Libraries of San Francisco.

Adopted.

By Mr. Warden—Assembly Concurrent Resolution, relative to increased mail facilities in the County of San Luis Obispo.

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

By Mr. Upton—Assembly Concurrent Resolution, relative to the passage of a bill by Congress levying a per capita tax on Chinese.

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

By Mr. Upton—Assembly Concurrent Resolution, relative to the transfer of Indian affairs to the War Department.

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

INTRODUCTION OF BILLS.

By Mr. Barstow—An Act to accurately ascertain the votes cast at the last election, upon calling a Convention to revise the Constitution.

Read first and second times, and referred to Committee on Elections.

By Mr. Barstow—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

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

By Mr. Barstow—An Act to amend an Act entitled an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the duties and powers of the Board of Education thereof, approved April first, eighteen hundred and seventy-two.

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

By Mr. Barstow—An Act to amend section three hundred and eighty-eight of the Code of Civil Procedure.

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

By Mr. Tuttle—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

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

By Mr. Holloway—An Act to amend section sixty-eight, Part III, Title I, Article II, of the Civil Code, relating to the authentication of marriages.

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

By Mr. Swift—An Act to prevent the destruction of small fish in the waters of the State.

Read first and second times, and referred to Committee on Fish and Game.

By Mr. Swift—An Act to amend the Code of Civil Procedure, with respect to grand jurors in the City and County of San Francisco.

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

By Mr. Swift—An Act to amend the Civil Code, with respect to the measure of damages in certain cases.

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

By Mr. Warden—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Los Angeles, and San Bernardino.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Forsyth—An Act to amend section one hundred and eighteen of the Penal Code, and to repeal section one hundred and twenty-three of said Code.

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

By Mr. Johnson—An Act to authorize payment for work done in Swamp Land District Number Two.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Waters—An Act concerning salaries and fees of the office of certain county and township officers in the County of San Bernardino.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Brooks—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys.

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

By Mr. Ames—An Act to amend the Political Code of this State.

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

By Mr. Whitlock—An Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes.

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

By Mr. Moffat—An Act fixing the salary of the County Treasurer of the County of Inyo.

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

By Mr. Murphy of Del Norte—An Act to amend section three hundred and forty of the Penal Code, in reference to pawnbrokers.

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

By Mr. Anderson—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

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

By Mr. Coffey—An Act to amend section four hundred and eleven of the Code of Civil Procedure, in relation to the service of summons.

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

By Mr. Breen—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six—so as to make the same applicable to the County of San Benito.

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

By Mr. Coffey—An Act to increase the police force of the City and County of San Francisco.

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

GENERAL FILE.

The House then took up the general file, as follows.

Assembly Bill No. 12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and provide for the payment of certain warrants, if any, now outstanding.

Read third time, and passed.

Title approved.

Assembly Bill No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon road, in said county.

Read third time, and passed.

Title approved.

Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

Read third time, and passed.

Title approved.

Assembly Bill No. 3—An Act to regulate fees, and fix the salaries and compensation of certain officers, for the County of Colusa.

Read third time, and passed.

Title approved.

Assembly Bill No. 7—An Act to authorize the Trustees of Lower Lake School District to issue bonds to pay for the Nichols' School building.

Read third time, and passed.

Title approved.

Resolution to print Journal of the Assembly taken up, and the question being upon the adoption of the substitute recommended by the committee, Mr. Hinshaw moved to indefinitely postpone the whole subject matter.

Motion adopted.

On motion of Mr. Dixon, the House then took up the resolution

passed yesterday, providing for the election of an Assistant Clerk at the reading desk.

Nominations being in order, Mr. Dixon placed in nomination A. M. S. Carpenter.

There being no further nominations, the roll was called with the following result:

For Carpenter—Messrs. Adams, Anderson, Asmussen, Barstow, Blackwell, Broderick, Byington, Coffey, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garvey, Gildea, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, Mayfield, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Robertson, Sherman, Smyth, Smith, Thompson, Tuttle, Upton, Waters, Welch, Wheat, Young, and Mr. Speaker—45.

Mr. Carpenter was duly declared elected Assistant Clerk.

Mr. Carpenter came forward, and the oath of office was duly administered by the Speaker.

One day's leave of absence was granted to Mr. Russ.

An indefinite leave of absence was granted to the Committee on Public Buildings.

RESOLUTIONS.

By Mr. Johnson:

Resolved, That two hundred and forty extra copies of Assembly Bill No. 53 be printed.

Adopted.

By Mr. Barstow:

Resolved, That two hundred and forty extra copies of Assembly Bill No. 23 be printed.

Adopted.

UNFINISHED BUSINESS.

House took up the following resolution, by Mr. Dorsey:

Resolved, That the Committee on Corporations be and they are hereby requested to report a bill to regulate freights and fares on the various railroads in this State, at as early a day as possible

The following substitute to the above resolution, offered by Mr. Broderick, was withdrawn:

Resolved, That the Committee on Corporations inquire into the cause of the failure of the Transportation Commission to report to the Legislature, in conformity with an Act providing for the appointment of said Commission, passed during the twenty-first session of the Legislature, and report the same to this body at an early day.

At two o'clock and thirty minutes P. M., Mr. Johnson moved to adjourn.

Lost.

The question being upon the adoption of the original resolution, as offered by Mr. Dorsey, it was adopted.

The House then took up the motion of Mr. Gildea: That the Clerk of this House furnish the Secretary of State with a list of the names of reporters occupying desks on the floor of the House at the present time, that they alone might be allowed fifteen dollars worth of stationery each.

The following substitute was offered by Mr. Ostrom:

Resolved, That representatives of the public press be required to make their requisitions for stationery which they may require of the committee appointed to furnish stationery to the employés and attachés of the House.

On motion of Mr. Tuttle, the whole subject matter was indefinitely postponed.

Mr. Brooks, at two o'clock and forty-five minutes P. M., moved to adjourn.

Lost.

NOTICE.

By Mr. Hart:

MR SPEAKER I hereby give notice that I will, on Monday next, introduce a bill authorizing and directing the citizens of the agricultural counties of this State who are engaged in farming to poison wild geese.

RESOLUTION.

By Mr. Farnum:

Resolved, That two hundred and forty copies of Assembly Bill No. 12 be printed.

Adopted.

ADJOURNMENT.

At two o'clock and fifty minutes P. M., on motion of Mr. Holloway, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 7th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of Saturday, January fifth, eighteen hundred and seventy-eight, read, corrected, and approved.

Mr. Anderson, from the Judiciary Committee, reported back Assembly Bill No. 147—An Act to authorize the Board of Supervisors of Plumas County to refund certain moneys—without recommendation, and, on motion of Mr. Whitlock, the bill was referred to the delegations of Tehama, Lassen, and Plumas.

SENATE MESSAGE.

The following Senate message was taken up:

SENATE CHAMBER,
SACRAMENTO, January 7th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, upon the suggestion of the death of the Hon. Nathan Porter, Senator from Alameda County, adopted a series of resolutions, a copy of which is herewith transmitted; and the President of the Senate appointed, as a committee under said resolutions, Senators Beazell, Evans, Shirley, Dean, and P. W. Murphy, and the Senate thereupon adjourned till Wednesday next, at three o'clock P. M.

G. SECKEL, Assistant Secretary.

Resolved, That a committee consisting of five Senators be appointed by the President to escort the remains of the Hon Nathan Porter to the City of Oakland for interment.

Resolved, That the Senate attend in a body the funeral obsequies of the Hon Nathan Porter to-morrow, at Oakland, in the County of Alameda, and that Senators wear the usual badge of mourning for thirty days

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn until Wednesday, January ninth, at three o'clock P. M

RESOLUTION.

By Mr. Haile ·

WHEREAS, The sad news has reached us of the sudden death of the Hon Nathan Porter, Senator of Alameda County ; therefore,

Resolved, That in testimony of our respect for the deceased, the Speaker is hereby requested to appoint a committee of seven members of this House to accompany the body to its last resting place, and that we do now adjourn

Mr. Connolly moved to amend by adding "till Wednesday, at three o'clock P. M."

Mr. Ostrom moved to further amend by striking out the words "Wednesday, at three o'clock P. M.," and inserting, "to-morrow, at eleven o'clock and thirty minutes A. M."

Lost.

The question now being on the amendment offered by Mr Connolly, it was adopted.

The question being upon the adoption of the original resolution, it was unanimously adopted by members rising.

The Speaker appointed as a committee to attend the remains of the Hon. Nathan Porter to their last resting place, Messrs. Farnum, McClure, Dixon, Swift, Abbott, Tuttle, and Gildea.

Adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 9th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Hicks, one day's leave of absence was granted to all absentees.

Prayer by the Chaplain.

Journal of Monday, January seventh, read and approved.

REPORTS OF STANDING COMMITTEES.

By. Mr. Dixon :

MR SPEAKER Your Committee on Employés and Attachés, to whom was referred the resolution directing this Committee to inquire into the necessity of employing a Messenger Porter for the committee rooms, and to suggest the name of a suitable person for that duty, would respectfully report the following resolution, and recommend its adoption ·

"*Resolved*, That J P. Glennon be appointed Messenger Porter for the committee rooms of this Assembly, and that he receive for his services a per diem of four dollars, payable out of the Contingent Fund of this House "

Your committee has also examined the resolution authorizing the Sergeant-at-Arms to appoint

a Porter for the committee rooms, and beg leave to report the same back, with the recommendation that it be not adopted.

Your committee has also examined the resolution authorizing the Committee on Education to employ a Clerk, and beg leave to report the following amendment:

"*Resolved*, That the Committee on Education, whenever they deem it necessary, may employ a Clerk, whose services shall be paid out of the Contingent Fund of this House."

And your committee would respectfully recommend the adoption of the resolution as amended.

Your committee would also present that they have examined the resolution directing the Committee on State Hospitals to make investigations, and to employ a short-hand reporter, and beg leave to report the following amendment:

"*Resolved*, That the Committee on State Hospitals be authorized to visit and examine all hospitals, and all other eleemosynary institutions that are receiving pecuniary aid from the State, and, should it be deemed necessary, said committee is hereby empowered to send for persons and papers, and to take testimony relating to the management of such institutions, and the said committee is also authorized, in case they deem it necessary, to employ a Secretary, or short-hand reporter, who shall be paid out of the Contingent Fund of this House, at the same rate as is fixed by law in civil cases."

And your committee would respectfully recommend the adoption of the resolution as amended.

Your committee would also present that they have examined the resolution appointing Theo. B. Ross, as Assistant Journal Clerk, and beg leave to report the same back, with the recommendation that it be not adopted.

Your committee would also present that they have examined the resolution authorizing the Journal Clerk to appoint an assistant, and would respectfully recommend that said resolution be adopted.

Resolution above reported, relative to the appointment of J. P. Glennon as Messenger Porter to the committee rooms, adopted.

Following resolution, above reported, taken up:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint a Porter for the committee rooms of the Assembly.

Lost.

Following resolution, above reported, taken up:

Resolved, That the Committee on Education be authorized to employ a Clerk, payable out of the appropriation for the contingent expense of the Assembly.

The amendment to the above resolution, recommended by the committee, was adopted, and, the question being on the adoption of the original resolution, as amended, it was adopted.

Following resolution, above reported, was taken up:

Resolved, That the Committee on State Hospitals be authorized to visit and examine all hospitals and other institutions that are receiving annual appropriations of money from the State, and, should it be deemed necessary, said committee be empowered to take testimony in relation thereto, with authority to send for persons and papers, and that said committee be authorized, if they deem it necessary, to employ a short-hand reporter, to be paid at the rate fixed by law in civil cases, out of the Contingent Fund of the Assembly.

The question being on the adoption of the amendment recommended in the above report, Mr. Murphy of San Francisco moved to further amend by inserting, before the word "short-hand," the words "Secretary or."

Adopted.

The question being upon the amendment, as amended, it was adopted.

The question being upon the adoption of the original resolution, as amended, it was adopted.

The following resolution, above reported, was taken up.

Resolved, That Theo. B. Ross be and is hereby appointed Assistant Journal Clerk, with the salary allowed per diem as other Clerks of this House.

Lost.

The following resolution, above reported, was taken up.

Resolved, That the Journal Clerk be and is hereby authorized to appoint an Assistant, at a per diem of six dollars, payable out of the appropriation for contingent expenses of this House.

Adopted.

The question being upon the adoption of the report, it was adopted.

By Mr. Anderson.

ASSEMBLY CHAMBER,
SACRAMENTO, January 9th, 1878.

MR. SPEAKER — Your Committee on Judiciary, to whom was referred Assembly Bill No. 13—An Act to amend section four thousand and twenty-four of the Political Code—have had the same under consideration, report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 65—An Act to amend section sixty of the Civil Code—report it back, and recommend its passage

Also, Senate Bill No. 19—An Act to amend section three thousand six hundred and seventeen of the Political Code—and recommend its reference to the Committee on Agriculture.

Also, Assembly Bill No 80—An Act to amend section eight hundred and eighty-two of the Penal Code—report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No 16—An Act to amend section five hundred and ninety-six of the Civil Code—and recommend the passage thereof

Also, Assembly Bill No 35—An Act to amend section two thousand eight hundred and thirty-two of the Civil Code—report it back with an amendment, and recommend its passage as amended

Also, Assembly Bill No. 104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same—and recommend the passage thereof.

Also, Assembly Bill No. 97—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure—and recommend that it do not pass.

Also, Concurrent Resolution—Relative to titles of bills amendatory of the Codes—report the same back with a substitute, and recommend the adoption of the substitute.

ANDERSON, Chairman.

On motion of Mr. Anderson, the House took up the substitute for Assembly Concurrent Resolution, above reported, relative to titles of bills

Substitute adopted.

By Mr. Young·

ASSEMBLY CHAMBER,
SACRAMENTO, January 9th, 1878.

MR. SPEAKER — Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 7—An Act to authorize the Trustees of Lower Lake School District, of Lake County, to issue bonds to pay for the Nichols' School building.

YOUNG, Chairman.

By Mr Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 9th, 1878.

MR. SPEAKER — Your Committee on Agriculture, to whom was referred Assembly Bill No 90—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State—have had the same under consideration, and report it back with amendments, and recommend its passage.

THOMPSON, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 9th, 1878.

MR. SPEAKER — Your Committee on Agriculture, to whom was referred Concurrent Resolution No. 17—Relative to soldiers' and sailors' additional homesteads—have had the same under consideration, and beg leave to report it back, and recommend its passage

THOMPSON, Chairman.

By Mr Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, January 7th, 1878.

MR. SPEAKER Your Committee on Irrigation, to whom was referred Concurrent Resolution No. 10—Relative to reserving the fresh waters upon public lands—have had the same under consideration, and report it back, with recommendation that it pass as amended

ANDREW EWING, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Russ:

MR SPEAKER. The delegation to whom was referred Assembly Bill No 102—entitled an Act to authorize the Board of Supervisors to pay the claim of A. D. Sevier, ex-Sheriff of Humboldt County—report the same back, and recommend its passage.

RUSS.

By Mr. Breen:

MR. SPEAKER. The delegation to whom was referred Assembly Bill No. 152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six, so as to make the same applicable to the County of San Benito—have had the same under consideration, and report it back, with the recommendation that it do pass.

JAMES F. BREEN, Delegation San Benito County.

By Mr. Montague

MR. SPEAKER The Trinity delegation, to whom was referred Assembly Bill No. 54—An Act to prevent hogs and goats from running at large within the limits of the town site of the Town of Weaverville, Trinity County, California—beg leave to report the same back with an amendment, and recommend the passage of the same as amended.

MONTAGUE, for Delegation.

Assembly Bill No. 54, above reported, taken up, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Hart—An Act for the payment of the claim of J. L. Howard.

Read first and second times, and referred to the Committee on Claims.

Also, an Act entitled an Act authorizing the poisoning of wild geese in the agricultural counties of this State

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Johnson—An Act to amend sections two hundred and sixty-six and two hundred and seventy-five of the Penal Code, in reference to the crimes of seduction and producing abortion.

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

Also, an Act to provide for the payment of certain outstanding Indian war bonds, issued by the State of California under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Committee on Claims.

By Mr. Murphy of San Francisco—An Act to amend the Political Code of the State of California.

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

By Mr. Holloway—An Act to amend sections one thousand and thirty-three and one thousand and thirty-five of the Penal Code, relative to the change of place of trial

Also, an Act amending section one thousand four hundred and thirty, Title XI, Chapter I, of the Penal Code of the State, in reference to proceedings in Justice and Police Courts.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Breen—An Act to amend section three hundred and ninety-five of the Code of Civil Procedure.

Also, an Act to amend section eight hundred and fifty-three of the Code of Civil Procedure.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Breen—An Act to make the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, eighteen hundred and fifty-six, and amendment of title thereof, approved March twenty-sixth, eighteen hundred and sixty-three, applicable to the County of San Benito.

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

By Mr. Hicks—An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison at Folsom.

Read first and second times, and referred to the Committee on Claims

Also, an Act to protect public health from infection from the bodies of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed previous to being moved or transported in or from this State, and to prescribe penalties for any violation of the same.

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

By Mr. Wilson—An Act to provide for the payment of witnesses in criminal cases in the County of Placer.

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

By Mr. Long—An Act to incorporate the Town of Mendocino City, Mendocino County, California.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Wheat—An Act in relation to the Sheriff and Treasurer of Calaveras County.

Read first and second times, and referred to the Calaveras delegation.

By Mr. Hinshaw—An Act to amend an Act entitled an Act to estab-

lish a Board of Commissioners for the former Pueblo or City of Sonoma.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Thompson—An Act authorizing John Parrott, Samuel Clark, J. L Keagle, Rufus Franklin, William Heart, Robert Boice, D. P. McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin County.

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

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 9th, 1878.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the fifth instant, adopted Senate Concurrent Resolution No. 22—For the appointment of committees in regard to Yosemite Valley—and the same is transmitted herewith.

G. SECKEL, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No 22, above reported, taken up and adopted.

NOTICE.

By Mr. Dinniene:

Of a bill entitled an Act to regulate street railroads in the City and County of San Francisco.

RESOLUTIONS.

By Mr. Haile:

Resolved, That the Committee on State Prisons be allowed indefinite leave of absence, for the purpose of making such an examination as will enable the committee to report correctly to this House on all matters relating to the State Prisons

Adopted.

By Mr. Nealley:

Resolved, That the Secretary of State be and hereby is requested to furnish this House with the official vote, as returned to his office, relating to the calling a Constitutional Convention; also, stating those counties which have not made returns.

Withdrawn.

By Mr. Anderson:

Resolved, That G W Giffen be added to the Committee on the State Prison, as a member thereof.

Adopted.

By Mr. Dare

Resolved, That each of the several newspapers represented on this floor be allowed two copies of each bill and concurrent resolution which may be printed.

Adopted.

By Mr. Sherman—Asssembly Concurrent Resolution, relative to increasing mail service on mail route number forty-six thousand three hundred, in the County of Santa Barbara.

Referred to the Committee on Federal Relations.

By Mr. Upton:

Resolved, That the State Printer be and he is hereby authorized and directed to have printed on all bills and concurrent resolutions the name of the committee to which they have been referred by action of the House

Adopted.

By Mr. Ostrom:

WHEREAS, The debris from the hydraulic mines of our State is greatly injuring, and, in many places, has totally destroyed large quantities of our finest alluvial lands; and the same cause is filling up our streams and shoaling our navigable waters; therefore, be it

Resolved, That the Speaker appoint a committee of five to investigate this subject, and they are hereby authorized to send for persons and papers, examine witnesses, administer oaths, and may visit San Francisco and the City of Marysville, if they deem it proper. They are also empowered to employ a phonographic reporter, at a per diem not to exceed eight dollars for actual service rendered.

Adopted.

In accordance with Senate Concurrent Resolution No. 22—Relative to the appointment of a committee in regard to Yosemite Valley—this day adopted, the Speaker appointed as such committee, Messrs. Smyth, Ames, Ewing, and Mace.

RESOLUTION.

By Mr. Swift.

Resolved, That the State Printer be directed to print two hundred and forty copies extra of Assembly Bill No. 119—An Act to provide for and regulate the establishment and regulation of water-rates in cities of one hundred thousand inhabitants.

Adopted.

By Mr. Hinshaw.

Resolved, That the usual number of copies of Assembly Bill No. 94 be printed.

Adopted.

By Mr. Sherman—Assembly Concurrent Resolution, relative to printing the Governor's message in Spanish.

Referred to the Committee on Public Printing.

GENERAL FILE.

Assembly Joint Resolution No. 11—Relative to the encouragement of rifle practice in the Army of the United States and militia of the several States.

Ordered engrossed

Assembly Bill No. 84—An Act in relation to roads and highways in San Diego County.

Amendments adopted, and bill ordered engrossed.

Assembly Bill No. 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

Taken up, and on motion of Mr. Johnson, was made the special order for to-morrow, at one o'clock and thirty minutes P. M.

LEAVE OF ABSENCE.

Mr. Warden was granted one day's leave of absence.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Murphy of San Francisco, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 10th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read, corrected, and approved.
One day's leave of absence was granted to Messrs. Sargent, Johnson, Dorsey, Brooks, Abbott, Asmussen, Upton, and Griffith, and two days' leave to Mr. Warden.

PETITIONS.

By Mr. Murphy of Del Norte—A petition from residents of Humboldt County, relative to granting to G S. Baker a franchise to build a bridge across Mad River, in Humboldt County.
Referred to the Humboldt delegation.
By Mr. Tuttle—A petition from citizens of Sonoma and Marin Counties, relative to an amendment to section six hundred and twenty-eight of the Penal Code.
Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, January 10th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 54—An Act to prevent hogs and goats from running at large within the limits of the town site of the Town of Weaverville, Trinity County, California.
Also, Assembly Concurrent Resolution No 36—Relative to title of bills.

JOHN T. DARE, for the Chairman.

By Mr. Hart:

MR SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No 42—An Act amending section three thousand four hundred and seventy-one of the Political Code—have had the same under consideration, and hereby report the same back, and recommend that said bill be referred to the Judiciary Committee.

Also, the committee have had Assembly Bill No. 85—An Act amending section three thousand four hundred and sixty-eight of the Political Code—under consideration, and recommend its passage.

HART, Chairman

Assembly Bill No. 42, above reported, referred to the Judiciary Committee, as recommended.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 10th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 45—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for the equitable distribution of the taxes derived therefrom—have had the same under consideration, and report it back, and recommend it do not pass.

THOMPSON, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 10th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 70—An Act to amend section three thousand seven hundred and eighty-seven of the Political Code—have had the same under consideration, report it back, and recommend that it do not pass.

Also, Senate Bill No. 65—An Act making appropriations for the deficiency in the appropriations for the payment of salaries of District Judges for the twenty-eighth fiscal year—report the same back, and recommend its passage.

Also, Assembly Bill No. 106—An Act to amend section two hundred and fifty-eight of the Code of Civil Procedure—report the same back, and recommend that the author be allowed to withdraw it.

Also, Assembly Bill No. 107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 117—An Act to amend section one thousand five hundred of the Code of Civil Procedure—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 118—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 126—An Act to amend section nine hundred and two of the Code of Civil Procedure—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code—report the same back, a majority recommending the passage thereof.

Also, Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to grand juries in the City and County of San Francisco—report the same back with a recommendation that it be referred to the San Francisco delegation.

Also, Assembly Bill No. 140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases—report the same back, and recommend its passage.

Also, Assembly Bill No. 137—An Act to amend section sixty-eight of the Civil Code, relative to the authentication of marriages—report the same back, and recommend that the same do not pass.

ANDERSON, Chairman.

Assembly Bill No. 139, above reported, was referred to the San Francisco delegation, as recommended.

REPORT OF SELECT COMMITTEE.

By Mr. Breen:

ASSEMBLY CHAMBER,
SACRAMENTO, January 10th, 1878.

MR. SPEAKER: The delegation of San Benito County, to whom was referred Assembly Bill No. 163—An Act to make the provisions of an Act entitled an Act concerning hogs found running at large in certain counties in this State, approved April twenty-first, eighteen hundred and fifty-six, and amendment of title thereof, approved March twenty-sixth, eighteen hundred and sixty-three, applicable to the County of San Benito—have had the same under consideration, and report it back, with the recommendation that it pass.

BREEN, Delegation from San Benito County

By Mr. Holloway—An Act to provide for the holding of a Convention to revise and change the Constitution of the State of California.

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

By Mr. Swift—An Act to prevent conflagrations in the City and County of San Francisco, by limiting the hight of wooden buildings and structures of wood therein.

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

By Mr. Meyers—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Read first and second times, and referred to Committee on Corporations.

By Mr. McComas—An Act to amend sections one thousand and ninety-four, one thousand and ninety-five, one thousand and ninety-seven, one thousand and ninety-eight, one thousand and ninety-nine, one thousand one hundred, one thousand one hundred and one, one thousand one hundred and two, one thousand one hundred and three, one thousand one hundred and four, one thousand one hundred and eight, one thousand one hundred and twelve, one thousand one hundred and fourteen, one thousand one hundred and seventeen, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-four, one thousand one hundred and forty-five, one thousand one hundred and forty-six, one thousand one hundred and forty-nine, one thousand two hundred and twenty-five, one thousand two hundred and twenty-seven, one thousand two hundred and twenty-eight, one thousand two hundred and thirty-one, and to repeal sections one thousand one hundred and five, one thousand one hundred and six, one thousand one hundred and seven, one thousand one hundred and nine, one thousand one hundred and thirteen, one thousand one hundred and fifteen, one thousand one hundred and sixteen, and subdivisions one and two of section one thousand one hundred and seventeen of the Political Code, concerning elections.

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

By Mr. Barstow—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

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

By Mr. Russ—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to aid in the construction of a railroad in the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county.

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

By Mr. Welch—An Act to amend subdivision two, of section six

hundred and ninety, Title X, Chapter I, of the Code of Civil Procedure, to exempt certain property from execution.

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

By Mr. Dinniene—An Act to regulate street railroads in the City and County of San Francisco.

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

By Mr. Ellis—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles.

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

RESOLUTIONS.

By Mr. Murphy of San Francisco:

Resolved, That the Superintendent of State Printing be instructed to print five hundred copies of the Governor's message in German, for distribution

Referred to Committee on Printing.

By Mr. Ewing:

Resolved, That the Committee on Irrigation be and are hereby authorized to employ a Clerk, whenever they may deem it necessary, at a per diem of six dollars, payable out of the appropriation for contingent expenses of the House.

Referred to the Committee on Attachés and Employés.

GENERAL FILE.

Assembly Bill No. 57—An Act to fix the terms of the several Courts of record in the County of San Mateo.

Taken up, and ordered engrossed.

On motion of Mr. Dare, the vote by which the bill was ordered engrossed was reconsidered, and the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 13—An Act to amend section four thousand and twenty-four of the Political Code.

Taken up, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 65—An Act to amend section sixty of the Civil Code.

Ordered engrossed.

Assembly Bill No 80—An Act to amend section eight hundred and eighty-two of the Penal Code.

Ordered engrossed.

Senate Bill No. 16—An Act to amend section five hundred and ninety-six of the Civil Code.

Passed.

Title approved.

Assembly Bill No. 35—An Act to amend section two thousand eight hundred and thirty-two of the Civil Code.

Amendments adopted, and bill ordered engrossed.

Assembly Bill No. 104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Ordered engrossed.

Assembly Bill No 97—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Was taken up, and, pending its consideration, the hour of recess having arrived, the House adjourned for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL ORDER.

The Speaker announced for the special order for this hour, one o'clock and thirty minutes P. M., Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

The question being upon the adoption of the amendment to section one, recommended by the Committee on Agriculture, it was rejected by a vote of the House.

Mr. Swift moved to amend as follows: Amend by inserting a new section between the enacting clause and the first section of the bill as it now stands, to be numbered section one (and by renumbering the sections of the bill to conform), to read as follows:

SECTION 1. Section three thousand six hundred and seven (3607) of the Political Code is hereby amended so as to read as follows Section 3607. All property within the State, except the property of the United States, of the State, and of municipal corporations, is subject to taxation, but the products of the soil, resulting from grains or other plants sowed or planted annually, and commonly known as growing crops, are too uncertain and precarious in their nature before attaining maturity of growth to be the subject of valuation for the purposes of taxation, and shall not be assessed or taxed before such maturity at more than a nominal valuation.

Mr. Gildea moved to refer the bill, with amendments, to the Judiciary Committee, and pending the discussion of the question of reference, Mr. Swift withdrew his amendment.

The question now being on the reference of the original bill to the Judiciary Committee, the ayes and noes were demanded by Messrs. Sargent, Dare, and Hugg.

The roll was called, and the motion to refer was lost by the following vote.

AYES—Messrs. Abbott, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Byington, Coffey, Conroy, Cooley, DeWitt, Dixon, Dunlap, Farnum, Gildea, Haile, Hanna, Haworth, Hinshaw, Holloway, McClure, Murphy of Del Norte, Ostrom, Pauly, Tobin, and Waters—29.

NOES—Messrs. Connolly, Dare, Dinmiene, Ellis, Ewing, Forsyth, Garver, Gough, Hart, Hicks, Hugg, Kercheval, Long, Ludgate, Mace, Mayfield, McComas, Meyers, Montague, Murphy of San Francisco, Nealley, Nott, Pace, Robertson, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tuttle, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—37.

Mr. Barstow moved to refer the bill to the Committee on Ways and Means.

Lost.

The question being on the adoption of the second amendment in section one, recommended by the committee, to correct clerical error, it was adopted, and the bill ordered engrossed.

GENERAL FILE RESUMED.

House resumed consideration of Assembly Bill No. 97—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure—pending the discussion of which the House adjourned at the hour of recess this day.

The question being upon the engrossment of the bill, the House refused to order it engrossed.

On motion of Mr. Farnum, the order of Senate messages was taken up.

SENATE MESSAGE.

The following message was received from the Senate.

SENATE CHAMBER,
SACRAMENTO, January 10th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed, under a suspension of the rules, Senate Bill No. 131—An Act to amend sections one thousand and fifty-three and one thousand and fifty-five of the Political Code, and ordered the same to be transmitted to the Assembly forthwith, without engrossment.

Also, passed Senate Joint Resolution No. 19—In reference to the Presidio Reservation.

Also, Senate Bill No. 69—An Act to pay the claim of C. H. Krebs.

Also, adopted Assembly Concurrent Resolution No. 22—Relative to a joint committee to consider the condition of the laboring classes.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 131, above reported, taken up, read first and second times.

Mr. Tutttle moved the reference of the bill to the Judiciary Committee.

Lost.

On motion of Mr. Farnum, the bill was made the special order for to-morrow, immediately after the reading of the Journal.

Senate Concurrent Resolution No. 19, above reported, taken up, read first and second times, and referred to Committee on Federal Relations.

Senate Bill No. 69, above reported, taken up, read first and second times, and referred to Committee on Claims.

GENERAL FILE RESUMED.

Assembly Bill No. 90—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

The following amendment was offered by Mr McClure: Amend section four, on line eleven, to read as follows: "or for ornamental ponds or fountains."

Adopted.

The following amendment was offered by Mr. Waters:

SECTION 8 This Act shall not apply to artesian wells in the County of San Bernardino.

Adopted, and the Clerk instructed to renumber the sections of the bill to conform.

Amendments recommended by the committee adopted, and the bill ordered engrossed.

The Speaker here announced as a committee, in accordance with Assembly Concurrent Resolution No. 22—Relative to a committee to consider the condition of the laboring classes—Messrs. Dinniene, Haile, and Meyers.

[Speaker pro tem. in the chair.]

Assembly Joint Resolution No. 17—Relative to soldiers' and sailors' additional homesteads.

Referred to the Committee on Public Lands, with instructions to report on Monday next.

Mr. Tuttle moved to reconsider the vote by which Senate Bill No. 131 was made the special order for to-morrow.

Adopted.

Senate Bill No. 131 was then read third time, and passed.

Title approved.

Assembly Joint Resolution No. 10—Relative to reserving the fresh waters upon public lands.

Taken up, and, on motion of Mr. Barstow, was made the special order for January seventeenth, eighteen hundred and seventy-eight, at two o'clock P. M.

Assembly Bill No. 102—An Act to authorize the Board of Supervisors to pay the claim of Abner D. Sevier, ex-Sheriff of Humboldt County.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title amended by inserting the words "of Humboldt County" after the word "Supervisors."

Title approved as amended.

Assembly Bill No. 152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six, so as to make the same applicable to the County of San Benito.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At three o'clock and forty-seven and one-half minutes P. M., on motion of Mr. Hart, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 11th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

One day's leave of absence was granted to Mr. Upton, and indefinite leave to Messrs. Griffith and Adams.

RESOLUTION.

By Mr. Breen (by permission):

Resolved, That the Engrossing Clerk be and he is hereby directed to insert in Assembly Bill No 152 the usual enacting clause.

Adopted.

Mr. Johnson asked and was granted permission to withdraw Assembly Bill No. 106.

The Speaker announced that Professor Davidson, in accordance with a resolution passed by this House, would, on the fifteenth of January, eighteen hundred and seventy-eight, deliver a lecture in the Assembly Chamber, on the subject of irrigation.

Two days' leave of absence was granted to Mr. Brooks.

REPORTS OF STANDING COMMITTEES.

By Mr. Young.

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR SPEAKER *Your Committee on Engrossment have examined, and find correctly engrossed*, Assembly Bill No 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County

Also, Assembly Concurrent Resolution No. 11—Relative to encouragement of rifle practice in the Army of the United States and the militia of the several States

Also, Assembly Bill No 57—An Act to fix the terms of the several Courts of record in San Mateo County.

Also, Assembly Bill No. 13—An Act to amend section four thousand and twenty-four of the Political Code

Also, Assembly Bill No. 65—An Act to amend section sixty of the Civil Code.

Also, Assembly Bill No. 89—An Act to amend section eight hundred and eighty-two of the Penal Code.

Also, Assembly Bill No. 35—An Act to amend section two thousand eight hundred and thirty-two of the Civil Code.

Also, Assembly Bill No. 104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No 84—An Act in relation to roads and highways in San Diego County.

Also, Assembly Bill No 90—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Also, Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

Also, Assembly Bill No. 102—An Act to authorize the Board of Supervisors of Humboldt County to pay the claim of Abner D. Sevier, ex-Sheriff of said county.

YOUNG, Chairman

By Mr Dixon:

MR. SPEAKER Your Committee on Attachés and Employés, to whom was referred the resolution authorizing the Committee on Irrigation to employ a Clerk, beg leave to report that they have examined the matter, and would present the following amendment.

Resolved, That the Committee on Irrigation be and hereby is authorized to employ a Clerk, whenever said committee deems it necessary, at a per diem of five dollars, payable out of the Contingent Fund of this House.

And your committee would respectfully recommend the passage of the resolution as amended.

DIXON, Chairman.

The following resolution, reported by the committee, was taken up:

Resolved, That the Committee on Irrigation be and are hereby authorized to employ a Clerk, whenever they deem it necessary, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of this House

The question being upon the adoption of the substitute recommended by the committee, it was adopted.

The question then being upon the adoption of the original resolution, it was lost.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred the resolution in regard to securing better ventilation for the Assembly Chamber, would respectfully present the following amendment, and recommend the adoption of the resolution as amended:

Resolved, That the Secretary of State be directed to have inserted in each of the radiators in the Assembly Chamber a petite cock of sufficient capacity to furnish the oxygen necessary to make the atmosphere of this Chamber wholesome; and that the cost of said work be paid out of the Contingent Fund of this House

DIXON, Chairman

The following resolution, reported by the committee, was taken up:

WHEREAS, The atmosphere of the Assembly Chamber is offensive, injurious to health and comfort, and whereas, it is believed that the insertion of a petite cock in the pipe that conveys the steam through the radiators would renovate the atmosphere by immediately re-supplying the oxygen as fast as it is consumed by breathing, by mingling with and becoming incorporated with the unconsumed nitrogen, and would renew the atmosphere, and render the air pleasant and wholesome; therefore, be it

Resolved, That the Secretary of State be authorized to employ a workman competent to do the work suggested, and be instructed to have it completed on or before the third day of January, eighteen hundred and seventy-eight.

Resolved, That the expense incurred in doing said work be paid out of any money in the Contingent Fund of this House.

The question being upon the adoption of the amendment recommended by the committee, it was adopted.

The question now being upon the adoption of the resolution as amended, it was adopted.

REPORTS.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 17—Relative to soldiers' and sailors' additional homesteads—beg leave to report that they have had the same under consideration, and report it back, with a recommendation that it pass

WELCH, Chairman.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER: The minority of the Judiciary Committee cannot agree with the majority of said committee in regard to Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code—and assign the following as reasons why said bill should not pass in its present shape, viz.

1. It raises and increases the fees for services of the Clerk in the Supreme Court, and thus makes litigation more expensive where it should be cheapest, to wit, in the highest Court of the State, and tends to injure poor litigants.

2. It multiplies and renders more complex the duties of the Clerk of the Supreme Court without any compensating advantages, and without any necessity being shown for the changes.

3. It reduces the State of California to the level of a hungry official, by demanding the paltry sum of fifty cents from persons having certain business with the highest Court of the State.

Wherefore, the minority of said committee recommend that said bill do not pass.

S. K. WELCH,
T. J. HART,
GROVE L JOHNSON,
JAMES F. BREEN

REPORTS OF SELECT COMMITTEES.

By Mr. Long:

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR SPEAKER The delegation to whom was referred Assembly Bill No. 167—An Act to incorporate the Town of Mendocino City, Mendocino County, California—have had the same under consideration, and report the same back, and recommend its passage.

LONG, for Delegation.

Assembly Bill No. 167, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Tuttle.

MR. SPEAKER The Committee on Corporations, to whom was referred Assembly Bill No. 79—An Act to legalize the incorporation of the Town of Anaheim—report the same back, and recommend its passage.

Also, Assembly Bill No 96—An Act to incorporate the City of Sonora, with an amendment, with the recommendation that the amendment be adopted, and passage of the bill as amended.

TUTTLE, Chairman.

Assembly Bill No. 79, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 96, above reported, taken up, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

Title approved.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 10th, 1878.

MR SPEAKER: The San Joaquin delegation, to whom was referred Assembly bill No 170—An Act authorizing John Parrott, Samuel Clark, J. L. Keagle, Rufus Franklin, William Heart, Robert Boice, D. F McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin County—have had the same under consideration, and report it back, and recommend that it pass.

THOMPSON, for Delegation.

Assembly Bill No. 170, above reported, taken up, rules suspended, and Mr. Tuttle moved the reference of the bill to the Swamp Land Committee.

Lost.

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

Title approved.

The Speaker here announced as a committee, in accordance with Mr. Ostrom's resolution relative to mining debris, Messrs. Ostrom, Garver, Waters, Coffey, and Kercheval.

By Mr. Wheat:

MR. SPEAKER The Calaveras delegation, to whom was referred Assembly Bill No. 168—An Act in relation to the Sheriff and Treasurer of Calaveras County—has had the same under consideration, and report it back, recommending its passage.

WHEAT, for Delegation.

Assembly Bill No. 168, above reported, taken up, rules suspended, and, during the reading of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Clerk resumed the reading of Assembly Bill No. 168, during the reading of which the House took a recess this day.

Mr. Waters moved that the bill be referred to the Committee on Ways and Means.

Adopted.

INTRODUCTION OF BILLS

By Mr. Warden—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of the bonds of the Town of San Luis Obispo.

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

By Mr. Swift—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters.

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

Also, An Act to regulate the registration of voters, and to secure the purity of elections in the City and County of San Francisco.

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

By Mr. Connolly—An Act to amend an Act entitled an Act repealing Article Fourth of an Act entitled an Act to repeal the several charters of the City and County 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 all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article Four, approved April first, eighteen hundred and seventy-two.

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

Also, an Act to amend an Act entitled an Act to define the duties and liabilities of pawnbrokers and pledgers, approved April seventeenth, eighteen hundred and sixty-one.

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

Also, an Act for the better government of the Police Department of the City and County of San Francisco.

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

By Mr. Asmussen—An Act to amend section four hundred and ninety-seven of the Civil Code of the State of California.

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

By Mr. Johnson—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed, or nonsuit entered.

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

By Mr. Holloway—An Act to amend section nine hundred and

fifty-six of the Penal Code, in reference to injuries to persons and property.

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

[Mr. Haile in the chair.]

By Mr. Farnum—An Act to authorize the Common Council of the City of Oakland to appoint a Deputy City Marshal of said city.

Read first and second times, and referred to the Alameda delegation.

Also, an Act relative to certain duties of Constables in several townships of the County of Alameda.

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

Also, an Act relative to executions from Courts of Justice of the Peace of the several Townships of the County of Alameda.

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

By Mr. Gough—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.

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

By Mr. Hanna—An Act relative to electors.

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

Also, an Act entitled an Act relative to cheese factories.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Berry—An Act to amend certain sections and to repeal certain sections of the Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relative to the classification, number, and designation of civil executive officers.

Read first and second times, and referred to Committee on Ways and Means

Also, an Act to amend section one thousand five hundred and seventy-five of the Penal Code, relative to State Prison Directors.

Read first and second times, and referred to Committee on Ways and Means.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, one thousand eight hundred and seventy-six, so as to make the same appleable to the County of San Benito.

YOUNG, Chairman.

PETITION.

By Mr. Tuttle—Relative to text-books.

Referred to Committee on Education.

SENATE MESSAGES.

The following messages were received from the Senate.

SENATE CHAMBER,
SACRAMENTO, January 11th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth instant, passed Assembly Bill No. 37—An Act to amend an Act entitled an Act to provide for the payment of the debt upon the Road Fund of Butte County, approved March twenty-seventh, eighteen hundred and seventy-six.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of January, eighteen hundred and seventy-eight, passed Senate Bill No. 80—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, in regard to Janitor of the Supreme Court.

R SHOEMAKER, Secretary.

CONSIDERATION OF SENATE MESSAGE

Senate Bill No. 80, above reported, was taken up and referred to the Judiciary Committee.

NOTICE.

By Mr. Hinshaw:

I will, within a few days, introduce a bill to amend section one hundred and ninety of the Penal Code of California.

RESOLUTIONS

By Mr. Tuttle:

WHEREAS, The committees of the Assembly, with two exceptions, have no rooms for holding their meetings, and, whereas, there appears to be a sufficient amount of unfinished space in the upper portions of this building to furnish committee rooms for all of the committees of both Houses, therefore, be it

Resolved, That the Committee on Public Buildings be requested to make an examination of the unfinished portion of this building, and report on the feasability of finishing the same.

On motion of Mr. Murphy of Del Norte, the resolution was laid on the table.

Mr. Gildea moved that the Committee on Rooms be instructed to report to the House, to-morrow, the exact number of rooms in this building available for committee purposes.

Adopted.

By Mr. Ostrom:

Resolved, That the Chief Clerk be and is hereby authorized to have such change made in his desk as he may require.

Mr. Dare moved the reference of the resolution to the Committee on Public Buildings.

Lost.

Mr. Tuttle moved its reference to a special committee of one, consisting of Mr. Ostrom.

Adopted.

By Mr. Dinniene—Assembly Concurrent Resolution, relative to the joint committee to consider the condition of the laboring classes.

Referred to the Committee on Employés and Attachés.

By Mr. Nott:

Resolved, That E. L Crawford be and he is hereby authorized and directed to carefully compare the minutes of the Assembly with the Journal, and after making all corrections necessary to make the same conform to the Journal, deliver the same to the Superintendent of State

Printing, for which service he shall receive six cents per folio, to be paid out of the appropriation for the contingent expenses of the Assembly.

The Secretary of State is hereby authorized and directed to compute the amount due for such service, and certify the same to the Controller, who is hereby authorized and directed to draw his warrant for the amount on the Treasurer, who is hereby authorized and directed to pay the same.

For the purpose of carrying this resolution into effect, the Minute Clerk is hereby directed to deliver to the said E. L Crawford the minutes of the Assembly, after the same shall have been copied into the Journal, *provided*, that before entering upon the performance of said service, the said E. L Crawford shall file with the Secretary of State a bond in the sum of one thousand dollars, with good and sufficient sureties, conditioned upon the faithful performance of said work, and that the same shall be completed within thirty days after the adjournment of the Legislature.

Referred to the Committee on Public Printing.

GENERAL FILE.

Assembly Bill No. 85—An Act to amend section three thousand four hundred and sixty-eight of the Political Code.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 45—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for the equitable distribution of the taxes derived therefrom.

Indefinitely postponed.

Assembly Bill No. 70—An Act to amend section three thousand seven hundred and eighty-seven of the Political Code, in relation to the parties that may become purchasers at tax sales.

Indefinitely postponed.

Senate Bill No. 65—An Act making appropriations for deficiency in the appropriation for the payment of salaries of District Judges for the twenty-eighth fiscal year.

Passed on file.

Assembly Bill No. 107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure.

Ordered engrossed.

Assembly Bill No. 117—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Taken up, and pending its discussion, Mr. Conroy, at two o'clock and fifty minutes P. M., moved to adjourn.

Lost.

The bill was then indefinitely postponed.

Assembly Bill No. 118—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 126—An Act to amend section nine hundred and two of the Code of Civil Procedure, relative to executions from Justice Court.

Withdrawn by consent.

Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

Made the special order for Tuesday, January fifteenth, eighteen hundred and seventy-eight, at two o'clock and thirty minutes P. M.

Assembly Bill No. 140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 137—An Act to amend section sixty-eight, Part III, Title I, Article II, Civil Code, relating to the authentication of marriages.

Indefinitely postponed.

Assembly Bill No. 163—An Act to make the provisions of an Act entitled an Act concerning hogs found running at large in certain counties in this State, approved April twenty-first, eighteen hundred and fifty-six, and amendment of title thereof, approved March twenty-sixth, eighteen hundred and sixty-three, applicable to the County of San Benito.

Taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At three o'clock and eleven and one-half minutes P. M., on motion of Mr. Connolly, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 12th, 1878.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read, and, after correcting clerical error, approved.

RESOLUTION.

By Mr. Dixon (by permission):

Resolved, That the short-hand reporter employed by the Committee on Public Buildings and Grounds, under authority of a resolution of this House, be also declared ex officio Clerk of said committee, and that he be paid for the combined service of said positions a per diem not to exceed eight dollars, payable out of the Contingent Fund of this Assembly.

Mr. Nott moved to amend by striking out "eight," and inserting "five."

Lost.

The question being upon the adoption of the resolution, it was adopted.

LEAVE OF ABSENCE.

Mr. Meyers was granted one day's leave of absence.

RESOLUTIONS.

By Mr. Dorsey:

Resolved, That the Committee on Military Affairs be authorized and directed to proceed to San Francisco for the purpose of inspecting the troops, armories, and State property of the National Guard located in that city, and that said committee be instructed to report to this House their conclusions upon the said inspection, and their opinions upon the manner in which the State appropriations for all military purposes are expended there.

Pending the discussion of the above resolution, the following substitute was offered by Mr. Dorsey:

Resolved, That all the traveling committees be required to pay their own expenses whilst in search of information for the State.

Pending the discussion of the substitute, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House resumed consideration of the substitute offered by Mr. Dorsey to his own resolution, pending the discussion of which the House took a recess this day

Pending its discussion, Mr. Montague offered the following amendment to the substitute:

Resolved, That as the State Hospital Committee is compelled to visit the State institutions receiving State aid, that said committee be exempted from action of the amendment, and that the usual expenses be allowed said committee.

Lost.

The question now being upon the substitute, the ayes and noes were demanded by Messrs. Backus, Hart, and Dinniene.

Mr. McComas moved that the whole subject matter be laid on the table.

On this motion the ayes and noes were demanded by Messrs Murphy of Del Norte, Dinniene, and Hugg.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Anderson, Barstow, Blackwell, Blake, Coffey, Dunlap, Ewing, Hanna, Hart, Hinshaw, Ludgate, McComas, Pace, Smyth, Tuttle, Welch, Wheat, Wilson, and Mr Speaker—19.

NOES—Messrs. Adams, Ames, Asmussen, Backus, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Farnum, Forsyth, Garver, Gildea, Gough, Haile, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, McClure, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pauly, Robertson, Russ, Sargent, Sherman, Swift, Tobin, Warden, Waters, Whitlock, and Young—45

The question now being upon the adoption of the substitute offered by Mr. Dorsey, upon which the ayes and noes were demanded by Messrs. Backus, Hart, and Dinniene, the roll was called, and the substitute lost by the following vote:

AYES—Messrs Asmussen, Backus, Breen, Byington, Coffey, Connolly, Dare, DeWitt, Dinniene, Dorsey, Ellis, Gough, Hinshaw, Johnson, Kercheval, Nealley, Ostrom, Pauly, Russ, Sargent, Sherman, Tobin, Tuttle, Warden, Waters, Wheat, Whitlock, and Mr. Speaker—28.

NOES—Messrs. Adams, Ames, Anderson, Barstow, Blackwell, Blake, Conroy, Cooley, Dixon, Dunlap, Ewing, Farnum, Forsyth, Garver, Gildea, Haile, Hanna, Haworth, Hicks, Holloway, Hugg, Long, Ludgate, Mace, McClure, McComas, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Robertson, Smyth, Swift, Welch, Wilson, and Young—36.

Mr. Murphy of Del Norte gave notice that on Monday next he would move a reconsideration of the last named vote.

The question now being upon the adoption of the original resolution, the following amendment was offered by Mr. Barstow:

Resolved, That the several resolutions, passed by this Assembly at the present session, authorizing committees of this House to leave the Capital are hereby rescinded, except the Hospital Committee; *provided, however*, that the rescinding of said resolutions shall not prejudice the claims which members may have for mileage on account of journeys already made, or which have been already commenced, in the discharge of their duties.

Mr. Johnson moved to strike out all after the word rescinded.

The previous question being moved by the requisite number, it was so ordered by the House.

The question being on the amendment offered by Mr. Johnson, it was lost.

The question recurring upon Mr. Barstow's amendment, the ayes and noes were demanded by Messrs. Johnson, Haworth, and Kercheval.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs Anderson, Barstow, Blackwell, Breen, Coffey, Cooley, Dunlap, Hanna, Hart, Hinshaw, Hugg, Long, Mace, Murphy of Del Norte, Nealley, Pace, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—25.

NOES—Messrs. Adams, Ames, Asmussen, Backus, Blake, Byington, Connolly, Conroy, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Haile, Haworth, Hicks, Holloway, Johnson, Kercheval, Ludgate, McClure, McComas, Montague, Murphy of San Francisco, Ostrom, Pauly, Robertson, Russ, Sargent, Sherman, Smyth, Tobin, Wilson, and Young—41.

The question now being on the adoption of the original resolution, the ayes and noes were demanded by Messrs. Johnson, Connolly, and Dinniene.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Backus, Breen, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dinniene, Dixon, Dorsey, Ellis, Farnum, Forsyth, Garver, Gildea, Gough, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Ludgate, McClure, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Swift, Tobin, Waters, Wheat, and Whitlock—45.

NOES—Messrs. Barstow, Blackwell, Blake, DeWitt, Dunlap, Ewing, Hanna, Hinshaw, Kercheval, Long, Mace, McComas, Sargent, Smyth, Thompson, Tuttle, Warden, Welch, Wilson, Young, and Mr. Speaker—21.

On motion of Mr. Farnum, the order of Senate messages was taken up.

SENATE MESSAGES.

The following messages were received from the Senate.

SENATE CHAMBER,
SACRAMENTO, January 12th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, Senate Bill No. 169—An Act concerning the special election to be held in the Fourteenth Senatorial District, on the twenty-second day of January, eighteen hundred and seventy-eight—and ordered the same transmitted to the Assembly forthwith, without engrossment.

Also, Senate Bill No. 128—An Act to authorize the District Attorney of the City and County of San Francisco to appoint a Second Assistant District Attorney—and ordered the same transmitted to the Assembly forthwith, without engrossment.

Also, Assembly Bill No 57—An Act to fix the terms of the several Courts of record in San Mateo County

G SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eleventh instant, passed Assembly Concurrent Resolution No. 26—Relative to title of bills.

Also, passed Senate Resolution No. 73—Inviting Special Assembly Committee on Mining Debris to join the Senate Committee on Irrigation and Water-rights, in visiting different portions of the State.

Also, that the President of the Senate has appointed Messrs. Montgomery, Gwin, and Murphy of Santa Clara as the Senate Committee under authority of Senate Concurrent Resolution No. 22—Relative to Yosemite Valley.

Also, appointed Messrs. Pierson, Haymond, and McCoppin as members on the part of the Senate of the Joint Committee on the Labor Question, under authority of Assembly Concurrent Resolution No. 22

G. SECKEL, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate Resolution No. 73, above reported, was, on motion of Mr. Gildea, laid on the table.

Senate Bill No. 169, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 128, above reported, referred to the San Francisco delegation

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 12th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 79—An Act to legalize the incorporation of the Town of Anaheim

107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.

85—An Act to amend section three thousand four hundred and sixty-eight of the Political Code.

170—An Act to authorize John Parrott, Samuel Clark, J. L. Keagle, Rufus Franklin, William Heait, Robert Boice, D. P. McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin County.

96—An Act to re-incorporate the City of Sonora.

163—An Act to make the provisions of an Act entitled an Act concerning hogs found running at large in certain counties in this State, approved April twenty-first, eighteen hundred and fifty-six, and amendment of title thereof, approved March twenty-sixth, eighteen hundred and sixty-three, applicable to the County of San Benito.

118—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure.

140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases.

167—An Act to incorporate the Town of Mendocino City, Mendocino County, California.

YOUNG, Chairman.

REPORTS OF STANDING COMMITTEES.

By Mr. Gildea:

MR. SPEAKER The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 14—Relative to an appropriation from the General Government for the Harbor of San Luis Obispo—beg leave to report that they have had the same under consideration, and recommend its passage.

Also, Assembly Concurrent Resolution No. 20—Relative to the improvement of the Harbor of Crescent City—and recommend its passage.

Also, Assembly Concurrent Resolution No. 12—Relative to the improvement of Wilmington Harbor—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Concurrent Resolution No 19—Relative to an appropriation for Mokelumne River—and recommend its passage.

Also, Assembly Concurrent Resolution No. 25—Asking increased mail facilities for San Luis Obispo County—and recommend its passage.

Also, Assembly Concurrent Resolution No. 18—Requesting Congress to pass an Act granting pensions to soldiers and sailors of the Mexican War—and recommend its passage.

Also, Assembly Concurrent Resolution No. 3—Relative to granting public lands, in subsidy, to corporations—and recommend its passage.

Also, Assembly Concurrent Resolution No. 24—Relative to the transfer of Indian affairs to the War Department—and recommend its passage.

Also, Assembly Concurrent Resolution No. 15 –Relative to postal savings banks—with one amendment—and recommend the passage of the same as amended.

Also, Assembly Joint Resolution No. 5—Relative to Chinese immigration—and recommend its passage.

All of which is respectfully submitted.

GILDEA, Chairman

By Mr. Farnum:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled, Assembly Bill No 37—An Act to amend an Act entitled an Act to provide for the payment of the debt upon the Road Fund of Butte County, approved March twenty-seventh, eighteen hundred and seventy-six—and has this twelfth day January, eighteen hundred and seventy-eight, been presented to the Governor for his approval.

J. E FARNUM, for Committee

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 12th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 11—An Act for the relief of the school department of the City of Oakland—have had the same under consideration, and report it back with amendments, and recommend that it be passed as thus amended.

R. C. HAILE, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, January 12th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 120—An Act declaratory of and supplementary to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six—report the same back with amendments, and recommend its passage as amended. Thirteen members present and voting.

The delegation also request that the rules of the Assembly be suspended, the bill be considered engrossed, read third time, and placed upon its passage.

J. V. COFFEY, Chairman.

Assembly Bill No. 120, above reported, ordered to the head of the file for Tuesday next.

By Mr. Nott:

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 109—An Act to authorize the Controller and Treasurer of State to transfer certain funds—have had the same under consideration, and report the same back, with a recommendation that it do pass

Also, Assembly Bill No. 144—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, and San Bernardino—and report the same back, and recommend that it do not pass.

NOTT, Chairman.

On motion of Mr. Barstow, Assembly Concurrent Resolution No. 3 was made the special order for Friday next, at one o'clock and thirty minutes P. M.

By Mr. Anderson:

ASSEMBLY CHAMBER, January 12th, 1878.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 127—An Act to amend section four thousand three hundred and fourteen of the Political Code, relative to certain duties of Constables—have had the same under consideration, report it back, and recommend that the author (Mr Farnum) have leave to withdraw the same.

Also, Assembly Bill No 125—An Act to change the name of the First Independent Presbyterian Church of Oakland—report the same back, and recommend that the author thereof (Mr. Farnum) have leave to withdraw the same.

Also, Assembly Bill No. 142—An Act to amend section one hundred and eighteen of the

Penal Code, and to repeal section one hundred and twenty-three of said Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 135—An Act to amend section three hundred and eighty-eight of the Code of Civil Procedure—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 28—An Act to amend section one hundred and seventy-two of the Civil Code, to protect the rights of married women—report the same back, and recommend that it do not pass.

ANDERSON, Chairman.

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1878.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

EWING, Chairman.

By Mr. Pauly:

MR. Speaker: Your Committee on Rooms ask leave to report—that by the courtesy of the State officers rooms four, eighteen, twenty-five, and thirty-three can be used for committee duty as follows: Room eighteen during each day; and that rooms four, twenty-five, and thirty-three during each night; and your committee would recommend that the Chairmen of the respective committees consult and agree among themselves what nights each shall occupy the rooms.

PAULY, for the Committee.

By Mr. Gough:

ASSEMBLY CHAMBER,
SACRAMENTO, January 12th, 1878.

MR SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Concurrent Resolution No. 27—In reference to printing five hundred copies of Governor's message in Spanish—have had the same under consideration, and report it back with a recommendation that it be adopted.

GOUGH, Acting Chairman.

On motion of Mr. Sherman, Assembly Concurrent Resolution No. 27, above reported, was made the special order for two o'clock on Tuesday next.

By Mr. Dixon:

MR SPEAKER: Your Committee, to whom was referred the resolution authorizing the joint committee on the condition of the laboring classes to employ a short-hand reporter, would respectfully report back said resolution, and recommend its adoption.

DIXON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Tuttle—An Act in relation to division fences in the County of Sonoma, and to the lines of counties bordering thereon.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Sherman—An Act to create the County of Purisima, to establish the boundaries thereof, and to provide for its organization.

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

By Mr. Long—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County.

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

By Mr. Haile—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Cooley—An Act to confer additional powers, in certain cases, on the municipal authorities in incorporated towns and cities in the State of California.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Coffey—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine.

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

By Mr. Robertson—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township.

Read first and second times, and referred to the Modoc delegation.

By Mr. Holloway—An Act to incorporate the Town of Anaheim.

Read first and second times, and referred to the Committee on Corporations, with the accompanying petition.

By Mr. Johnson—An Act in relation to the office of Court Commissioner, in Sacramento County.

Read first and second times, and referred to the Sacramento delegation.

Mr. Farnum had leave to withdraw Assembly Bill No. 125—An Act to change the name of the First Independent Presbyterian Church of Oakland; and Assembly Bill No. 127—An Act to amend section four thousand three hundred and fourteen of the Political Code, relative to certain duties of Constables.

ADJOURNMENT.

At three o'clock and four minutes P. M., upon motion of Mr. Holloway, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 14th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and quorum present.

One day's leave of absence was granted to Messrs. Conroy, Mayfield, and Meyers.

Prayer by the Rev. Mr. Rankin.

Journal of Saturday, January twelfth, was read and approved.

RESOLUTION.

By Mr. Johnson (by permission):

Resolved, That the Chief Clerk be and he is hereby directed to notify the Senate that Professor George Davidson will lecture on irrigation, in the Assembly Chamber, Tuesday evening, January fifteenth, eighteen hundred and seventy-eight, pursuant to the request of the Assembly, and that they are respectfully invited to attend the same

Adopted.

PETITION.

From citizens of Humboldt County—Relative to the issuing of bonds for the building of a railroad from Eureka City to Eel River Valley, in said county.

PROTEST.

By Mr. Farnum—A protest from citizens of the City of Oakland against a change of text-books in the public schools.

REPORTS OF STANDING COMMITTEES.

By Mr. Johnson:

MR. SPEAKER The minority of the Committee on Judiciary dissent from the action of the majority of the said committee, in reference to Assembly Bill No. 28—An Act to protect the rights of married women.

The undersigned recommends the passage of said bill, for the following amongst other reasons:

1. The bill provides the same rule for the community property of husband and wife during their life as is provided for its descent after their death.

2. It is simply an act of justice to the wife that has aided by her labor in accumulating the community property of husband and wife, and yet under the law, as it now stands, she can be robbed by a wicked or improvident husband of all the savings of her life and products of her labor.

3. It throws a protection around that class of the citizens of California, to wit, the wives and mothers of the people, that need it, because unable to protect themselves either by vote or force.

4. It will tend to make the residence of the citizens of California more fixed and stable, and will aid in breaking up the nomadic character of our population.

5. It will tend to create and foster the practice of consultation between husband and wife as to the business from which a living is derived for themselves and their children, and thus to render practical the accepted and true theory that husband and wife are both animated by the same desire to add to the common prosperity and the community property.

GROVE L. JOHNSON.

By Mr. Haworth:

ASSEMBLY CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Senate Joint Resolution No. 16—Relative to the improvement of Feather River—beg leave to report that they have had the same under consideration, and now return the same to this House, with recommendation that it do pass.

JAS. HAWORTH, Chairman.

By Mr. Haworth:

ASSEMBLY CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 25—An Act to amend section two thousand five hundred and sixty-eight of the Political Code—have had the same under consideration, beg leave to report back a substitute therefor, and recommend the passage of the substitute.

JAS. HAWORTH, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. McClure:

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 190—entitled an Act to authorize the Common Council of the City of Oakland to appoint a Deputy City Marshal of said city—have had the same under consideration, and report the same back with an amendment, and respectfully recommend its passage as amended.

McCLURE, for Delegation.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 122—An Act in relation to roads and highways in the County of Butte—have had the same under consideration, and report it back with recommendation that it may pass.

G. H. NEALLEY, of Butte Delegation.

By Mr. Ostrom—Relative to repairs at Chief Clerk's desk:

SACRAMENTO, CALIFORNIA, January 12th, 1878

MR. SPEAKER: Your committee of one from Yuba County return resolution in reference to improvements of the Chief Clerk's desk, and respectfully desire to report, that after ascertaining from that official that he desired a screw to his portion of the desk to aid him in his official duties, beg leave to report, that after careful examination of those implements in the warehouses located on I. Second, and L Streets, of this city, that the sum of five dollars, more or less, should be appropriated for the change.

Your committee has almost exhausted itself in ascertaining the correct cost of the implement used, but under the strict ruling of the Chair the exact amount must be named by him

OSTROM, Chairman of Committee.

By Mr. Ostrom (from standing committee, by permission).

ASSEMBLY CHAMBER,
SACRAMENTO, January 12th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 67—An Act for the relief of Julius Blume—have had the same under consideration, and report it back with the recommendation that it pass.

OSTROM, Chairman.

By Mr. Nott (from standing committee, by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 98—An Act making appropriations for deficiencies in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years—have had the same under consideration, and report it back, and recommend its passage.

NOTT, Chairman.

INTRODUCTION OF BILLS.

By Mr. Waters—An Act concerning trespass of animals upon private lands in the County of San Bernardino.

Read first and second times, and referred to the Committee on Agriculture, and the usual number of copies ordered printed.

By Mr. Johnson (by request)—An Act regarding the Fire Department of the City of Sacramento and its officers.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Johnson—An Act to provide for the better drainage of Sacramento City and the land adjoining.

Read first and second times, and referred to the Sacramento delegation, and the usual number of copies ordered printed.

By Mr. Breen—An Act to amend the Penal Code by adding a new section thereto, to be numbered section seven hundred and ninety-six, in relation to libel.

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

By Mr. Kercheval—An Act to exempt the earnings of labor from attachment, execution, or garnishment during a certain period.

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

By Mr. Montague—An Act relative to Justices' fees and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy.

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

NOTICE.

By Mr. Gildea:

Of a bill to provide for the calling of a Constitutional Convention.

RESOLUTIONS.

By Mr. Barstow:

Resolved, That the Committee on Education are instructed to report Assembly Bill No. 23 within three days, with or without recommendation.

Lost.

By Mr. Mace—Assembly Concurrent Resolution, relative to the future meetings of a Joint Committee on Irrigation, and the employment of a short-hand reporter for the same.

On motion of Mr. Murphy of San Francisco, the resolution was made the special order for Wednesday next, at two o'clock P. M.

By Mr. Montague:

Resolved, That the Committee on State Hospitals have indefinite leave of absence to attend to duties required of them.

Adopted.

By Mr. Barstow—Assembly Concurrent Resolution, relative to the annexation of certain portions of Mexican territory by treaty.

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

By Mr. Coffey:

Resolved, That the members of this House, representing the several Senatorial Districts in and for the City and County of San Francisco, are hereby declared and constituted to be one of the Committees of this House, under the name of the San Francisco Delegation, with the power to investigate any matter referred to them, and to administer oaths to witnesses or other persons coming before said delegation, in like manner with other committees.

Laid over for one day.

INTRODUCTION OF BILLS.

By Mr. Nott (by permission)—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

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

GENERAL FILE.

Assembly Joint Resolution No. 11—Relative to encouragement of rifle practice in the Army of the United States and militia of the several States.

Read third time, and passed.

Title approved.

Assembly Bill No. 65—An Act to amend section sixty of the Civil Code.

Mr. Holloway moved that the bill be re-referred to the Judiciary Committee.

Pending discussion of the motion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Whitlock moved that Assembly Bill No. 65, pending the discussion of which the House took a recess this day, be re-referred to the Judiciary Committee, with special instructions to amend, by inserting after the word "Chinese" the words "or Indians."

Lost.

The bill was then read third time, and passed.

Title approved.

Assembly Bill No. 80—An Act to amend section eight hundred and eighty-two of the Penal Code.

Taken up, amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 35.—An Act to amend section two thousand eight hundred and thirty-two of the Civil Code.

Taken up, amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Read third time, and passed.

Title approved.

Assembly Bill No. 84—An Act in relation to roads and highways in San Diego County.

Read third time, and passed.

Title approved.

Assembly Bill No. 90—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State.

Read third time, and passed.

The question being upon the approval of the title of the bill, Mr. Dare moved to amend the title by striking out the word "subterranean."

Mr. Tuttle gave notice that he would on to-morrow move a reconsideration of the above bill.

Mr. Dare withdrew his amendment to the title.

Title approved.

Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

Read third time, and passed.

Title approved.

Assembly Joint Resolution No. 17—Relative to soldiers' and sailors' additional homesteads.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No 65—An Act making appropriations for deficiency in the appropriation for the payment of salaries of District Judges for the twenty-eighth fiscal year.

Passed on file.

Assembly Bill No. 107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure.

Read third time, and passed.

Title approved.

Assembly Joint Resolution No. 14—Relative to an appropriation from the General Government for the Harbor of San Luis Obispo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

[Mr. Tuttle in the chair.]

Assembly Joint Resolution No. 20—Relative to improvement of Harbor of Crescent City.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resoultion No. 12—Relative to improvement of Wilmington Harbor

Rules suspended, amendment adopted, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 19—Asking for an appropriation for the improvement of the Mokelumne River.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 25—Asking increased mail facilities in San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 18—Requesting the passage of an Act granting pensions to soldiers and sailors of the Mexican war.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No 24—Relative to the transfer of Indian affairs to the War Department.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 15—Relative to postal savings banks

Mr. Gildea offered the following amendment to the amendment offered by the committee: Strike out "five thousand" and insert "five million."

Rejected.

Amendment recommended by the Committee on Federal Relations was rejected, and the question being on the engrossment of the

resolution, the ayes and noes were demanded by Messrs. Gildea, Broderick, and Kercheval.

The roll was called, and the House refused to engross the resolution by the following vote:

AYES—Messrs Barstow, Blake, Breen, Coffey, Cooley, Dare, Ewing, Garver, Hicks, Hinshaw, Johnson, McComas, Routier, Sargent, Smyth, Swift, Tuttle, Warden, Wheat, Whitlock, Wilson, and Mr. Speaker—22.

NOES—Messrs. Abbott, Adams, Anderson, Asmussen, Backus, Blackwell, Broderick, Brooks, DeWitt, Dinmene, Ellis, Farnum, Giffen, Gildea, Griffith, Haile, Hanna, Hart, Haworth, Hugg, Kercheval, Mace, May, McClure, Millet, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Thompson, Upton, Waters, Welch, and Young—41.

Mr. Backus gave notice that on to-morrow he would move a reconsideration of the vote by which the above resolution was refused engrossment.

Assembly Joint Resolution No. 5—Relative to Chinese immigration.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 11—An Act for the relief of the School Department of the City of Oakland.

Rules suspended, amendment adopted, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 109—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

[Speaker in the chair.]

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 141—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Los Angeles, and San Bernardino.

Made the special order for to-morrow, at two o'clock P. M.

Assembly Bill No. 142—An Act to amend section one hundred and eighteen of the Penal Code, and to repeal section one hundred and twenty-three of said Code.

Passed on file.

Assembly Bill No. 145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo.

Passed on file.

Assembly Bill No. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

Amendment adopted, and the bill ordered engrossed.

Assembly Bill No. 135—An Act to amend section three hundred and eighty-eight of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 28—An Act to protect the rights of married women.

Made the special order for January sixteenth, at two o'clock P. M.

Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

Made the special order for Wednesday, at one o'clock and thirty minutes P. M.

On motion of Mr. Tuttle, the House took up the order of Senate messages.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No 25—In reference to the death of Victor Emanuel, late King of Italy, and to transmit the same to the Assembly, together with the Governor's message and accompanying papers.

G SECKEL, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day, passed, under suspension of the rules, Senate Bill No. 181—An Act to amend an Act entitled an Act to enforce the collection of poll taxes in the County of Calaveras, approved March twentieth, eighteen hundred and seventy-four.

Also, that the Senate has accepted the invitation of the Assembly to attend the lecture of Professor George Davidson, on irrigation, on Tuesday evening next.

Also, passed Assembly Bill No. 170, under suspension of the rules—An Act authorizing John Parrott, Samuel Clark, J. L. Keagle, Rufus Franklin, William Heath, Robert Boice, D. P. McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin county.

Also, passed, under suspension of the rules, Assembly Bill No. 96—An Act to re-incorporate the City of Sonora, Tuolumne County.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 25, above reported, taken up, and the House refused to concur.

Governor's message referred to in the above Senate message:

To the Senate and Assembly of the State of California:

I have the honor to inform your honorable bodies that I am in receipt of a communication—which is herewith transmitted—from the Hon. D. W Barrilliz, Consul for Italy at San Francisco, giving official information of the death of Victor Emanuel II, late King of Italy, and making request that the flag on the Capitol be placed at half-mast during to-morrow, the day fixed on for the funeral ceremonies of the illustrious dead.

The communication is respectfully referred to your honorable bodies, with the request that you will take such action as you may deem the occasion to require.

WILLIAM IRWIN, Governor.

The following communication to the Governor was received with the above message:

SAN FRANCISCO, January 12th, 1878.

SIR The official information of the death of H. M. Victor Emanuel II, King of Italy, having reached me, I shall consider it a special favor if, as a mark of sympathy for the striken royal family and the bereaved Italian people, as well as a token of the friendly relations existing between the two countries, you should cause on Tuesday, the fifteenth instant (the day fixed at Rome for the funeral of the illustrious dead), the American flag to hang at half-mast on the government building.

I am, of your Excellency, the most obedient servant,

D. W. BARRILLIZ, Consul for Italy.

To His Excellency, Wm. Irwin, Governor of the State of California

Senate Bill No. 181, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Mr. Murphy of San Francisco, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 15th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence each was granted to Messrs. Kercheval and Upton.

Prayer by the Chaplain.

Journal of yesterday read and approved

PETITIONS.

By Mr. Dunlap—From citizens of Fiddletown, asking that the name of the town be changed.

Referred to the Amador delegation.

By Mr. Anderson—From California State Geological Society, relative to an appropriation for the representation of the State of California at the Paris Exposition.

Referred to the Committee on Agriculture, Mining, and Mechanic Arts College.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys.

11—An Act for the relief of the School Department of the City of Oakland

109—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Assembly Joint Resolutions Nos. 12—Relative to improvement of Wilmington Harbor.

25—Asking increased mail facilities in San Luis Obispo County.

19—Asking an appropriation for the improvement of the Mokelumne River.

24—Relative to the transfer of Indian affairs to the War Department

17—Relative to soldiers' and sailors' additional homesteads.

20—Relative to improvement of the Harbor of Crescent City.

14—Relative to an appropriation from the General Government for the Harbor of San Luis Obispo.

5—Relative to Chinese immigration.

18—Requesting the passage of an Act granting pensions to the soldiers and sailors of the Mexican war.

YOUNG, Chairman.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 110—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county—have had the same under consideration, and report it back without recommendation.

HAILE, Chairman.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 23—An Act to regulate the course of study and the use of text-books in the public schools—have had the same under consideration, and report it back, with the recommendation that it do not pass.

HAILE, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Johnson:

SACRAMENTO, January 14th, 1878.

MR. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 63—An Act to provide for repairing the sewers of Sacramento City—having had the same under consideration, report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Assembly Bill No. 63, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Johnson—An Act to amend section two hundred and seventy-four of the Code of Civil Procedure, in reference to the time when an undertaking shall be filed on an appeal to the County Court.

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

By Mr. Hart—An Act to repeal an Act entitled an Act to regulate the practice of medicine in the State of California, approved April third, eighteen hundred and seventy-six.

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

Also, an Act to repeal an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Moffat—An Act for the relief of R. M. Wilson.

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

By Mr. Dorsey—An Act to permit John J. Hesselhoft to redeem certain lands sold to the State, for delinquent taxes, for the fiscal year eighteen hundred and seventy-five and seventy-six.

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

By Mr. Nealley—An Act to amend section one hundred and seventeen of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-six.

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

By Mr. Johnson—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

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

By Mr. Abbott—An Act to ratify and confirm a contract made by the City of Monterey.

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

RESOLUTION.

The following resolution, laid over from yesterday, taken up, and adopted:

Resolved, That the members of this House, representing the several Senatorial Districts in and for the City and County of San Francisco, are hereby declared and constituted to be one of the committees of this House, under the name of the San Francisco delegation, with the power to investigate any matters referred to them, and to administer oaths to witnesses or other persons coming before said delegation, in like manner with other committees.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 14th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on January fourteenth, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 74—An Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey.

Also, on the tenth of January, eighteen hundred and seventy-eight, passed Senate Bill No. 32—An Act to amend section six hundred and sixty-three of the Code of Civil Procedure.

Also, on same day, passed Senate Bill No 39—An Act to repeal an Act entitled an Act to create a Board of Public Works in and for the City of Los Angeles

Also, Senate Bill No. 40—An Act to ratify certain acts and proceedings of the Council of the City of Los Angeles

Also, Senate Bill No. 68—An Act to amend an Act in relation to the care of orphan and abandoned children, approved March seventh, eighteen hundred and seventy four.

Also, Senate Bill No. 71—An Act to ratify and confirm an ordinance of the City of Oakland, entitled an ordinance abandoning certain streets in East Oakland, approved May twentieth, eighteen hundred and seventy-six.

Also, Senate Bill No 106—An Act to repeal an Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, and all Acts amendatory thereof, so far as they relate to the Counties of Mendocino and Humboldt.

Also, Senate Bill No. 127—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 74, above reported, was taken up, and amendments concurred in.

Senate Bill No. 32, above reported, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 39, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 40, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No 68, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 71, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 106, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 127, read first and second times, and referred to the Judiciary Committee.

NOTICE.

By Mr. Murphy of San Francisco:

Of a bill to regulate the practice of pharmacy in the State of California

MOTIONS AND RESOLUTIONS.

Mr. Tuttle moved to reconsider the vote by which Senate Bill No. 90 was passed on yesterday.

The vote was reconsidered.

On motion of Mr. McComas, the vote by which the bill was ordered engrossed was reconsidered, and the bill referred back to the Committee on Agriculture.

Mr. Backus moved to reconsider the vote by which Assembly Concurrent Resolution No. 15 was refused engrossment on yesterday.

On motion of Mr. Tuttle, the motion made by Mr. Backus was made the special order for Wednesday, January twenty-third, at one o'clock and thirty minutes P. M.

On motion of Mr. Johnson, the following resolution was taken from the table, and adopted.

WHEREAS, The committees of the Assembly, with two exceptions, have no rooms for holding their meetings, and, whereas, there appears to be a sufficient amount of unfinished space in the upper portion of this building to furnish committee rooms for all of the committees of both Houses; therefore, be it

Resolved, That the Committee on Public Buildings be requested to make an examination of the unfinished portion of this building, and report on the feasibility of finishing the same.

By Mr. Pauly—Assembly Concurrent Resolution, relative to certain Indian tribes in San Diego County.

Referred to the Committee on Federal Relations.

By Mr. Smyth:

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk be authorized to insert the word "eight" in place of the word "seven," in line forty-six of section three of Assembly Bill No. 96—An Act to re-incorporate the City of Sonora, Tuolumne County.

Adopted.

GENERAL FILE.

Assembly Bill No. 120—An Act declaratory of and supplemental to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six.

Recommitted to the San Francisco delegation, with instructions to report to-morrow morning.

Senate Joint Resolution No. 16—Relative to the improvement of Feather River.

On motion of Mr. Johnson, amended by inserting after the word "Feather" the words "and Sacramento."

Read third time, and passed.

Title approved.

[Mr. Barstow in the chair.]

Assembly Bill No. 25—An Act to amend section two thousand five hundred and sixty-eight of the Political Code.

Substitute passed by the Senate adopted, and the bill ordered engrossed.

Assembly Bill No. 190—An Act to authorize the Common Council of the City of Oakland to appoint a Deputy City Marshal for said city.

Amendments adopted, and bill ordered engrossed.

Assembly Bill No. 122—An Act in relation to roads and highways in the County of Butte.

Ordered engrossed.

Assembly Bill No. 67—An Act for the relief of Julius Blume.

Considered in Committee of the Whole.

Committee arose, and the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Tuttle, the House went into Committee of the Whole for the purpose of considering Assembly Bill No. 67.

The bill was considered in Committee of the Whole, Speaker in the chair.

IN ASSEMBLY.

[Speaker in the chair.]

The committee arose, and reported back Assembly Bill No. 67, recommending its passage.

The rules were suspended, considered engrossed, read third time, and passed.

Title approved

Assembly Bill No. 98—An Act making appropriations for deficiencies in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years, considered in Committee of the Whole, with the Speaker in the Chair.

The committee arose and reported back Assembly Bill No. 98, recommending its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 98, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 65—An Act making appropriations for deficiency in the appropriation for the payment of salaries of District Judges for the twenty-eighth fiscal year.

Passed on file.

On motion of Mr. Miller, Assembly Bill No. 110—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county—was taken up out of order.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

GENERAL FILE RESUMED.

Assembly Bill No. 142—An Act to amend section one hundred and eighteen of the Penal Code, and to repeal section one hundred and twenty-three of said Code.

Placed at the head of the file for January twenty-second, eighteen hundred and seventy-eight.

Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo.

Passed on file.

SPECIAL ORDERS.

On motion of Mr. Murphy of Del Norte, the special orders set for two o'clock and thirty minutes P. M. this day, were taken up (two o'clock P. M.):

Assembly Concurrent Resolution No. 27—Relative to printing the Governor's message in Spanish.

Read third time, and adopted.

Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

Mr. Hart moved to amend by striking out sections one and four of the bill.

Pending the discussion of the motion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the adoption of amendment offered by Mr. Hart, the ayes and noes were demanded by the requisite number. The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Ames, Blackwell, Breen, Brooks, Ewing, Hart, Kercheval, Murphy of Del Norte, Nott, Routier, Sargent, Welch, Wheat, and Whitlock—14.

NOES—Messrs. Abbott, Adams, Allen, Anderson, Asmussen, Backus, Blake, Broderick, Coffey, Conroy, Cooley, Dare, DeWitt, Dimmene, Dorsey, Dunlap, Ellis, Farnum, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Mace, May, McClure, McComas, Meyers, Miller, Montague, Murphy of San Francisco, Ostrom, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Wilson, Young, and Mr. Speaker—54

The bill was then ordered engrossed.

RESOLUTION.

By Mr. Meyers (by permission):

Resolved, That when this House adjourns it adjourn to meet at eight o'clock P. M of this day, the Speaker in the chair, to hear the lecture of George Davidson, Esq., upon the subject of Irrigation, that the roll be not called, or any other proceedings be had, except the introduction of the lecturer to the Senators and Members present by the Speaker.

Mr Murphy of Del Norte moved to lay the resolution on the table.

Lost.

Pending the discussion of the resolution, at three o'clock and forty-two minutes P. M., Mr. Dare moved to adjourn.

The question being upon adjournment, the ayes and noes were demanded by Messrs Gildea, Meyers, and Haile.

Mr. Dare withdrew his motion to adjourn.

The question recurring upon the adoption of the resolution, Mr. Murphy of Del Norte rose to a point of order, his point being that no one has a right to address the members as a body except a member.

The Speaker ruled that the point of order was well taken.

ADJOURNMENT.

At three o'clock and forty-seven minutes P. M., Mr. Johnson moved that the House adjourn till half-past seven this evening.

Mr. Nott moved to amend by striking out "half-past seven" and inserting the words "eleven o'clock to-morrow."

The question being upon adjournment till to-morrow at eleven o'clock, the ayes and noes were demanded by the requisite number.

The roll was called, and the House adjourned until eleven o'clock to-morrow, by the following vote:

AYES—Messrs Ames, Asmussen, Blackwell, Breen, Broderick, Brooks, Coffey, Dare, DeWitt, Dinmene, Dorsey, Dunlap, Giffen, Gough, Griffith, Hanna, Hart, Hicks, Holloway, Kercheval, May, McComas, Miller, Murphy of Del Norte, Nott, Ostrom, Pace, Routier, Russ, Smyth, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Young, and Mr. Speaker—38.

NOES—Messrs. Abbott, Adams, Allen, Anderson, Backus, Blake, Conroy, Cooley, Ellis, Ewing, Farnum, Garver, Gildea, Haile, Haworth, Hinshaw, Hugg, Johnson, Mace, McClure, Meyers, Montague, Murphy of San Francisco, Robertson, Sargent, Sherman, Swift, Thompson, Tobin, and Wilson—30.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 16th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITION.

By Mr. Ewing—From citizens of Merced and Mariposa Counties, relative to an appropriation for the improvement of State property in the Yosemite Valley.

Referred to the Special Committee on Yosemite.

REPORTS OF STANDING COMMITTEES.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 16th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 45—An Act to amend an Act entitled an Act authorizing the Trustees of San Buenaventura School District, of the County of Santa Barbara, in this State, to issue bonds for said district, for the

sum of ten thousand dollars, approved March sixteenth, eighteen hundred and seventy-two—have had the same under consideration, and report it back, with amendments, and recommend the passage of the bill as amended.

HAILE, Chairman.

By Mr. Young

ASSEMBLY CHAMBER,
SACRAMENTO, January 16th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 63—An Act to provide for repairing the sewers of Sacramento City.

Also, Assembly Bill No. 25—An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty eight of the Political Code.

Also, Assembly Bill No. 190—An Act to authorize the Common Council of the City of Oakland to appoint a Deputy City Marshal of said city.

Also, Assembly Bill No. 67—An Act for the relief of Julius Blume.

Also, Assembly Bill No. 98—An Act making appropriations for deficiencies in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.

Also, Assembly Bill No. 110—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county.

YOUNG, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, January 16th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 69—An Act to pay the claim of C. H. Krebs—have had the same under consideration, and report it back, with the recommendation that it do pass.

OSTROM, Chairman.

On motion of Mr. Warden, Assembly Bill No. 141 was made the special order for two o'clock P. M. to-day.

REPORT OF SPECIAL COMMITTEE.

By Mr. Farnum:

MR SPEAKER: The delegation to whom was referred Senate Bill No. 71—An Act entitled an Act to ratify and confirm an ordinance of the City of Oakland, entitled "An ordinance abandoning certain streets in East Oakland," approved May twentieth, eighteen hundred and seventy-six—have had the same under consideration, and report the same back, and recommend its passage.

FARNUM, for the Delegation.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to amend an Act entitled an Act relative to the powers of the Board of Supervisors of the Counties of Yolo and Solano, approved March twenty-fifth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Dinniene—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Sixteenth Street, in said city and county, from the westerly line of Guerrero Street to the easterly line of Church Street, and to condemn property for the roadway of said street.

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,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Resolution No. 80—*In regard to* Senate Bill No. 18.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, received from his Excellency, the Governor of California, messages transmitting to the Legislature the reports of the State Land Commissioners; also, the supplementary report of the Commissioners of Transportation to the Legislature of the State of California, upon the subject of freights and fares, with the request that the Assembly be advised of their receipt.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, January 15th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 42—An Act to amend section one hundred and thirteen of the Code of Civil Procedure, so as to change the time for the election of Justices of the Peace.

Also, Senate Bill No. 49—An Act entitled an Act to amend section one thousand six hundred and twenty-four of the Civil Code.

Also, Senate Joint Resolution No. 13—In reference to fixing the days for election of Presidential Electors and for the casting of their votes for President.

Also, Assembly Concurrent Resolution No. 6—Relative to a new Post-office in San Francisco.

Also, Assembly Concurrent Resolution No. 13—Relative to increased postal facilities for the City of Oakland.

Also, Assembly Bill No. 7—An Act to authorize the Trustees of the Lower Lake School District, of Lake County, to issue bonds to pay for the Nichols' School building.

Also, Assembly Bill No. 104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 54—An Act to prevent hogs and goats from running at large within the limits of the Town of Weaverville, Trinity County, California.

Also, Assembly Bill No. 79—An Act to legalize the incorporation of the Town of Anaheim.

Also, Assembly Bill No 3—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Colusa.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Following Senate resolution was taken up and adopted.

Resolved, That the Assembly be requested to return to the Senate Senate Bill No. 19.

Senate Bill No. 42, above reported, taken up, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 49, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 13, read first and second times, and referred to Committee on Federal Relations.

REPORT FROM SPECIAL COMMITTEE.

By Mr. Holloway (by permission):

MR. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bills Nos. 39 and 40, beg leave to report that they have considered the same, and report them back with recommendations that the same be passed.

ELLIS,
HOLLOWAY, } Delegation.

REPORT FROM STANDING COMMITTEE.

By Mr. Coffey (by permission):

SACRAMENTO, January 16th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 120—An Act declaratory of and supplementary to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six—report the same back with amendments, and recommend its passage as amended. Seventeen members present and voting.

The delegation also request that the rules of the Assembly be suspended, and the bill be considered engrossed, read third time, and placed upon its passage.

Also, Assembly Bill No 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue—report the same back, and recommend its passage. Sixteen members present and voting.

Also, Assembly Bill No. 134—An Act to amend an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the duties and powers of the Board of Education thereof, approved April first, eighteen hundred and seventy-two—report the same back, and recommend that the author have leave to withdraw it.

Also, the delegation asks for further time to report upon the following bills Nos 1, 8, 9, 10, 153, 60, 75, 81, 128, 82, 83, 99, 100, 113, 121, 116, 119, 124, 129, 139, and 114.

J. V. COFFEY, Chairman San Francisco Assembly Delegation.

Assembly Bill No. 120, above reported, taken up, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Barstow had leave to withdraw Assembly Bill No. 134, as recommended in the above report.

Further time was granted to the San Francisco delegation to report upon Bills Nos. 1, 8, 9, 10, 153, 60, 75, 81, 128, 82, 83, 99, 100, 113, 121, 116, 119, 124, 129, 139, and 114.

RESOLUTION.

By Mr. Swift (by permission).

Resolved by the Assembly, the Senate concurring, That a joint committee be appointed, of five from each House, to consider the subject of providing for calling a Constitutional Convention, to which committee all bills introduced into the Senate and Assembly for that purpose shall be referred, and said committee is hereby instructed to report, at an early day in the session, a bill providing for the calling, electing, and holding such Convention.

Mr. Murphy of Del Norte moved the reference of the resolution to the Judiciary Committee.

Upon the question of reference, the ayes and noes were demanded by Messrs. Haile, Ostrom, and Holloway.

The roll was called, and when the name of Mr. Anderson was reached that gentleman arose in his seat and asked to be excused from voting. He was excused by a vote of the House.

The roll was then called, and the motion to refer to the Judiciary Committee lost by the following vote:

AYES—Messrs. Ames, Asmussen, Breen, Broderick, Brooks, Coffey, Dinmene, Dorsey, Dunlap, Ellis, Giffen, Griffith, Hugg, Johnson, McClure, Murphy of Del Norte, Sherman, and Warden—18.

NOES—Messrs Abbott, Adams, Allen, Backus, Barstow, Blackwell, Blake, Conroy, Cooley, Dare, DeWitt, Ewing, Farnum, Garvey, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Kercheval, Mace, May, Mayfield, McConnas, Meyers, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—51.

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

Lost.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Swift moved to postpone the special order for this hour until the resolution introduced by him, pending the discussion of which the House took a recess this day, should be disposed of.

Adopted.

Mr. Hugg moved to make the resolution the special order for January twenty-eighth, eighteen hundred and seventy-eight.

Lost.

Mr. Murphy of Del Norte moved to commit the resolution to the Judiciary Committee, with special instructions to report on Monday next.

Upon the question of reference, the ayes and noes were demanded by Messrs. Haile, Ostrom, and Robertson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Ames, Anderson, Asmussen, Breen, Broderick, Brooks, Dinmene, Ellis, Ewing, Griffith, Hart, Hicks, Hugg, Johnson, Mace, McClure, Murphy of Del Norte, Nealley, Nott, Sherman, Tobin, Warden, and Young—23.

NOES—Messrs. Abbott, Adams, Allen, Backus, Barstow, Blackwell, Blake, Cofley, Conroy, Cooley, Dare, DeWitt, Dorsey, Dunlap, Farnum, Garver, Gildea, Haile, Hanna, Haworth, Hinshaw, Holloway, Kercheval, May, Mayfield, McComas, Meyers, Montague, Murphy of San Francisco, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Welch, Wheat, Whitlock, Wilson, and Mr. Speaker—46.

Mr. Murphy of Del Norte moved to amend the resolution by striking out "five" and inserting "nine"

Adopted.

The previous question being moved, by the requisite number, it was so ordered by the House.

The question recurring upon the adoption of the original resolution, it was adopted.

RESOLUTION.

By Mr. Murphy of San Francisco (by permission):

Resolved, That two hundred and forty (240) copies of Assembly Bill No. 101 be printed in addition to the usual number allowed

Adopted.

INTRODUCTION OF BILLS.

By Mr. Backus (by permission)—An Act to provide for a proper display of the industries and resources of California at the French Exposition of eighteen hundred and seventy-eight, and reports upon the same.

Read first and second times, and referred to the Committee on Public Expenditures.

REPORT.

By Mr. Russ:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 57.
Assembly Bill No. 96.
Assembly Bill No 170.
Assembly Bill No. 7.
Assembly Bill No. 104.
Assembly Bill No. 54.
Assembly Bill No. 79.
Assembly Bill No. 3.
Assembly Concurrent Resolution No. 6.
Assembly Concurrent Resolution No. 13
Assembly Bill No. 74

And, this sixteenth day of January, eighteen hundred and seventy-eight, been presented to the Governor for his approval.

RUSS, for the Committee.

SPECIAL ORDER.

The Speaker announced as the special order for this hour Assembly Bill No. 73.

On motion of Mr. Gildea, the consideration of Assembly Bill No. 73 was postponed until Assembly Concurrent Resolution No. 30, also a special order for this hour, had been disposed of.

Assembly Concurrent Resolution No. 30—Relative to Committee on Irrigation, to visit certain portions of the State—was taken up, and Mr. Waters moved to amend by adding the Towns of Riverside and San Bernardino, in San Bernardino County.

Adopted.

Mr. Pauly moved to further amend by adding San Diego City.

Adopted.

Mr. Meyers moved to further amend by adding Lodi, San Joaquin County, and Knight's Ferry, Stanislaus County.

Adopted.

Mr. Johnson moved to reconsider the vote by which the amendment adding Riverside and San Bernardino to the resolution was adopted.

Pending the discussion of Mr. Johnson's motion, Mr. Abbott moved the indefinite postponement of the resolution and amendments.

The question being upon indefinite postponement, the ayes and noes were demanded by Messrs. Haile, Abbott, and Johnson.

The previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon indefinite postponement, upon which the ayes and noes were demanded by Messrs. Haile, Abbott, and Johnson, the roll was called, and when the name of Mr. Waters was reached, that gentleman arose and requested to be excused from voting, but by a vote of the House he was required to vote.

The roll was called, and the motion to indefinitely postpone was lost by the following vote:

AYES—Messrs. Abbott, Asmussen, Blackwell, Blake, Breen, Cooley, Dunlap, Farnum, Garvey, Haile, Hinshaw, McClure, Meyers, Nott, Pace, Robertson, Thompson, Tuttle, Wheat, Whitlock, Wilson, and Mr. Speaker—23.

NOES—Messrs. Adams, Ames, Anderson, Backus, Barstow, Brooks, Coffey, Conroy, Dare, DeWitt, Dorsey, Ewing, Gildea, Gough, Hanna, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, McComas, Montague, Murphy of San Francisco, Nealley, Osborn, Pauly, Russ, Sherman, Swift, Warden, Waters, Welch, and Young—35.

The question now recurring upon Mr. Johnson's motion to reconsider the vote by which the amendment adding Riverside and San Bernardino to the resolution was adopted, the vote was taken, and the House refused to reconsider.

The question now recurring upon the adoption of the original resolution, the ayes and noes were demanded by Messrs. Johnson, Haile, and Robertson.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Adams, Ames, Backus, Barstow, Coffey, Conroy, Dare, Dorsey, Ewing, Gildea, Gough, Haworth, Hicks, Holloway, Johnson, Mace, McComas, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Sherman, Swift, Tobin, Warden, Waters, and Welch—28.

NOES—Messrs Abbott, Anderson, Asmussen, Blackwell, Blake, Breen, Brooks, Cooley, DeWitt, Dinmene, Dunlap, Ellis, Farnum, Garver, Haile, Hanna, Hart, Hinshaw, Hugg, Kercheval, McClure, Meyers, Nott, Ostrom, Pace, Robertson, Russ, Thompson, Tuttle, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—34.

On motion of Mr. Johnson, Assembly Bill No. 28 was made the special order for January twenty-third, at two o'clock P. M.

On motion of Mr. Warden, Assembly Bill No. 141 was made the special order for January seventeenth, eighteen hundred and seventy-eight, at one o'clock and thirty minutes P. M.

SPECIAL ORDER.

Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

Mr Young moved that the bill be placed at the head of the file for to-morrow.

Lost.

During the reading of the bill, Mr Dare moved a call of the House.

Lost.

Mr. Young moved that the bill be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Lost.

Mr. Dare moved to amend section seven, in lines five and six of the original copy of the bill, by striking out the words "as nearly as practicable."

Lost.

[Speaker pro tem. in the chair.]

Mr. Dare moved to amend section twelve of the bill by striking out all in lines six, seven, and eight, of the original bill, between the word "hours" and the word "it."

Lost.

At three o'clock and forty-five minutes P. M., Mr. Sherman moved to adjourn.

Lost.

Mr. Dare moved to amend by striking out section sixteen of the bill, and numbering the other sections to correspond.

Pending the discussion of the motion to amend, Mr. Dare withdrew his amendment.

The amendments recommended by the Committee on Irrigation were adopted, the rules suspended, the bill considered engrossed, read third time, and put upon its final passage.

At four o'clock and fifteen minutes P. M., Mr. Nealley moved to adjourn.

Lost.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Johnson, and Farnum.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Asmussen, Backus, Barstow, Blake, Brooks, Coffey, Cooley, Dunnene, Dorsey, Dunlap, Ellis, Ewing, Farnum, Garver, Gildea, Gough, Haile, Hanna, Hart, Haworth, Holloway, Hugg, Johnson, Kercheval, Mace, McClure, McComas, Meyers, Montague, Murphy of Del Norte, Nealley, Pauly, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Waters, Wheat, Wilson, and Young—46.

NOES—Messrs. Dare, Hinshaw, Pace, Tuttle, Warden, and Whitlock—6.

Title approved.

ADJOURNMENT.

At five o'clock and two and a half minutes P. M., on motion of Mr. Johnson, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 17th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

RESOLUTION.

By Mr. DeWitt (by permission)—Assembly Concurrent Resolution, relative to a request to our Representatives in Congress in regard to subsidies to steamships running on the Pacific Ocean, between the Coast of California and the Coast of China.

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

Title approved.

REPORTS OF STANDING COMMITTEES

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 17th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 53—An Act to amend sections one thousand five hundred and twenty-one, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand seven hundred and twelve, one thousand six hundred and thirty-four, and one thousand six hundred and thirty-nine of the Political Code, in relation to school matters—have had the same under consideration, and report it back to its author for correction.

Also, Assembly Bill No. 19—An Act to provide for the adoption of text-books for use in the public schools—have had the same under consideration, and report it back with recommendation that it do not pass.

Also, Assembly Bill No. 131—An Act to add a new section to the Political Code, to be numbered section one thousand six hundred and twenty-five, relative to Boards of Trustees of school districts and city Boards of Education—have had the same under consideration, and report it back with the recommendation that the author have leave to withdraw it.

HAILE, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 17th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 151—An Act to amend section four hundred and eleven of the Code of Civil Procedure—have had the same under consideration, report it back, and recommend that it do not pass.

Also, Assembly Bill No. 221—An Act to ratify and confirm a contract made by the City of Monterey for the recovery of its pueblo lands—report the same back, and recommend its passage.

ANDERSON, Chairman.

REPORT OF SELECT COMMITTEE.

By Mr. Robertson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 17th, 1878

MR. SPEAKER The delegation to whom was referred Assembly Bill No. 204—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township—have had the same under consideration, and report the same back, and recommend its passage.

ROBERTSON, for Delegation.

Assembly Bill No. 204, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Abbott, Assembly Bill No. 221—An Act to ratify and confirm a contract made by the City of Monterey, for the recovery of its pueblo lands—reported this day, by the Judiciary Committee, was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

RESOLUTION.

By Mr. Johnson (by permission):

Resolved, That the Committee on Swamp and Overflowed Lands be and they are hereby directed to examine into the issuance of Controller's warrants upon Swamp Land Districts Numbers Two and Eighteen, and as to the organization of said districts, and as to what, if any, legislation is needed to secure the payment of said warrants, with power to send for persons and papers.

Adopted.

On motion of Mr. Tuttle, Assembly Bill No. 19 was made the special order for one week from to-day, at one o'clock and thirty minutes P. M.

On motion of Mr. Barstow, Assembly Bill No. 23 was made the special order for the twenty-ninth of January, eighteen hundred and seventy-eight.

INTRODUCTION OF BILLS.

By Mr. Tuttle (by request)—An Act to prevent railroad companies from discriminating unjustly between localities.

Also, an Act in relation to railroads.

Also (by request), an Act for the prevention of unjust discrimination and the regulation of freights and fares on railroads in this State.

Also (by request), an Act amendatory of and supplementary to an Act entitled an Act to provide for the appointment of Commissioners

of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Each of the above bills read first and second times, and referred to the Committee on Corporations.

By Mr. Swift—An Act fixing the salaries and terms of certain officers in the City and County of San Francisco, to provide for their appointment, and to secure the payment of all official fees into the city and county treasury.

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

By Mr. Ostrom—An Act to amend certain sections of the Political Code, relative to the salary of officers and employés of the Senate and Assembly.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Thompson—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at Teachers' Institutes.

Read first and second times, and referred to the Committee on Education.

By Mr. Johnson—An Act to amend an Act entitled an Act to authorize the husband or wife, or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars, approved February eighteenth, eighteen hundred and seventy-four.

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

By Mr. Pauly—An Act to amend section one thousand seven hundred and fifty of the Political Code, in regard to the issuance of certificates without examination.

Read first and second times, and referred to the Committee on Education.

By Mr. Ames—An Act to provide for the extermination of squirrels in the County of San Mateo.

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

By Mr. Wilson (per Mr. Abbott)—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Robertson—An Act restricting the herding of sheep to certain pastures in the County of Modoc.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Ellis—An Act to protect agriculture, and to provide for the distraining of certain trespassing animals in certain counties.

Read first and second times, and referred to the Committee on Agriculture.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 16th, 1878.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the eleventh instant, passed Senate Bill No. 11—An Act to amend an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

Also, on the second instant, passed Senate Bill No. 168—An Act to declare Sonoma River navigable

Also, on this day, passed Senate Concurrent Resolution No. 28—Relative to a joint convention for the election of Trustees of the State Library.

G. SECKEL, Assistant Secretary

SENATE CHAMBER.
SACRAMENTO, January 17th, 1878.

MR SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, Senate Bill No. 199—An Act to amend the Penal Code by adding a new section, to be known as section four hundred and twenty, and ordered the same to be transmitted forthwith to the Assembly without engrossment

G. SECKEL, Assistant Secretary.

Senate Concurrent Resolution No. 28, above reported, was taken up, read first and second times, and concurred in.

Senate Bill No. 11, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 168, read first and second times, and referred to the Sonoma delegation.

NOTICE.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 16th, 1878

MR. SPEAKER: I hereby give notice that I will, at an early day, introduce a bill to regulate the rates of charges upon telegraph lines, and to prevent discrimination and extortion therein, and to compel telegraph companies to make annual reports to the proper State officers, to be therein named.

MOTIONS AND RESOLUTIONS.

By Mr Griffith (per Mr. Coffey):

Resolved, That two hundred and forty extra copies of Assembly Bill No. 113 be printed.

Adopted.

By Mr. Tuttle:

WHEREAS, The Assembly, by resolution, directed the Committee on Corporations to report a bill for the regulation of fares and freights on the railroads of this State; and, whereas, four bills relating to the subject matter of said resolution have already been introduced; therefore, be it

Resolved, That the Committee on Corporations be discharged from the duty of reporting such a bill.

Adopted.

On motion of Mr. Barstow, Assembly Joint Resolution No. 3 was made the special order for Tuesday next, at one o'clock and thirty minutes P. M.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 17th, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 122—*An Act in relation to roads and highways in the County of Butte.*

Also, Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

YOUNG, Chairman.

RESOLUTION.

By Mr. Meyers—Assembly Concurrent Resolution, relative to returning thanks to Professor Davidson for his lectures in this Chamber.

Adopted.

Mr. Johnson received permission to withdraw Assembly Bill No. 53.

GENERAL FILE.

Assembly Bill No. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

Read third time, and passed.

Title approved.

Assembly Bill No. 190—An Act to authorize the Common Council of the City of Oakland to appoint a Deputy City Marshal for said city.

Read third time, and passed.

Title approved.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House, on motion of Mr. Anderson, took up Senate Bill No. 199 (transmitted from the Senate this day)—entitled an Act to amend the Penal Code by adding a new section, to be known as section four hundred and twenty.

Mr. Blackwell moved to amend section one of the bill by striking out the words "to produce a breach of the peace or."

Adopted.

Mr. Gough moved to further amend section one by striking out "five" and inserting "ten."

Mr. Sargent moved to amend the amendment by striking out "ten" and inserting "two hundred."

Lost.

The question recurring upon the amendment offered by Mr. Gough, Mr. Sargent moved to further amend by striking out "ten" and inserting "fifty."

Lost.

The question recurring upon the amendment offered by Mr. Gough, it was adopted.

Mr. Dinniene moved to amend section one by striking out the words "at the present."

Lost.

Pending the discussion of the bill, Mr. Gildea moved to postpone the special orders set for this hour until the bill had been disposed of.

Adopted.

Pending the discussion of the bill, at five o'clock P. M., Mr. Nott

moved that the House take a recess till seven o'clock and thirty minutes P. M., this evening.

Lost.

Mr. Murphy of Del Norte moved that the bill be made the special order for to-morrow, immediately after reading the Journal.

Adopted.

ADJOURNMENT.

At five o'clock and six and one-half minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 18th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 120—An Act declaratory of and supplementary to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, A. D. eighteen hundred and seventy-six.

YOUNG, Chairman.

SPECIAL ORDER.

The Speaker announced as the special order for this hour, Friday, January eighteenth, eighteen hundred and seventy-eight, immediately after reading Journal, Senate Bill No. 199—An Act to amend the Penal Code by adding a new section, to be known as section four hundred and twenty—pending the discussion of which the House adjourned on yesterday.

Mr. Sherman offered the following amendment: Amend section one by adding the words, "this Act shall apply only to cities of one hundred thousand inhabitants or more."

Lost.

Mr. Sargent offered the following amendment: Amend section one by striking out "ten" and inserting "twenty-five."

Adopted.

IN JOINT ASSEMBLY.

Pending the discussion of the bill, at twelve o'clock M., the Senate and Assembly met in Joint Assembly for the purpose of electing five Trustees of the State Library, for the term commencing February

twenty-eighth, eighteen hundred and seventy-eight, and ending on February twenty-seventh, eighteen hundred and eighty-two.

The President of the Senate and the Speaker of the Assembly presiding.

The Secretary called the roll of the Senate, and the following Senators responded:

Messrs. Beazell, Boyston, Brown of Amador, Brown of El Dorado, Coleman, Craig, Crane, Curtis, Dean, Donovan, Evans, Flint, Fowler, Gwin, Haymond, Hill, Howe, Lambert, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Murphy of San Francisco, Murphy of San Luis Obispo, Murphy of Santa Clara, Norton, Nunan, Pierson, Ream, Rogers, Satterwhite, Searls, Shirley, and Whitney.

The Chief Clerk of the Assembly called the roll of Assemblymen, and the following members responded:

Messrs. Abbott, Adams, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Brooks, Coffey, Conroy, Cooley, Dare, DeWitt, Dimmiene, Dunlap, Ellis, Ewing, Farnum, Garver, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Mace, McClure, McComas, Meyers, Murphy of Del Norte, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Young, and Mr Speaker

The Secretary of the Senate then read the following Senate Concurrent Resolution:

Resolved by the Senate, the Assembly concurring, That the two Houses meet in joint convention, in the Assembly Chamber, at twelve o'clock M. on Friday, January eighteenth, eighteen hundred and seventy-eight, for the purpose of electing five Trustees of the State Library, to fill the vacancies that will occur by the expiration of the terms of John W. Armstrong, James J. Green, Jo Hamilton, F. W. Hatch, and E B Mott, Jr.

NOMINATIONS.

Mr. Lewis nominated Jo Hamilton, F. W. Hatch, J. W. Armstrong, E. W. Maslin, and Fred. Cox.

Mr. Johnson nominated J. J. Green, E. B. Mott, Jr., W. H. H. Lee, E. L Sullivan, and W. H. Mills.

The roll of the Senate was called by the Secretary of the Senate, and the Senators responded to their names, voting as follows.

For Hamilton, Armstrong, Maslin, Hatch, and Cox—Messrs. Beazell, Boyston, Brown, of Amador, Brown of El Dorado, Coleman, Craig, Crane, Curtis, Dean, Donovan, Fowler, Goodwin, Gwin, Haymond, Hill, Howe, Lambert, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Murphy of San Francisco, Murphy of San Luis Obispo, Murphy of Santa Clara, Norton, Nunan, Pierson, Ream, Rogers, Searls, Shirley, and Whitney.

For Green, Mott, Lee, Sullivan, and Mills—Messrs. Evans, Flint, and Satterwhite.

The roll of Assemblymen was called by the Chief Clerk of the House, and members responded, voting as follows:

For Jo Hamilton, E. W Maslin, John W. Armstrong, F. W Hatch, and Fred. Cox—Messrs. Adams, Ames, Anderson, Asmussen, Barstow, Berry, Blackwell, Breen, Brooks, Coffey, Conroy, Cooley, Dare, DeWitt, Dimmiene, Dorsey, Dunlap, Ellis, Ewing, Farnum, Garver, Gildea, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Hugg, Mace, McClure, Murphy of Del Norte, Nott, Ostrom, Pace, Pauly, Robertson, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Wheat, and Young.

For James J. Green, E. B. Mott, Jr., W H. H. Lee, E L. Sullivan, and W. H. Mills—Messrs. Abbott, Blake, Johnson, Kercheval, Meyers, and Sargent.

For Jo Hamilton, E W. Maslin, John W. Armstrong, and James J Green—Mr. Welch.

For Jo Hamilton—Mr. Swift.

Whole number of votes cast	80
Necessary to a choice	45
Jo Hamilton received	80 votes.

F. W. Hatch received ..... 78 votes.
J. W. Armstrong received ..... 79 votes.
E. W. Maslin received ..... 79 votes.
Fred Cox received ..... 78 votes.
J. J. Green received ..... 10 votes.
E. B. Mott, Jr., received ..... 9 votes.
W H. H. Lee received ..... 9 votes.
E. L. Sullivan received ..... 9 votes.
W. H. Mills received ..... 9 votes.

The President of the Senate, having announced that Jo Hamilton, F. W. Hatch, J. W. Armstrong, E. W. Maslin, and Fred. Cox had received a majority of all the votes cast, declared them duly elected Trustees of the State Library for the term ending on the twenty-seventh of February, eighteen hundred and eighty-two.

On motion of Senator Pierson, the reading of the minutes of the joint assembly was dispensed with, and the minutes approved.

At twelve o'clock and forty minutes P. M., on motion of Senator Pierson, the joint assembly adjourned *sine die*.

IN ASSEMBLY.

Speaker in the chair.

Roll called, and a quorum present.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence each was granted to Messrs. Ostrom and Nealley.

House resumed consideration of special order, Senate Bill No. 199, pending discussion of which the House went into joint assembly this day.

The question being upon the passage of the bill, the following amendment was offered by Mr. Waters: Amend by striking out all after the words "section four hundred and twenty," in line five, and insert the following: "Any person who, in the presence or hearing of twenty-five or more persons, shall utter any language with intent either to excite a riot, at the present or in the future, or any act or acts of criminal violence against person or property, or who shall suggest, or advise, or encourage any act or acts of criminal violence against any person, or persons, or property, or shall advise or encourage forcible resistance to any of the laws of this State, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison, or in a County Jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both."

Adopted.

The question recurring upon the bill as amended, Mr. Hart offered the following amendment: Amend section four hundred and twenty to read as follows: Any person who, in the presence or hearing of twenty-five or more persons, shall use any language with the intent

to incite a riot, in the present or in the future, or shall advise or encourage forcible resistance to any of the laws of this State, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison, or in the County Jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both

Pending the discussion of the amendment, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the amendment offered by Mr. Hart, the House refused to adopt it.

The bill was read the third time, and the question now recurring upon its passage, the ayes and noes were demanded by Messrs. Sherman, Hart, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Adams, Ames, Anderson, Asmussen, Backus, Barstow, Blake, Brooks, Coffey, Conroy, Cooley, Daie, DeWitt, Dorsey, Ellis, Ewing, Farnum, Garvei, Gildea, Haile, Haworth, Hicks, Holloway, Hugg, Kercheval, Mace, McClure, McComas, Meyers, Pauly, Robertson, Russ, Sargent, Swift, Thompson, Walden, Waters, Welch, Wheat, and Young—40.

NOES—Messrs. Blackwell, Breen, Dinniene, Hanna, Hart, Hinshaw, Johnson, Murphy of Del Norte, Nott, Pace, Sherman, Smyth, Tobin, Tuttle, Whitlock, and Mr Speaker—16.

Title approved.

On motion of Mr. Swift, the special orders that were to follow the bill just passed were made special orders for to-morrow, at two o'clock P. M.

On motion of Mr. Hugg, the order of Senate messages was taken up.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

I am also directed to inform your honorable body that the Senate has received from his Excellency, the Governor, a message transmitting a "Report of the Board of State Harbor Commissioners on the new water-front line of San Francisco," with the request that the Assembly be informed of the reception of said report and message.

R SHOEMAKER, Secretary.

Assembly Bill No. 17, above reported, taken up, and amendment concurred in.

Mr. Gildea moved that when this House adjourn, it adjourn till Monday, at eleven o'clock A. M.

Adopted.

On motion of Mr. Conroy, all special orders set for to-morrow, at two P. M., were made special orders for Monday next, at the same hour.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Dinniene, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 21st, 1877.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of Friday, January eighteenth, read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted as follows: Mr. Adams three days, Messrs. Johnson and Barstow each two days, and Messrs. Kercheval and Haile each one day.

Upon motion of Mr. Gildea, all other absentees were granted each one day's leave of absence.

REPORTS.

Reports were made as follows:
By Mr. Anderson:

ASSEMBLY CHAMBER, January 21st, 1878.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 191—An Act relative to certain duties of Constables in the several townships of the County of Alameda—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 192—An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda—report the same back, and recommend its passage.

Also, Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county—report the same back without recommendation, as no legal question arises thereon.

ANDERSON, Chairman

Assembly Bill No. 177, above reported, made the special order for Monday, January twenty-eighth, at one o'clock and thirty minutes P. M., and the usual number of copies ordered printed.

By Mr. Coffey

ASSEMBLY CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office—respectfully report the same back with amendments, and recommend its passage as amended. Thirteen members present and voting.

J. V. COFFEY, Chairman San Francisco Assembly Delegation.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, January 21st, 1878.

MR. SPEAKER: The delegation from Sonoma, to whom was referred Assembly Bill No. 198—An Act in relation to division fences in the County of Sonoma and the lines of counties bordering thereon—have considered the same, report it back with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 168—An Act to declare Sonoma River navigable—report the same back, and recommend its reference to the Committee on Commerce and Navigation.

TUTTLE, for Delegation.

Upon motion of Mr. Tuttle, the rules were suspended, and Assembly Bill No. 198, above reported, taken up for consideration.

Bill amended, and referred to the Committee on Agriculture, with instructions to report on to-morrow.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 144—An Act concerning salaries and fees of certain county and township officers of the County of San Bernardino—have had the same under consideration, and report it back with a recommendation that it do pass

NOTT, Chairman.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act in relation to Reclamation District Number One Hundred and Eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Gildea—An Act to amend an Act entitled an Act to provide for the collection of delinquent taxes in the City and County of San Francisco, approved April third, eighteen hundred and seventy-six.

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

By Mr. Ewing—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twentieth, eighteen hundred and seventy-four.

Read first and second times, and, with accompanying petition, referred to the Committee on Ways and Means.

By Mr. Thompson—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for the collection of taxes.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Russ—An Act to regulate the rate of interest in the State of California.

Read first and second times, and referred to the Committee on Ways and Means, and the usual number of copies ordered printed.

Also, an Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

Read first and second times, and referred to the Humboldt delegation.

By Mr. Meyers—An Act to amend section three thousand eight hundred and twenty-one of the Political Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Holloway—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy-seventy-one.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Farnum—An Act granting certain rights and powers to the county, city, and town authorities of the County of Alameda, relative to street railroad corporations within said county.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Brooks—An Act to regulate fees of office in certain counties.

Also, an Act to add section nine hundred and twenty-six to the Code of Civil Procedure.

Each of the above bills read first and second times, and referred to the Judiciary Committee, and the usual number of copies of each ordered printed.

By Mr. Dorsey—An Act to provide a new Great Register for the County of Stanislaus, and to re-register the voters thereof.

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

By Mr. Sherman—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a road fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Welch—An Act for the protection of game in Lake County.

Read first and second times, and referred to the Committee on Fish and Game.

Also, an Act to prevent hogs running at large in the Towns of Lakeport and Lower Lake, in Lake County.

Read first and second times, and referred to the Lake delegation.

By Mr. Anderson—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.

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

Upon motion of Mr. Hugg, a call of the House was ordered, and the following members responded to their names:

Messrs Ames, Anderson, Blackwell, Breen, Brooks, Coffey, Cooley, Dare, DeWitt, Dorsey, Dunlap, Ewing, Farnum, Garver, Hanna, Hart, Haworth, Hinshaw, Hugg, Mace, McComas, Meyers, Murphy of Del Norte, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Tuttle, Warden, Waters, Welch, Wheat, and Whitlock.

The absentees were then called, and, in addition to the above named members, Messrs. Gildea, Blake, and Mr. Speaker responded.

A quorum being present, the business before the House was proceeded with.

PETITION.

By Mr. Ames—From member of Half-moon Bay Sportsman's Club —Relative to a change in the deer law for San Mateo and other counties.

Referred to the Committee on Fish and Game.

REPORT.

By Mr. Farnum:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled: Assembly Bill No. 110—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county.

Assembly Bill No. 58—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of this State.

Assembly Bill No. 152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to pre-

vent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six, so as to make the same applicable to the County of San Benito.

Assembly Bill No. 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County.

Assembly Bill No 84—An Act in relation to roads and highways in San Diego County.

Assembly Bill No. 17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

And have, this twenty-first day of January, eighteen hundred and seventy-eight, at twelve o'clock and five minutes P. M., been presented to the Governor for his approval.

J. E. FARNUM, for the Committee.

[Speaker pro tem. in the chair.]

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, January 17th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the fourteenth instant, passed Senate Bill No. 95—An Act to add a new section to the Code of Civil Procedure.

Also, Senate Bill No 118—An Act to amend section eight hundred and ninety-five of the Code of Civil Procedure.

Also, Senate Bill No 113—An Act to amend section three of an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No 108—An Act to amend section forty of the Civil Code.

Also, Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk.

Also, Senate Bill No. 93—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Sheldon & Graves.

Also, this day, passed Senate Bill No. 87—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

Also, passed Senate Bill No. 26—An Act to amend section two hundred and ninety-nine of the Civil Code.

Also, Senate Bill No. 6—An Act to amend section three hundred and seven of the Civil Code, in relation to corporations.

Also, Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys and counselors at law.

Also, Senate Bill No. 103—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board.

Also, Senate Bill No 104—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board.

Also, passed, on the fourteenth instant, Senate Joint Resolution No. 20—Relative to streets adjoining the Point San José Reservation.

Also, passed, on the fifteenth instant, Senate Bill No. 150—An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.

Also, passed, on the sixteenth instant, Senate Bill No. 146—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer thereof, and to authorize certain appropriations of money by said Board

Also, passed, this day, Assembly Bill No. 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County.

Also, Assembly Bill No. 84—An Act in relation to roads and highways in San Diego County.

Also, Assembly Bill No. 110—An Act to authorize the County Treasurer of El Dorado County to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county.

Also, Assembly Bill No 58—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of this State.

Also, Assembly Bill No 152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six, so as to make the same applicable to the County of San Benito.

Also, adopted Assembly Concurrent Resolution No. 27—Relative to printing Governor's message in Spanish.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Resolution No. 85—Relative to Joint Convention this day, at twelve o'clock.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 21st, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth instant, passed Assembly Joint Resolution No. 12—Relative to improvement of Wilmington Harbor.

Assembly Concurrent Resolution No. 14—Relative to an appropriation from the General Government for the Harbor of San Luis Obispo.

Assembly Joint Resolution No. 18—Requesting the passage of an Act granting pensions to soldiers and sailors of the Mexican war.

Assembly Joint Resolution No. 19—Asking an appropriation for the improvement of the Mokelumne River.

Assembly Joint Resolution No. 20—Relative to the improvement of the Harbor of Crescent City.

Assembly Joint Resolution No. 24—Relative to the transfer of Indian affairs to the War Department.

Assembly Joint Resolution No. 25—Asking increased mail facilities in San Luis Obispo County.

Assembly Concurrent Resolution No. 36—Returning thanks to Professor Davidson for his lectures

Senate Concurrent Resolution No. 30—In regard to joint committees to receive proposals for translating the laws into Spanish.

Senate Bill No 112—An Act to amend section one thousand one hundred and sixty-six of the Code of Civil Procedure, in relation to forcible or unlawful detainer.

And substitute for Assembly Concurrent Resolution No. 34—Relative to a joint committee on the question of a Constitutional Convention.

Assembly Bill No 140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases

Also, on sixteenth instant, passed Senate Joint Resolution No 18—Relative to desert lands

Also, on seventeenth instant, passed Senate Bill No 116—An Act to define the powers of the Board of Supervisors of the City and County of San Francisco, with reference to contracts.

Also, on nineteenth instant, passed Senate Bill No. 138—An Act to amend section three thousand and sixty-one of the Political Code, relating to local Boards of Health

Also, Assembly Bill No. 12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and provide for the payment of certain warrants, if any, now outstanding.

Also, Assembly Bill No. 145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys.

G. SECKEL, Assistant Secretary.

[Speaker in the chair.]

CONSIDERATION OF SENATE MESSAGES.

Assembly Concurrent Resolution No. 34, above reported, Senate amendments concurred in.

Senate Joint Resolution No. 18, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 30, above reported, read, and adopted.

Senate Bill No. 112, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 20, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bills Nos. 116, 146, 150, 113, 103, and 104, above reported, were each read a first and second times, and referred to the San Francisco delegation.

Senate Bill No. 138, above reported, read first and second times, and referred to the Committee on Hospitals.

Senate Bills Nos. 87, 26, 66, 108, 118, and 95, above reported, were each read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 92 and 93, above reported, were each read first and second times, and referred to the Committee on Claims.

Senate Bill No. 6, above reported, read first and second times, and referred to the Committee on Corporations.

Mr. Hart had leave to introduce the following bill, out of order—An Act for the relief of Colusa County.

Read first and second times, and, with the accompanying affidavit of the District Attorney of Colusa County, referred to the Committee on Claims.

REPORTS.

Mr. Ostrom had leave to make the following reports out of order:

ASSEMBLY CHAMBER,
SACRAMENTO, January 16th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 164—An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison, at Folsom—have had the same under consideration, and report it back, with the recommendation that it do not pass.

Also, Assembly Bill No. 154—An Act for the payment of the claim of J. L. Howard—would respectfully report to this House that they have had the same under consideration, and report it back, with the recommendation that it do not pass.

OSTROM, Chairman.

GENERAL FILE.

Assembly Bill No. 25—An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code.

Read third time, and passed.

Title approved.

Assembly Bill No. 122—An Act in relation to roads and highways in the County of Butte.

Read third time, and passed.

Title approved.

Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-five of the Political Code.

Read third time, and passed.

Title approved.

Senate Bill No. 65—An Act making appropriations for deficiency in the appropriation for the payment of salaries of District Judges for the twenty-eighth fiscal year.

Upon motion of Mr. Tuttle, indefinitely postponed.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

GENERAL FILE RESUMED.

Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo.

Passed on file.

Senate Bill No. 45—An Act to amend an Act entitled an Act authorizing the Trustees of the San Buenaventura School District, of the County of Santa Barbara, in this State, to issue bonds for said district for the sum of ten thousand dollars.

Amendments adopted.

Bill read third time, and passed.

Title approved.

Senate Bill No. 69—An Act to pay the claim of C. H. Krebs.

Read third time, and passed.

Title approved.

Senate Bill No. 71—An Act to ratify and confirm an ordinance of the City of Oakland, entitled an ordinance abandoning certain streets in East Oakland, approved May twentieth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 39—An Act to repeal an Act entitled an Act to create a Board of Public Works in and for the City of Los Angeles.

Read third time, and passed.

Title approved.

Senate Bill No. 40—An Act to ratify certain acts and proceedings of the Common Council of the City of Los Angeles.

Read third time, and passed.

Title approved.

Assembly Bill No. 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.

Re-referred to the San Francisco delegation.

Assembly Bill No. 151—An Act to amend section four hundred and eleven of the Code of Civil Procedure, in relation to the service of summons.

Indefinitely postponed.

SPECIAL ORDERS—MONDAY, JANUARY TWENTY-FIRST, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AT TWO O'CLOCK P. M.

Assembly Bill No. 141—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Los Angeles, and San Bernardino.

The following amendment was offered by Mr. Mace: Amend by inserting after the word "San Bernardino," the words "Fresno, Tulare, and Kern."

Mr. Dorsey moved to amend the amendment by inserting the County of Stanislaus.

Adopted.

The question being upon the adoption of the amendment as amended, it was adopted.

Mr. Holloway moved to amend by striking out the County of Los Angeles.

Mr. Waters moved to further amend by striking out San Bernardino.

Mr. Ostrom moved to amend by striking out the enacting clause.

Pending the discussion of the last amendment, it was withdrawn by the author, Mr. Ostrom.

The question recurring upon the adoption of the amendment offered by Mr. Waters, striking out San Bernardino, it was adopted.

The question now recurring upon the amendment offered by Mr. Holloway, striking out Los Angeles County, it was adopted.

The question being upon the engrossment of the bill, it was ordered engrossed by a vote of the House.

On motion of Mr. Waters, the vote by which the bill was ordered engrossed was reconsidered.

On motion of Mr. Waters, the bill was referred to the Judiciary Committee, with special instructions to report it back to-morrow morning.

PROTEST.

By Mr. Pauly—From citizens of San Diego County, relative to the dismemberment of San Diego County.

Referred to the San Diego and San Bernardino delegations.

REPORTS

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 21st, 1878.

MR. SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

Also, Assembly Bill No. 221—An Act to ratify and confirm a contract made by the City of Monterey

Also, Assembly Bill No. 204—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township.

YOUNG, Chairman.

By Mr. Nott (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, January 18th, 1878.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto—have had the same under consideration, and report it back, recommending its passage as amended

NOTT, Chairman.

SPECIAL ORDERS RESUMED.

Assembly Joint Resolution No. 10—Relative to reserving the fresh waters upon public lands.

Ordered to the head of the file for to-morrow.

RESOLUTION.

By Mr. Holloway (by permission)—Assembly Concurrent Resolution, relative to the appointment of a joint committee for the purpose of preparing amendments to the law relative to State and county taxes.

Adopted.

NOTICE.

By Mr. May (by permission):

Of a bill vacating certain streets in San Francisco, and projecting certain other streets in lieu thereof.

ADJOURNMENT.

At two o'clock and twenty-five minutes P. M., on motion of Mr. Holloway, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 22d, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker announced as a Joint Committee on Constitutional Convention, Messrs. Swift, Waters, Haile, Gildea, and Meyers.

And as a joint committee on translating the laws into the Spanish language, Messrs. Nealley, Warden, and Swift.

The following communications, announced by the Speaker, were read from the desk:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, January 21st, 1878.

To the Honorable, the Assembly of the State of California:

I would respectfully report to your honorable body that on the fourth instant I received a copy of Senate Concurrent Resolution No. 8, and on the same day caused certified copies thereof to be forwarded to the County Clerks of the counties that had not then made return of the total vote of their respective counties, and in reply to said resolution some of the counties persisted in sending only the vote polled on the constitutional question, but after sending several letters, explaining the meaning of the words "total vote of your county," I am now in receipt of the total vote of each of the counties in the State, except Humboldt (which has made no response as yet to the resolution), and San Diego, the Clerk of which latter county, either willfully or from ignorance, still persists in misinterpreting the said resolution.

The returns now on file show the total vote of the State to be one hundred and forty-six thousand one hundred and ninety-seven, being seven hundred and twenty-three majority in favor of a Convention, with Humboldt and San Diego yet to hear from.

Respectfully,

THOMAS BECK, Secretary of State

Also, a communication from Kearney, Knight, and Wellock, members of the so-called Workingmen's Club.

Mr. Tobin moved that the communication be referred to a special committee of three.

Mr. Anderson moved to amend by adding instructions to the committee that they be required to inquire into the nature of the language used by speakers at the meetings held by the so-called Workingmen's Party; that the committee be empowered to send for persons and papers, etc., in order that they may be enabled to correctly report the nature of such language.

Amendment accepted.

Pending discussion of the motion, the following substitute was offered by Mr. Waters:

Resolved, That the Speaker appoint a special committee of five, to whom shall be referred the communication from the Workingmen's Party, with instructions to inquire and report whether any legal meetings of said party have been unlawfully interfered with by the law officers.

Pending the discussion of the substitute, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Barstow, Assembly Concurrent Resolution No. 3, special order for this hour, was made the special order for January thirty-first, at one o'clock and thirty minutes P. M.

Assembly Bill No. 141, also a special order for this hour, was postponed until the matter of the Workingmen's communication, pending the discussion of which the House took a recess this day, had been disposed of.

Consideration of the above mentioned communication was then resumed, the question being upon the substitute offered by Mr. Waters.

Mr. Anderson offered the following amendment to the substitute:

And said committee be instructed to inquire into the nature of the language used by the speakers at the meetings held by the so-called Workingmen's Party; that the committee be empowered to send for persons and papers, in order that they may be enabled to report the nature of such language, and to take into consideration all other matters complained of that would be proper for legislative action.

Adopted.

The question recurring upon the adoption of the substitute, as amended, it was adopted.

The following amendment was now offered by Mr. Tuttle: Amend by inserting, after the word party: "and also the cause of the dissatisfaction and discontent among the workingmen."

Adopted.

The question recurring upon the adoption of the original resolution, as amended, it was adopted.

INTRODUCTION OF BILLS.

By Mr. Gildea (by permission)—An Act to create and maintain a Labor Bureau in the State of California

Read first and second times, and referred to the Committee on Ways and Means, and the usual number of copies ordered printed.

Also, an Act to provide for the election of Delegates to the Constitutional Convention.

Read first and second times, and referred to the Special Committee on Constitutional Convention.

SPECIAL ORDER.

The Speaker announced as the special order Assembly Bill No. 141—An Act to extend the term for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Los Angeles, and San Bernardino.

Mr. Tuttle moved to postpone the above special order until the reports of standing committees had been read.

Lost.

Assembly Bill No. 141 was then taken up, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title amended, so as to make it conform to the body of the bill, and approved as amended.

PETITION.

By Mr. Barstow—From managers of the Ladies' Protection and Relief Society, relative to an appropriation for the destitute and distressed.

Referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Tuttle:

MR SPEAKER Your Committee on Corporations, to whom was referred Senate Bill No. 6—An Act to amend section three hundred and seven of the Civil Code, in relation to corporations—have had the same under consideration, and herewith report it back, recommending its passage

January 22d, 1878. TUTTLE, Chairman

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 71—An Act to provide for the payment of the claim of Harrison Roberts and Luis Ruggio, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez—have had the same under consideration, and beg leave to report back a substitute for said bill, and recommend the passage of the substitute.

Your committee further report that the facts bearing on said claim are as follows

By the terms of an Act approved January nineteenth, eighteen hundred and seventy-four, the sum of fifteen thousand dollars was appropriated for the arrest and delivery to the proper authorities of the bandit Vasquez and his associates: that all of said sum except about two thousand two hundred dollars was expended for the capture of said bandit Vasquez, in the year eighteen hundred and seventy-four, leaving all of his associates still at large: that in November, eighteen hundred and seventy-five, Cleodoveo Chavez, the principal associate of the said bandit Vasquez, was pursued into Arizona Territory, and killed by Harrison Roberts, Luis Ruggio, and C. S. Colvig, while resisting arrest; that Harrison Roberts and Luis Ruggio made due and formal proof of the facts of the killing of said bandit C. Chavez, his identity as the principal associate of said Vasquez, and produced the head of said Chavez before the Board of Examiners in Sacramento City, duly identified by respectable and credible witnesses—residents of San Benito County, that the said Board of Examiners was satisfied of the justness of the claim and of the identity of Chavez, an associate of the bandit Vasquez, but were unable to pay the claim of said Roberts and Ruggio, because the appropriation made by the Act above referred to had lapsed, and been covered into the General Fund of the State treasury, by reason of two years having elapsed since the date of said appropriation: that none of the captors of said Chavez have received any compensation for said capture from the State or any county therein, that the said captors were subjected to great expense, and underwent great peril in the capture of said Chavez, that the killing of said Chavez was necessary and unavoidable, inasmuch as he was resisting, and was known to be desperate and determined, and had stated that he would not be taken alive.

In conclusion, we submit that we are satisfied of the justness of the claim which we have favorably recommended, and in this connection will state that members of the Board of Examiners with whom we have conversed, and who are familiar with the facts of the case, justify our conclusion that the claim of the said captors of C. Chavez on the State is just and equitable

All of which is respectfully submitted. ANDERSON, Chairman.

ASSEMBLY CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 24—An Act to provide for holding a Constitutional Convention to revise and amend the Constitution of the State of California.

Also, Assembly Bill No. 171—An Act to provide for holding a Convention to revise and change the Constitution of the State of California.

Also, a communication from the Secretary of State, accompanied by an abstract of the vote cast for and against a Constitutional Convention—report the same back, and recommend their reference to the Select Joint Committee on Constitutional Convention, when appointed.

Also, Assembly Bill No. 141—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Los Angeles, and San Bernardino—report the same back, with an amendment, as instructed by the Assembly.

Also, Assembly Bill No. 18—An Act to amend section three thousand eight hundred and eighty-eight of the Political Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 77—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure—report the same back, and recommend that it do not pass

Also, Senate Bill No. 80—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, in regard to Janitor of the Supreme Court—report the same back, and recommend that it do not pass

Also, Assembly Bill No 39—An Act concerning fees of jurors in the County of Humboldt—report the same back and recommend its passage.

Also, Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 105—An Act to amend an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same—report it back, with a recommendation that its author (Mr. Warden) have leave to withdraw the same

ANDERSON, Chairman.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Murphy of Del Norte—An Act to amend an Act entitled an Act to encourage the planting and cultivation of oysters, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Committee on Fish and Game

By Mr. Hart—An Act to authorize the construction and maintenance of a bridge across the Sacramento River at the Town of Colusa.

Read first and second times, and referred to Committee on Roads and Highways.

Also, an Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Read first and second times, and referred to the Committee on Corporations.

REPORTS.

By Mr. Farnum:

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled Assembly Joint Resolution No 12—Relative to improvement of Wilmington Harbor.

Assembly Concurrent Resolution No 14—Relative to an appropriation from the General Government for the Harbor of San Luis Obispo.

Assembly Joint Resolution No 18—Requesting the passage of an Act granting pensions to the soldiers and sailors of the Mexican war.

Assembly Joint Resolution No. 19—Asking an appropriation for the improvement of the Mokelumne River.

Assembly Joint Resolution No 20—Relative to improvement of the Harbor of Crescent City.

Assembly Joint Resolution No. 24—Relative to the transfer of Indian affairs to the War Department.

Assembly Joint Resolution No. 25—Asking increased mail facilities in San Luis Obispo County.

Assembly Bill No 140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases.

Assembly Bill No 12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and provide for the payment of certain warrants, if any, now outstanding.

Assembly Bill No. 145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys.

And have, this twenty-second day of January, eighteen hundred and seventy-eight, at three o'clock P. M., been presented to the Governor for his approval.

FARNUM, for the Committee.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, January 21st, 1878.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 61—entitled an Act to amend the Civil Code, with respect to water rights and appropriation of water—have had the same under consideration, and report it back with the recommendation that it pass.

EWING, Chairman.

INTRODUCTION OF BILLS.

By Mr. Pace (by permission)—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

Read first and second times, and referred to the Committee on Corporations.

REPORT.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 132—An Act to more accurately ascertain the votes cast at the last election upon calling a Convention to revise the Constitution—have had the same under consideration, and report it back without action, and request the same referred to the joint committee

G. L. NEALLEY, Chairman.

Assembly Bill No. 132, above reported, referred to the Special Committee on Constitutional Convention.

INTRODUCTION OF BILLS.

By Mr. May (by permission)—An Act to ratify and confirm resolution number eleven thousand nine hundred, new series, of the Board of Supervisors of the City and County of San Francisco.

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

REPORT.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 207—An Act concerning trespass of animals upon private lands in the County of San Bernardino—have had the same under consideration, and report it back, and recommend that the same do pass

Also, Assembly Bill No. 155—An Act entitled an Act authorizing the poisoning of wild geese in the agricultural counties of the State of California—have had the same under consideration, and report it back, the majority of the committee recommending that it do not pass.

Also, Assembly Bill No. 59—An Act to amend an Act to protect agriculture, and to prevent the trespassing of animals in Tehama County, approved March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, report it back, and recommend that it pass.

Also, Assembly Bill No. 198—An Act in relation to division fences in the County of Sonoma, and to the lines of counties bordering thereon—report the same back with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

THOMPSON, Chairman.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Sargent—An Act to change and reëstablish the boundary line between the Counties of Sacramento and San Joaquin.

Read first and second times, and referred to the Sacramento and San Joaquin delegations.

On motion, Assembly Bill No. 198, reported this day by the Judiciary Committee, was taken up, amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Anderson, Assembly Bill No. 148 was re-referred to the Judiciary Committee.

By Mr. Nealley—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved April third, eighteen hundred and seventy-six.

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

By Mr. Long—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

Read first and second times, and referred to the Committee on Education.

By Mr. Tuttle—An Act to amend an Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and supplemental thereto.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Waters—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

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

By Mr. Giffen—An Act to amend sections one thousand one hundred and ninety-one and one thousand one hundred and ninety-eight of the Political Code, relative to election ballots.

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

REPORTS.

By Mr. Hinshaw.

ASSEMBLY CHAMBER,
SACRAMENTO, January 21st, 1878

MR SPEAKER: Your Committee on Public Expenditures—to whom was referred sundry bills in reference to expenditures for stamps, ice, and rent of post-office box, incurred by the Sergeant-at-Arms, have had the same under consideration, and present the following resolution, and recommend its passage:

Resolved, That the Controller is authorized to draw a warrant in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, to the amount of thirty-four dollars and fifty cents ($34 50), for expenses incurred, as follows

Post-office stamps, furnished R. C. Page, Chief Clerk	$3 00
Post-office stamps, furnished W. M. Ord, Assistant Clerk	3 00
Post-office stamps, furnished E. L. Crawford, Assistant Clerk	3 00
Post-office stamps, furnished A. M. S. Carpenter, Assistant Clerk	3 00
Post-office stamps, furnished A. J. Dobbin, Minute Clerk	3 00
Pacific Ice Company, for ice from December sixth to December twenty-fourth, eighteen hundred and seventy-seven	9 50
Rent of post-office box for the Assembly, for the twenty-second session	10 00
	$34 50

HINSHAW, Chairman.

The above resolution, reported by committee, was adopted.

By Mr. Holloway:

ASSEMBLY CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER. The Los Angeles delegation, to whom was referred Assembly Bill No. 245—

An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one—have had the same under consideration, and report it back, with recommendation that it do pass.

ELLIS, HOLLOWAY, } Delegation.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Sherman (by request)—An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pauly—An Act to appropriate funds for the use of the County Clerk of San Diego County, to pay deputies.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Young—An Act to provide for the distribution of school moneys in the County of Santa Clara.

Read first and second times, and referred to the Committee on Education.

By Mr. Backus (by request)—An Act to repeal section three hundred and fifteen of the Code of Civil Procedure.

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

By Mr. Anderson—An Act to provide for the payment of the claim of Charles A. Sumner.

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

By Mr. Dunlap—An Act to change the name of a town in Amador County.

Read first and second times, and referred to the Amador delegation.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Sherman, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 23d, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Three days' leave of absence was granted to Mr. Waters, and one day's leave to Mr. Johnson.

Journal of yesterday read and approved.

The Speaker announced as a committee to consider the communication received from the Workingmen, Messrs. Tobin, Breen, Long, Conroy, and Welch.

The following communication from the Secretary of State was read, and, together with an accompanying abstract of the votes cast on the question of holding a Constitutional Convention, was referred to the Special Committee on Constitutional Convention:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, January 22d, 1878.

To the Honorable, the Assembly of the State of California.

I herewith transmit to your honorable body an "amended statement" of the vote polled in the several counties of the State upon the question of calling a Convention to revise and change the Constitution of the State of California, at the general election for members of Assembly, held Wednesday, the fifth day of September, eighteen hundred and seventy-seven. Also, the official statement of the total number of *electors voting at said election* in each of the counties of the State, except the Counties of Humboldt and San Diego, which are estimated, they having failed to make the returns required by Senate Concurrent Resolution No. 8.

Very respectfully,

THOMAS BECK, Secretary of State.

PETITIONS.

By Mr. Coffey—From workingmen of San Francisco, relative to street sweeping contracts.

Referred to the San Francisco delegation, and the body of the petition ordered printed.

By Mr. Pauly—From the Board of Supervisors of San Diego County, relative to the division of said county.

Referred to the San Bernardino and San Diego delegations.

By Mr. Breen—A protest from citizens of San Benito and Monterey Counties, relative to the granting of further time to the Southern Pacific Railroad Company in which to complete their road between Tres Pinos and Pasa Gena.

Referred to the Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 23d, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 141—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, and Stanislaus.

YOUNG, Chairman.

By Mr. Coffey:

SACRAMENTO, January 23d, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 103—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board—report the same back, with amendments, and recommend its passage as amended. Eighteen members present and voting.

Also, Senate Bill No. 146—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer thereof, and to authorize certain appropriations of money by said Board—report the same back, with amendments, and recommend its passage as amended. Eighteen members present and voting.

Also, Senate Bill No. 128—An Act to authorize the District Attorney of the City and County of San Francisco to appoint a second Assistant District Attorney—report the same back with an amendment, and recommend its passage as amended. Eighteen members present and voting.

Also, Senate Bill No. 150—An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco—report the same back, and recommend its passage. Eighteen members present and voting.

Also, Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to Grand Juries in the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended. Eighteen members present and voting.

J. V. COFFEY, Chairman.

On motion of Mr. Coffey, the rules were suspended for the purpose of considering the bills above reported.

Senate Bill No. 103, above reported, was taken up, and amendments recommended by the delegation were adopted.

Mr. May moved to amend section one by striking out "thirty thousand dollars" and inserting "ten thousand dollars."

Pending the discussion of the amendment, on motion of Mr. Coffey, the bill was ordered on file.

Senate Bill No. 150, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 146, above reported, taken up, rules suspended, and Mr. Barstow moved to amend section one by striking out "forty thousand dollars" and inserting "five hundred thousand dollars."

Lost.

[Speaker pro tem. in the chair]

Mr Dare moved to amend the last subdivision of section one by inserting the following: "And that the money now being paid for the use of said machine shall be applied to the employment of laboring men."

RECESS.

Pending the discussion of the amendment, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Murphy of Del Norte, Assembly Joint Resolution No. 15, special order for this hour, was postponed until the order of business before the House had been disposed of.

The House then resumed consideration of Assembly Bill No. 146, pending the discussion of which the House took a recess this day, the question being upon the adoption of the amendment to section one, offered by Mr. Dare.

Pending the discussion of the amendment, it was withdrawn by its author.

The amendments recommended by the delegation were then adopted, the bill read third time, and passed.

Title approved.

Assembly Bill No. 139, above reported, was taken up, amendment adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 128, above reported, taken up, and ordered on file.

REPORTS OF STANDING COMMITTEES.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district—have had the same under consideration, report it back, and recommend its passage.

WHEAT, Chairman.

REPORT OF SELECT COMMITTEE.

By Mr. Russ:

MR. SPEAKER: The Humboldt delegation, to whom was referred a petition of citizens of Humboldt County, praying that a franchise be granted to Guy S Baker to build a bridge across Mad River, in said county—report the same back, and recommend that said petitioners make their application to the Supervisors of Humboldt County.

RUSS, for Delegation.

INTRODUCTION OF BILLS.

By Mr. Mace—An Act to provide a new Great Register for the County of Fresno, and re-register the voters thereof.

Read first and second times, and ordered on file.

By Mr. Barstow—An Act to amend section one thousand nine hundred and twenty-six of the Code of Civil Procedure.

Also, an Act to facilitate evidence in certain cases.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Miller—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Broderick—An Act for the relief of Richard Dudding and Wm. Johnson.

Read first and second times, and referred to the Committee on Claims.

By Mr. Warden—An Act to amend section two thousand nine hundred and six of the Political Code, relative to the powers of the Boards of Supervisors respecting the construction of wharves.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Holloway—An Act to amend section nine hundred and twenty-three of the Code of Civil Procedure, in relation to Justices' Courts.

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

On motion of Mr. DeWitt, Assembly Bill No. 28, special order for this day, was made the special order for February first, at two o'clock P. M.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 22d, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth instant, passed Senate Bill No. 189—An Act to amend an Act entitled an Act to widen English Street, in the City of Petaluma, and to take private lands therefor, approved March twenty-fifth, eighteen hundred and seventy-six.

Also, Senate Bill No. 130—An Act to extend the time for the construction of a raceway through the City of Placerville.

Senate Bill No. 160—An Act to amend section one thousand three hundred and eighty-six of the Penal Code.

Senate Bill No. 172—An Act for the relief of Richard H. Stretch.

Senate Bill No. 192—An Act to amend an Act entitled an Act to prevent hogs and goats running at large on certain lands in this State, approved March thirty-first, eighteen hundred and seventy-six.

Senate Joint Resolution No. 23—Relative to public lands in this State.

And, on twenty-first instant, passed Senate Bill No. 67—An Act to add another section to the Civil Code, in relation to marriage

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 22d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth instant, under suspension of the rules, passed Senate Bill No. 226—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-seven and seventy-eight.

Also, this day, passed substitute for Senate Bill No. 61—An Act to incorporate the Town of Alameda.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 226, read first and second times, and referred to the San Francisco delegation.

Substitute for Senate Bill No. 61, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 189, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 130, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 172, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 67, read first and second times, and referred to the Judiciary Committee

Senate Bill No. 160, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 192, read first and second times, and referred to the Committee on Agriculture.

Senate Joint Resolution No. 23, read first and second times, and referred to the Committee on Public Lands.

NOTICES.

By Mr. Tobin:

Of a bill to repeal section four hundred and twenty of the Penal Code.

By Mr. Allen:

Of a bill to fix the amount of the bond of the Tax Collector of Marin County.

RESOLUTIONS.

By Mr. Ewing:

WHEREAS, This Legislature is called upon, at this present session, to take action upon various measures bearing upon the question of irrigation; and, whereas, the subject is one of great importance, and but imperfectly understood by the members of the Legislature, as well as by the public at large, so that any light thrown upon it will be of great benefit to the people; therefore,

Resolved, That William Hammond Hall, Esq., Civil Engineer, be and he is hereby invited to deliver a lecture on said subject of irrigation, and the best practical methods of carrying the same into practice in this State, and that the Assembly Chamber is hereby tendered to him for that purpose, at such time as he shall desire.

Adopted.

By Mr. Murphy of Del Norte:

Resolved, That the Special Committee on Savings Banks be allowed a Clerk, at a per diem not to exceed eight dollars, the said Clerk to be only employed during the actual investigation of the affairs of the savings banks; and be it further

Resolved, That the said committee have power to send for persons and papers.

Mr. Tuttle moved to amend by striking out "eight" and inserting "five."

Mr. Gildea moved to further amend by striking out the word "Clerk" and inserting the word "Expert."

Adopted.

Mr. Nott moved to amend by allowing fifty dollars as compensation for all work performed.

Adopted.

Mr. Murphy of Del Norte moved to further amend by adding the words "the same to be paid out of the Contingent Fund of the Assembly."

Adopted.

Resolution, as amended, was then adopted.

By Mr. Breen—Assembly Concurrent Resolution, relative to the land grant to the Southern Pacific Railroad Company.

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

[Speaker pro tem. in the chair.]

Assembly Joint Resolution No. 15, special order for this day, was made the special order for to-morrow, at two o'clock P. M.

REPORT.

By Mr. Berry (by permission):

MR. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 56—An Act relative to the collection of a school tax in North Butte School District, Sutter County—have had the same under consideration, and recommend its passage.

BERRY, Delegation.

Assembly Bill No. 56, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

GENERAL FILE.

Assembly Joint Resolution No. 10—Relative to reserving the fresh waters upon public lands.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 142—An Act to amend section one hundred and eighteen of the Penal Code, and to repeal section one hundred and twenty-three of said Code.

Refused engrossment by the House.

Assembly Bill No. 191—An Act relative to certain duties of Constables in the several townships of the County of Alameda.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 192—An Act relative to executions from Courts of Justices of the Peace in the several townships of the County of Alameda.

Rules suspended, considered engrossed, read third time, and passed. Title approved.

Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

Amendment to the title recommended by the committee was rejected.

The amendments to the body of the bill adopted, and the bill passed on file.

Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers in the County of San Bernardino.

Passed on file.

Assembly Bill No. 164—An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison at Folsom.

Referred to the State Prison Committee.

Assembly Bill No. 154—An Act for the payment of the claim of J. L. Howard.

Re-referred to the Committee on Claims.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections.

Mr. Tuttle moved that it be placed at the head of the file for to-morrow, on which motion the ayes and noes were demanded by Messrs. Tuttle, Hinshaw, and Kercheval.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Breen, Coffey, Conroy, Dare, DeWitt, Garver, Giffen, Gough, Haile, Hanna, Hart, Hinshaw, Kercheval Meyers, Moffat, Nott, Ostrom, Pace, Robertson, Swift, Tuttle, Wheat, and Mr. Speaker—23.

NOES—Messrs. Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Broderick, Brooks, Byington, Dorsey, Dunlap, Ewing, Forsyth, Gildea, Griffith, Hugg, Long, Ludgate, May, McClure, Murphy of Del Norte, Nealley, Pauly, Russ, Sherman, Warden, Welch, Whitlock, and Young—29.

The bill was then re-referred to the Committee on Ways and Means.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr Griffith, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 24th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 24th, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 198—An Act in relation to division fences in the County of Sonoma, and to the lines of counties bordering thereon.

Also, Assembly Joint Resolution No. 10—Relative to reserving the fresh waters on public lands

Also, Assembly Bill No. 191—An Act relative to certain duties of Constables in the several townships of the County of Alameda.

Also, Assembly Bill No. 192—An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda.

Also, Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to Grand Juries in the City and County of San Francisco.

Also, Assembly Bill No. 56—An Act to legalize and enforce the collection of a district school tax, and to render lawful the acts of the Board of Trustees of North Butte School District, pursuant to an election held therein.

YOUNG, Chairman.

PETITION.

By Mr. May (by permission)—From the lady managers of the California State Woman's Hospital, relative to State aid for that charity.

Referred to the Committee on Ways and Means.

REPORTS.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 24th, 1878

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 270—An Act to provide for the distribution of school moneys in the County of Contra Costa—have had the same under consideration, and report it back with a recommendation that it be passed.

Also, Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers, when in attendance at the Teachers' Institutes—have had the same under consideration, and report it back, with a recommendation that it do not pass.

R. C. HAILE, Chairman

By Mr. Anderson:

ASSEMBLY CHAMBER, January 24th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code—have had the same under consideration, report it back, and recommend its passage

Also, Assembly Bill No. 217—An Act for the relief of R. M. Wilson—report the same back, and recommend its reference to the Committee on Claims.

ANDERSON, Chairman.

Assembly Bill No. 217, above reported, was re-referred to the Committee on Claims, as recommended.

By Mr. Hart:

MR. SPEAKER. The Swamp Land Committee, to whom was referred Assembly Bill No. 242—Concerning assessment in Swamp Land District Number Two Hundred and Twenty-one, in San Joaquin County—have had the same under consideration, and have amended the same, and hereby recommend the passage of said bill as amended.

HART, Chairman of Committee.

Substitute offered as amendment to Assembly Bill No. 242, above reported, was taken up, rules suspended, and, on motion of Mr. Kercheval, was re-referred to the Judiciary Committee.

REPORTS OF SELECT COMMITTEES.

By Mr. Dinniene:

MR. SPEAKER: Your Joint Committee on the Labor Question beg leave to report that they have organized, and respectfully recommend that all bills upon the labor question, now before the Assembly and referred to other committees, be recalled from such committees and referred to the Joint Committee on the Labor Question, and respectfully ask the passage of the following resolution.

Resolved, That Assembly Bills Nos 4, 101, and 255, now in the hands of the Building and Ways and Means Committees, be reported back without recommendation, and be referred to the Joint Committee on the Labor Question.

PIERSON, Chairman Senate Committee.
DINNIENE, Chairman Assembly Committee.

Resolution above reported was adopted.
Mr. Warden had leave to withdraw Assembly Bill No. 105.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 24th, 1878.

To the Assembly of the State of California.

I have to inform your honorable body that I have approved Assembly Bills No. 37—An Act to amend an Act entitled an Act to provide for the payment of the debt due upon the Road Fund of Butte County, approved March twenty-seventh, eighteen hundred and seventy-six.

No. 49—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Butte, approved April third, eighteen hundred and seventy-six.

No 57—An Act to fix the terms of the several Courts of record in the County of San Mateo

No. 58—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of this State.

No. 74—An Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey.

No. 79—An Act to legalize the incorporation of the Town of Anaheim.

No. 96—An Act to re-incorporate the City of Sonora, Tuolumne County.

No. 110—An Act to authorize the County Treasurer of El Dorado to pay Edward Hunt the sum of two hundred dollars out of the School Fund of said county.

No. 140—An Act to amend the Civil Code, with respect to the measure of damages in certain cases.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS

By Mr. Tobin—An Act to repeal section four hundred and twenty of the Penal Code.

Read first and second times, and Mr. Coffey moved the reference of the bill to the Judiciary Committee.

On the question of reference, the ayes and noes were demanded by Messrs. Dinniene, Sherman, and Murphy of Del Norte.

The roll was called, and the bill referred by the following vote:

AYES—Messrs Abbott, Adams, Allen, Anderson, Asmussen, Blake, Breen, Broderick, Brooks, Byington, Coffey, Conroy, Cooley, Dare, DeWitt, Ellis, Gildea, Griffith, Haile, Haworth, Hicks, Hugg, Kercheval, Long, Mace, McClure, McConnas, Meyers, Ostrom, Pauly, Robertson, Russ, Sargent, Swift, Thompson, Wheat, and Young—37.

NOES—Messrs. Blackwell, Connolly, Dinniene, Dixon, Dorsey, Dunlap, Forsyth, Garver, Giffen, Gough, Hanna, Hart, Himshaw, Ludgate, May, Moffat, Murphy of Del Norte, Nealley, Nott, Pace, Routier, Sherman, Smyth, Tobin, Tuttle, Welch, Whitlock, and Mr. Speaker—28.

By Mr. May—An Act making an appropriation for the California State Woman's Hospital.

Read first and second times, and referred to the Commitee on Ways and Means

By Mr. Blake—An Act relating to the civil government of military companies.

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

By Mr. Nealley—An Act to create the County of Chico, to establish the boundaries thereof, and to provide for its organization.

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

By Mr. Mace—An Act to protect life in the Town of Fresno.

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

By Mr. Connolly—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

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

By Mr. Smyth—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State.

Read first and second times, and referred to the Tuolumne delegation.

By Mr Giffen—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section, to be numbered five hundred and sixty-eight.

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

PETITION.

By Mr. Abbott (by permission)—From teachers and officers in the public schools of this State, relative to text-books.

Referred to Committee on Education.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 24th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the nineteenth of January, eighteen hundred and seventy-eight, passed Senate Bill No. 74—An Act to amend section six hundred and eleven of the Political Code, relative to insurance.

Also, Senate Bill No. 159—An Act to amend section six of an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 215—An Act supplementary to an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo to Santa Maria, in the County of Santa Barbara.

Also, Senate Bill No 220—An Act to repeal an Act entitled an Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 24th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Senate Bill No. 247—An Act to confer additional powers upon the City Assessor of the City of Stockton.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 74, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 159, read first and second times, and referred to Yolo delegation.

Senate Bill No. 215, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 220, read first and second times, and referred to the Tehama delegation.

Senate Bill No. 247, read first and second times, rules suspended, read third time, and passed.

Title approved.

REPORT.

By Mr. Nott (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, January 24th, 1878.

MR. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County—have had the same under consideration, and ask leave to report it back, and recommend its passage.

MILLER,
NOTT, } For Delegation.

NOTICE.

By Mr. Allen:

Of a bill to authorize the Board of Supervisors of Marin County to levy a special tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

RESOLUTION.

By Mr. Hart:

Resolved, That the usual number of Assembly Bills Nos. 155 and 258 be printed.

Adopted.

PETITION.

By Mr. Warden (by permission)—From Cambria Grange, Patrons of Husbandry, relative to an Act regulating assessments in this State.

Referred to Committee on Agriculture, and the usual number of copies ordered printed.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL ORDER.

The speaker announced, as the special order for this hour, the motion to reconsider the vote of the Assembly in refusing to engross Assembly Joint Resolution No. 15, relative to postal savings banks.

Mr. Murphy of Del Norte moved to indefinitely postpone the motion, on which motion the ayes and noes were demanded by Messrs. Cooley, Dare, and Blake.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Adams, Anderson, Asmussen, Blackwell, Broderick, Connolly, DeWitt, Dinmene, Dixon, Dorsey, Farnum, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hugg, Long, Ludgate, Mace, May, McClure, Miller, Moffat, Murphy of Del Norte, Nealley, Nott, Pauly, Robertson, Sherman, Tobin, Warden, Welch, and Young—35.

NOES—Messrs. Abbott, Allen, Ames, Backus, Barstow, Blake, Breen, Brooks, Byington, Coffey, Conroy, Cooley, Dare, Ellis, Forsyth, Garver, Hinshaw, Kercheval, McComas, Meyers, Ostrom, Pace, Routier, Russ, Sargent, Smyth, Swift, Thompson, Tuttle, Wheat, Whitlock, and Mr. Speaker—32.

Assembly Bill No. 19—An Act to provide for the adoption of text-books for use in the public schools.

Withdrawn.

INTRODUCTION OF BILLS.

By Mr. Coffey (by permission)—An Act to provide for the adoption of text-books for use in the public schools.

Read first and second times, and referred to the Committee on Education.

PETITION.

By Mr. Backus (by permission)—From citizens of San Francisco, relative to Alamo Square.

Referred to San Francisco delegation.

GENERAL FILE.

Senate Bill No. 6—An Act to amend section three hundred and seven of the Civil Code, in relation to corporations.

Read third time, and passed.

Title approved.

Assembly Bill No. 71—An Act to provide for the payment of the claim of Harrison Roberts and Luis Ruggio, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.

Mr. Nott moved the re-reference of the bill to the Committee on Claims.

Mr. Pauly moved that the bill be considered in Committee of the Whole.

So ordered,

Bill considered in Committee of the Whole.

[Speaker in the chair.]

The Committee of the Whole arose and reported the bill back with an amendment, with the recommendation that the bill pass as amended.

IN ASSEMBLY.

The amendment reported by the committee concurred in.

Mr. Nott moved to amend the bill by striking out "two thousand five hundred dollars," and inserting "two thousand one hundred and ninety-nine dollars and forty-two cents."

Upon the amendment, the ayes and noes were demanded by Messrs. Nott, Ostrom, and Haile.

The roll was called, and the Speaker declared the amendment lost by the following vote:

AYES—Messrs. Adams, Blake, Byington, Coffey, Cooley, Dare, Dinmene, Dixon, Forsyth, Garver, Gildea, Haile, Hanna, Hart, Hinshaw, Hugg, Kercheval, Long, Ludgate, Mace, May, McComas, Miller, Nott, Ostrom, Pace, Robertson, Routier, Sargent, Smyth, Thompson, Tuttle, Wheat, Young, and Mr. Speaker—35.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Breen, Broderick, Brooks, Connolly, Conroy, DeWitt, Dorsey, Ellis, Ewing, Farnum, Gough, Griffith, Haworth, Hicks, Holloway, McClure, Meyers, Murphy of Del Norte, Nealley, Pauly, Russ, Sherman, Swift, Tobin, Warden, Welch, and Whitlock—38.

The question being upon the suspension of the rules, the ayes and noes were demanded by Messrs. Haile, Brooks, and Ostrom.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs Abbott, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinmene, Dixon, Dorsey, Ellis, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Hanna, Haworth, Hicks, Holloway, McClure, McComas, Meyers, Miller, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Sherman, Swift, Tobin, Warden, Welch, Wheat, and Whitlock—49.

NOES—Messrs. Adams, Byington, Haile, Hinshaw, Hugg, Kercheval, Long, Ludgate, Mace, May, Nott, Ostrom, Pace, Robertson, Smyth, Thompson, Tuttle, Young, and Mr. Speaker—19.

Mr. Tuttle rose to a question of privilege, claiming an error in the vote by which the amendment offered by Mr. Nott was lost.

The bill was then considered engrossed, and read the third time, and Mr. Hugg moved that it be re-referred to the Committee on Claims, with special instructions to amend by striking out "two thousand five hundred dollars," and inserting "two thousand one hundred and ninety-nine dollars and forty-two cents."

So ordered.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Mr. Conroy, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 25th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Two days' leave of absence was granted to Mr. Giffen, and indefinite leave to Mr. Waters.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Swift—From Mechanics' Institute, of San Francisco, relative to an appropriation for that institution.

Referred to Committee on Ways and Means.

By Mr. Brooks—A protest from citizens of Butte County against the division of said county.

Referred to the Committee on Counties and County Boundaries.

By Mr. Nealley—From citizens of Butte County, relative to a division of said county.

Referred to the Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR. SPEAKER. The San Francisco delegation, to whom was referred Assembly Bill No. 128—An Act to regulate the quality and standard illuminating power, and the price of gas, in all cities within the State of California having a population of one hundred thousand or more—report the same back with an amendment, and recommend its passage as amended. Sixteen members present and voting.

The delegation also request that the rules of the Assembly be suspended, and the bill be considered engrossed, read third time, and placed upon its passage.

Also, Assembly Bill No. 81—An Act to regulate the quality and price of gas in the City and County of San Francisco—report the same back, and recommend that the author have leave to withdraw it.

J. V. COFFEY, Chairman San Francisco Assembly Delegation.

Mr. Coffey moved that the rules be suspended for the purpose of considering Assembly Bill No. 128, above reported, on which motion the ayes and noes were demanded by Messrs. Johnson, Coffey, and Griffith.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Asmussen, Barstow, Blake, Broderick, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dunniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Hugg, Kercheval, Long, Ludgate, Mace, McClure, McComas, Meyers, Moffat, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Welch, Wheat, Young, and Mr. Speaker—58.

NOES—Messrs. Backus, Breen, Brooks, Gildea, Johnson, May, Routier, and Sargent—8.

Amendment adopted, bill considered engrossed, read third time, and passed.

Title approved.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORTS OF STANDING COMMITTEES CONTINUED.

By Mr. Nott:

ASSEMBLY CHAMBER, January 25th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos 101 and 255—both of which are entitled an Act to create and maintain a Labor Bureau in the State of California—and agreeable to a resolution passed by this House, we herewith report the same back without recommendation.

Also, Assembly Bill No. 244—An Act to amend section three thousand eight hundred and twenty-one of the Political Code—and have considered the same, and ask leave to report it back, and recommend that it do not pass.

Also, Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four—and recommend that it do not pass.

Also, Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto—and ask leave to report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 108—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code—and recommend its passage.

NOTT, Chairman.

By Mr. Dixon:

MR SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Concurrent Resolution No. 4—Relative to a State Labor Exchange—beg leave to report the same back, with the recommendation that it be referred to the joint committee to inquire into the condition of the laboring classes.

DIXON, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk—have had the same under consideration, and report it back, with the recommendation that it pass.

OSTROM, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR. SPEAKER Your Committee, to whom was referred Assembly Bill No. 71—An Act to provide for the payment of the claim of Harrison Roberts and Luis Ruggio, for services rendered to the State, by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez—have had the same under consideration, and report it back amended in accordance with instructions.

OSTROM, Chairman.

Assembly Bill No. 71, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR SPEAKER: Your Committee on State Prison, to whom was referred Assembly Bill No. 164—An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison at Folsom—have had the same under consideration, report it back, with our recommendation that it do not pass.

MILLER, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Russ:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 243—entitled an Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay—have had the same under consideration, report the same back, and recommend the passage of the bill.

RUSS.

By Mr. Ames:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR. SPEAKER The delegation, to whom was referred Assembly Bill No. 234—An Act to provide for the extermination of squirrels in the County of San Mateo—have had the same under consideration, and report it back, and recommend its passage.

S. P. AMES, for Delegation.

By Mr. Hart:

MR. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 220—An Act to repeal an Act entitled an Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama—have had the same under consideration, and hereby recommend the passage of said bill.

HART, for Delegation.

REPORT OF STANDING COMMITTEE (BY PERMISSION).

ASSEMBLY CHAMBER,
SACRAMENTO, January 24th, 1878.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State—have had the same under consideration, and report it back, recommending its passage with the amendments thereto.

THOMPSON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Backus—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square, in said city and county.

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

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, in relation to State revenue.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Ostrom—An Act concerning the fees of Justices of the Peace, in and for the County of Yuba.

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

By Mr. Hart—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

Read first and second times, and ordered on file.

By Mr. Johnson—An Act to amend section two hundred and eighty-seven of the Civil Code, in reference to the formation of corporations.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Allen—An Act to fix the amount of the bond of the Tax Collector of Marin County.

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

By Mr. Kercheval—An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government.

Also, an Act to amend section three thousand four hundred and eighty-one of the Political Code, in reference to the formation of a new out of old swamp land districts.

Each of the above bills read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Conroy—An Act to add an additional section to the Penal Code, in relation to counterfeiting.

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

RESOLUTION.

By Mr. Murphy of Del Norte (by permission):

Resolved, That when the Assembly adjourns to-day it adjourn to meet on Monday, January twenty-eighth, at eleven o'clock A. M.

Adopted.

INTRODUCTION OF BILLS—CONTINUED.

By Mr. Hanna—An Act to amend section one thousand five hundred and ten of the Penal Code, in relation to the summoning of juries, by Coroners, to inquire into the cause of death in certain cases.

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

RESOLUTION.

By Mr. Swift (by permission):

Resolved, That Assembly Bill No. 61—An Act to amend the Civil Code, with respect to water rights—be taken from the file and printed, and that its consideration be made the special order for Thursday, the thirty-first January, at half past one o'clock P. M., and also that said bill be printed out of its order.

Adopted.

INTRODUCTION OF BILLS—CONTINUED.

By Mr. Mace—An Act to promote the sanitary condition of towns and villages.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Mace—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Fresno, Tulare, and Kern delegations.

By Mr. Breen—An Act to amend section one thousand seven hundred and seventy-five of the Political Code, in relation to renewal and revocation of teachers' certificates.

Read first and second times, and referred to the Committee on Education.

By Mr. Nealley—An Act to repeal an Act entitled an Act to add a new section to the Penal Code, approved January nineteenth, eighteen hundred and seventy-eight, relative to punishment for incendiary language.

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

RESOLUTION.

By Mr. Pauly (by permission):

Resolved, That two hundred and forty additional copies of Assembly Bill No. 14 be ordered printed.

Adopted.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 24th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 252—An Act to provide for the payment of the expenses of the Seventh Street Commission, in and for the City and County of San Francisco.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 24th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 161—An Act regulating the powers of the Board of Supervisors of the County of Placer.

And, on same day, refused to concur in certain Assembly amendments to Senate Bill No. 146—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer thereof, and to authorize certain appropriations of money by said Board.

R. SHOEMAKER, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 252, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 161, read first and second times, and referred to the Placer delegation.

Senate Bill No. 146, returned, the Senate refusing to concur in certain amendments, referred to the San Francisco delegation.

PETITION.

By Mr. Gough (by permission)—From workingmen of the Ninth Senatorial District, relative to a repeal of the so-called Riot Act.

Referred to the Judiciary Committee.

RESOLUTION.

By Mr. Hinshaw:

Resolved, That the Committee on Rules be requested to report a rule requiring all bills reported from special or select committees to be referred to a standing committee

Referred to the Committee on Rules.

GENERAL FILE.

Assembly Bill No. 18—An Act amendatory of section three thousand eight hundred and eighty-eight of the Political Code.

Passed on file.

Assembly Bill No. 77—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 80—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, in regard to Janitor of the Supreme Court.

Indefinitely postponed.

Mr. Gildea gave notice of a reconsideration on Monday next.

Assembly Bill No. 39—An Act concerning fees of jurors in the County of Humboldt.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Passed on file.

Assembly Bill No. 207—An Act concerning trespass of animals upon private lands in the County of San Bernardino.

Passed on file.

Assembly Bill No. 155—An Act entitled an Act authorizing the poisoning of wild geese in the agricultural counties of the State of California.

Made the special order for Wednesday next, at one o'clock and thirty minutes P. M.

Assembly Bill No. 59—An Act to amend an Act to protect agriculture, and to prevent the trespassing of animals in Tehama County, approved March thirtieth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and seventy-one.

Referred to the Committee on Ways and Means.

Senate Bill No. 103—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board.

Read third time, and passed.

Title approved.

Senate Bill No. 128—An Act to authorize the District Attorney of the City and County of San Francisco to appoint a Second Assistant District Attorney.

Amendment adopted, read third time, and passed.

Title approved.

Assembly Bill No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

Passed on file.

Assembly Bill No. 174—An Act to provide a new Great Register for the County of Fresno, and re-register the voters thereof.

Ordered engrossed.

On motion of Mr. Gough, the vote by which the bill was ordered engrossed was reconsidered, the rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

Passed on file.

Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers in the County of San Bernardino.

Passed on file.

Assembly Bill No. 270—An Act to provide for the distribution of school moneys in the County of Contra Costa.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes.

Referred to the Committee on Education, with special instructions

to report a bill repealing the entire article relative to Teachers' Institutes.

Assembly Bill No. 133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and the Clerk ordered to correctly number the sections of the bill.

At three o'clock and fifty-five minutes P. M., Mr. Nealley moved to adjourn.

Lost.

SENATE MESSAGE.

The House then took up the order of Senate messages, as follows:

SENATE CHAMBER,
SACRAMENTO, January 25th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth instant, under suspension of the rules, passed Senate Bill No. 237—An Act to create a Board of Fire and Police Commissioners in the City of Oakland.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 237, above reported, read first and second times.

Mr. Dixon moved its reference to the Committee on Corporations.

Lost.

The bill, on motion of Mr. Farnum, was then referred to the Alameda delegation.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. DeWitt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 28th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Holloway, one day's leave of absence was granted to all absentees.

Prayer by the Rev. Mr. Rankin.

Journal of Friday, January twenty-fifth, read and approved.

On motion of Mr. Mace, the order of Senate messages was taken up out of order, as follows:

SENATE CHAMBER,
SACRAMENTO, January 28th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on the twenty-fifth day of January, eighteen hundred and seventy-eight, passed Assembly Bill No. 78—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and apply the proceeds thereof.

Amended and passed Assembly Bill No. 102—An Act to authorize the Board of Supervisors of Humboldt to pay the claim of Abner D. Sevier, ex-Sheriff of said county.

Also, passed Senate Bill No. 145—An Act to pay the claim of the County of Sacramento.

Also, substitute for Senate Bill No. 186—An Act in relation to the office of Sheriff of the City and County of San Francisco.

Also, passed on January twenty-fourth, eighteen hundred and seventy-eight, substitute for Senate Bills Nos. 90, 173, and 175—An Act supplementary to an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

Also, Senate Bill No. 91—An Act to authorize the Board of Supervisors of Solano County to erect a fireproof building for the protection of the records and papers in the offices of the County Clerk and County Recorder of said county.

Senate Bill No. 139—An Act entitled an Act to amend an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine.

Senate Bill No. 224—An Act to amend section three thousand three hundred and eighty-two of the Political Code, by removing taxation from the manufactured products of wheat.

Senate Bill No. 174—An Act to ratify and validate a certain contract of the City and County of San Francisco

Also, passed on twenty-sixth January, eighteen hundred and seventy-eight, under suspension of the rules, Senate Bill No. 261—An Act making an appropriation to pay the expenses of Presidential Electors—and ordered the same transmitted to the Assembly forthwith without engrossment.

Also, amended and passed Assembly Bill No. 141—An Act to extend the time for publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, and Stanislaus.

G. SECKEL, Assistant Secretary.

Assembly Bill No. 141, above reported, amendments adopted by the Senate concurred in.

Assembly Bill No. 102, ordered on file.

Substitute for Senate Bill No. 186, read first and second times, and referred to the San Francisco delegation.

Substitute for Senate Bills Nos. 90, 173, and 175, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 145, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 91, read first and second times, and referred to the Solano delegation.

Senate Bill No. 224, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 139, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 261, read first and second times, and referred to Committee on Ways and Means.

Senate Bill No. 174, read first and second times, and referred to the San Francisco delegation.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 28th, 1878.

MR SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 128—An Act to regulate the quality and standard illuminating power, and the price of gas, in all cities within the State of California having a population of one hundred thousand or more.

39—An Act concerning fees of jurors in the County of Humboldt.

277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

274—An Act to provide a new Great Register for the County of Fresno, and re-register the voters thereof

59—An Act to amend an Act to protect agriculture and to prevent the trespassing of animals, in Tehama County, approved March thirtieth, eighteen hundred and seventy-four.

270—An Act to provide for the distribution of school moneys in the County of Contra Costa.

133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

Substitute for Assembly Bill No 71—An Act to provide for the payment of the claim of Harrison Roberts, Luis Ruggio, and C. S. Colvig, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.

YOUNG, Chairman.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, January 25th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 264—An Act to amend section one thousand seven hundred and thirteen of the Political Code—have had the same under consideration, and report it back, with a recommendation that it do not pass.

HAILE, Chairman.

By Mr. Dixon:

ASSEMBLY CHAMBER,
SACRAMENTO, January 28th, 1878.

MR. SPEAKER: Your Committee on Employés and Attachés, to whom was referred a resolution authorizing the appointment of J. W. McCarthy as Assistant Minute Clerk of this Assembly, have had the same under consideration, and as they find no necessity at the present time for such Assistant, hereby report said resolution back, with the recommendation that it be not adopted.

DIXON, Chairman.

Report of the committee concurred in, and resolution rejected.

By Mr. Haworth:

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code—have had the same under consideration, and report it back, recommending its passage.

Also, Senate Bill No. 168—An Act to declare Sonoma River navigable—and recommend its passage.

JAMES HAWORTH, Chairman.

By Mr. Welch:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 38—An Act to amend sections three thousand five hundred and eighty-four, three thousand five hundred and eighty-five, and three thousand five hundred and eighty-six of the Political Code—have had the same under consideration, and report it back, with a recommendation that it be referred to the Joint Committee on Yosemite.

Your committee have also had under consideration Assembly Bill No. 130—An Act for the relief of Amelia C. Cowne, by authorizing the issuance of a patent for survey number six hundred and one of the swamp and overflowed lands in Sacramento County—and recommend that the same be referred to the Judiciary Committee.

Also, Senate Joint Resolution No. 23—Relative to public lands in this State—and report it back, with a recommendation that it pass.

WELCH, Chairman

REPORT OF SELECT COMMITTEE.

By Mr. Smyth:

ASSEMBLY CHAMBER,
SACRAMENTO, January 28th, 1878.

MR SPEAKER. The delegation, to whom was referred Assembly Bill No. 287—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State—have had the same under consideration, and report it back, with the recommendation that it do pass.

SMYTH, for the Delegation.

Assembly Bill No. 287, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Holloway—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relative to the taking of books from the State Library.

Read first and second times, and referred to the Committee on State Library.

By Mr. Russ—An Act separating certain offices in the County of Humboldt.

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

By Mr. Broderick—An Act to amend an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

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

By Mr. Pauly—An Act to authorize the Treasurer of San Diego County to pay certain county warrants out of the Contingent Fund of said county.

Read first and second times, and referred to the San Diego delegation, with accompanying petition.

By Mr. McClure—An Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof.

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

By Mr. Brooks—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure.

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

By Mr. DeWitt—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D. Welch, minor heirs of Samuel T. Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California

Also, an Act to amend Article VIII, Chapter III, Title VI, of the Political Code, by adding thereto a section, to be numbered section four thousand two hundred and fifty-nine, fixing the qualifications of District Attorneys.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

RESOLUTION.

By Mr. Gough (by permission):

Resolved, That in printing the Journal the roll call in full, from the commencement of the session, be entered therein, and that hereafter the roll call in full, for each day, be entered on the Journal.

The above resolution was, on motion of Mr. Broderick, referred to the Committee on Rules.

GENERAL FILE.

Assembly Bill No. 244—An Act to amend section three thousand eight hundred and twenty-one of the Political Code.

Passed on file.

Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced, approved March twentieth, eighteen hundred and seventy-four.

Passed on file.

Assembly Bill No. 108—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand three hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code.

Passed on file.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Passed on file.

Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk.

Recommitted to the Committee on Claims, with special instructions to amend by inserting the amount to be paid.

Assembly Bill No. 164—An Act to authorize the payment of wages to workmen who were employed in the construction of the Branch Prison at Folsom.

Passed on file.

Assembly Bill No. 243—An Act to authorize Mad River Boom Company to construct and maintain booms in Humboldt Bay.

Ordered engrossed.

Assembly Bill No. 234—An Act to provide for the extermination of squirrels in the County of San Mateo.

Ordered engrossed.

Senate Bill No. 220—An Act to repeal an Act entitled an Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County.

Read third time, and passed.

Title approved.

Assembly Bill No. 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State.

Passed on file.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL ORDERS—MONDAY, JANUARY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AT ONE O'CLOCK AND THIRTY MINUTES P. M.

Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county.

Referred to the Committee on Corporations.

Mr. Gildea moved to reconsider the vote by which Assembly Bill No. 80—entitled an Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, in regard to Janitor of the Supreme Court—was indefinitely postponed.

Mr. Gough moved that the motion to reconsider be made the special order for one o'clock and thirty minutes P. M., on Thursday next.

So ordered.

On motion of Mr. Barstow, Assembly Bill No. 23, special order for to-morrow, was made the special order for Wednesday next, at one o'clock and thirty minutes P. M.

INTRODUCTION OF BILLS.

By Mr. Allen (by permission)—An Act to authorize the Board of Supervisors of Marin County to levy a special tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

Read first and second times, and referred to the Committee on Roads and Highways.

GENERAL FILE RESUMED.

Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Mr. Hart moved to amend by inserting the words "by law," after the word "an," in line five of section one of the original bill.

Adopted.

The question being upon the engrossment of the bill, Mr. Waters moved its reference to the Committee on Ways and Means.

Mr. Broderick moved to amend by referring to the Committee on Commerce and Navigation.

So ordered.

Assembly Bill No. 207—An Act concerning trespass of animals upon private lands in the County of San Bernardino.

The question being upon the engrossment of the bill, Mr. Dinniene moved its reference to the Judiciary Committee.

Pending the discussion of the motion, on motion of Mr. Johnson, the bill was made the special order for Friday next, at twelve o'clock M.

INTRODUCTION OF BILLS.

By Mr. Tuttle (by permission)—An Act to amend section one thousand eight hundred and sixty-three of the Civil Code, approved April first, eighteen hundred and seventy-six, in relation to hotel keepers.

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

REPORT.

By Mr. Nealley:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled Assembly Bill No. 141—An Act to extend the time for

publishing the delinquent tax list in the Counties of San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, and Stanislaus.

Assembly Bill No. 178—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and apply the proceeds thereof.

And have, this twenty-eighth day of January, eighteen hundred and seventy-eight, at two o'clock and fifteen minutes P. M., been presented to the Governor for his approval.

G. L. NEALLEY, for the Committee.

On motion of Mr. Sargent, the usual number of copies of Assembly Bill No. 207 were ordered printed.

SENATE MESSAGE.

The following message was received from the Senate, and taken up by order of the House:

SENATE CHAMBER,
SACRAMENTO, January 28th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the death of Honorable W. Z Angney, Senator for Santa Clara County, was this day announced to the Senate, and that a resolution relative thereto was adopted, a copy of which is herewith transmitted to your honorable body, and that in accordance with said resolution Senators Murphy of Santa Clara, Montgomery, Flint, Fowler, and Evans were appointed as a committee, on part of the Senate, to attend the funeral of the deceased Senator; that the Senate will attend in a body, and that the Senate adjourned until Wednesday, the thirtieth instant, at three o'clock P. M., as a mark of respect to the memory of Senator Angney.

R. SHOEMAKER, Secretary.

Resolved by the Senate, the Assembly concurring, That a committee of five Senators be appointed by the President of the Senate, and five members of the Assembly, by the Speaker of the Assembly, to attend the funeral obsequies of Honorable W. Z. Angney, at two o'clock P. M. to-morrow, at the City of Gilroy, in the County of Santa Clara; and further, that the Senate attend the funeral in a body.

Adopted in Senate, January twenty-eighth, eighteen hundred and seventy-eight

P. H. DUNN, Assistant Secretary.

Concurrent resolution, above reported, concurred in, and the Speaker appointed as committee, as specified therein, Messrs. Hanna, McComas, Sherman, Haile, and Breen.

RESOLUTION.

By Mr. Hanna:

Resolved, That as a further mark of respect to the memory of the late Senator W. Z. Angney, this House do now adjourn until Wednesday next, the thirtieth instant.

Mr. Barstow moved to amend by striking out "Wednesday" and inserting "Tuesday."

Lost.

Mr. Ostrom moved to amend, making the resolution read, "that when the House adjourn this day, it adjourn till Wednesday next."

Lost.

The question recurring upon the original resolution, it was adopted, and the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 30th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Two days' leave of absence was granted to Mr. Smyth.
Prayer by the Chaplain.
Journal of Monday, January twenty-eighth, read, corrected, and approved.

PETITIONS.

By Mr. Long—Two petitions from citizens of Mendocino County, relative to a bridge across Eel River.
Referred to Committee on Roads and Highways.
By Mr. Ames—Relative to improvement of Yosemite Valley.
Referred to the Joint Committee on Yosemite.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, January 30th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 234—An Act to provide for the extermination of squirrels in the County of San Mateo.

287—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State.

243—An Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

YOUNG, Chairman.

By Mr. Anderson.

ASSEMBLY CHAMBER,
SACRAMENTO, January 30th, 1878.

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 146—An Act to amend the Political Code of this State—report the same back, with a substitute, and recommend the passage of the substitute

Also, Assembly Bill No. 275—An Act to amend section one thousand nine hundred and twenty-six of the Code of Civil Procedure—and Assembly Bill No. 276—An Act to facilitate evidence in certain cases—and recommend that the author be allowed to withdraw them.

Also, Assembly Bill No. 145—An Act fixing the salary of the County Treasurer of the County of Inyo—and, finding no legal point involved therein, recommend its reference to the Inyo delegation.

Also, Assembly Bill No. 36—An Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 30—An Act to add another section (273) to the Penal Code, to prevent opium smoking—report the same back with a substitute, and recommend passage of the substitute.

Also, Senate Bill No 67—An Act to add another section (79) to the Civil Code, in relation to marriages—report the same back, and recommend its passage

Also, Assembly Bill No. 93—An Act to amend section fifty-four of the Penal Code—report the same back, and recommend its passage

Also, Assembly Bill No. 156—An Act to amend sections two hundred and sixty-six and two hundred and seventy-five of the Penal Code, in reference to the crimes of seduction and procuring abortions—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 214—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, in reference to the time when an undertaking shall be filed on an appeal to the County Court—report the same back, and recommend its passage.

Also, Assembly Bill No. 220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail—report the same back, and recommend its passage.

Also, Assembly Bill No. 310—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D. Welch, minor heirs of Samuel T Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California—report the same back, and a majority recommend its passage.

Also, Assembly Bill No. 194—An Act relative to electors—report the same back, and recommend its reference to the Committee on Elections.

Also, Assembly Bill No. 165—An Act to protect public health and regulate the exhumation and removal of human remains—report the same back, and recommend its passage

Also, Assembly Bill No. 162—An Act to amend section eight hundred and fifty-three of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 166—An Act to provide for the payment of witnesses in criminal cases in the County of Placer—report the same back, and, finding no legal point involved, recommend its reference to the Placer delegation.

ANDERSON, Chairman

By Mr Coffey.

ASSEMBLY CHAMBER,
SACRAMENTO, January 30th, 1878.

MR SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same—report the same back with amendments, and recommend its passage as amended. Fourteen members present and voting.

Also, Assembly Bill No. 203—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine—report the same back, and recommend its passage. Fourteen members present and voting

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April the first, eighteen hundred and seventy-two—report the same back with amendments, and recommend its passage as amended. Fourteen members present and voting.

Also, Assembly Bill No. 124—An Act for the relief of John Rierden, B. H Kenney, Patrick Donahue, and W. B. Jourden—report the same back, and recommend its passage. Twenty members present and voting.

The delegation further ask leave to have two hundred and forty copies printed of author's substitute for Assembly Bill No. 183—An Act to regulate the registration of voters, and to secure the purity of elections in the City and County of San Francisco.

J. V. COFFEY, Chairman San Francisco Assembly Delegation

On motion of Mr. Hart, the usual number of copies of Assembly Bill No. 183 was ordered printed.

REPORTS.

By Mr. Hart:

MR. SPEAKER: The Swamp Land Committee, to whom was referred Assembly Bill No. 222, making the Act of March twenty-fifth, eighteen hundred and seventy-four, applicable to Colusa County—have had the same under consideration, and recommend its passage

Also, Assembly Bill No. 238—An Act in relation to Reclamation District Number One Hundred and Eight, in Colusa County, and recommend its indefinite postponement.

HART, Chairman.

Assembly Bill No. 222, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith, without engrossment.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, January 29th, 1878.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 268—An Act for the relief of J. M. Garretson, of the County of Santa Barbara—have had the same, under consideration, and report it back, with the recommendation that it do pass.

Also, Senate Bill No. 145—An Act to pay the claim of the County of Sacramento—have had the same under consideration, and report it back with a substitute, and recommend that the substitute do pass.

Also, Senate Bill No. 93—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Sheldon & Graves—have had the same under consideration, and report it back, recommending its passage with the amendment thereto.

Also, Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk, with instruction to insert the sum to be paid—have had the same under consideration, and report it back, recommending its passage with the amendment thereto.

Also, Assembly Bill No. 254—An Act for the relief of Colusa County—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

OSTROM, Chairman.

By Mr. Tuttle:

MR. SPEAKER: The Committee on Corporations, to whom were referred the following bills, beg leave to report as follows:

Assembly Bill No. 176—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy, and the several Acts amendatory and supplementary thereof—with the recommendation that it do not pass.

Also, Assembly Bill No. 246—An Act granting certain rights and powers to the county, city, and town authorities of the County of Alameda, relative to street railroad corporations within said county—with the recommendation that it do not pass.

Also, Senate Bill No. 215—An Act supplementary to an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara—with an amendment, and recommend the passage of the bill as amended.

Also, Senate Bill No. 189—An Act to amend an Act entitled an Act to widen English Street, in the City of Petaluma, and to take private lands therefor, approved March twenty-fifth, eighteen hundred and seventy-six—with amendments, and recommend the passage of the bill as amended.

TUTTLE, Chairman.

Mr. Tuttle made a verbal report from the Committee on Corporations, recommending that Assembly Bill No. 14 be referred to the Special Committee on Savings Banks.

So ordered.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, January 30th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 106—An Act to repeal an Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, and all Acts amendatory thereof, so far as they relate to the Counties of Mendocino and Humboldt—have had the same under consideration, and report it back, recommending its passage.

Also, Senate Bill No. 192—An Act to amend an Act entitled an Act to prevent hogs and goats running at large on certain lands in this State, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with the recommendation that it be referred to the delegation from the counties it applies to.

Also, Assembly Bill No. 195—An Act relative to cheese factories—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

THOMPSON, Chairman.

By Mr. Hinshaw.

ASSEMBLY CHAMBER,
SACRAMENTO, January 29th, 1878.

MR. SPEAKER: Your Committee on Public Expenditures, to whom was referred Assembly Bill No. 224—An Act to provide for a proper display of the industries and resources of California at the French Exposition of eighteen hundred and seventy-eight—have had the same under consideration, and report it back, with the recommendation that it do not pass.

HINSHAW, Chairman.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, January 30th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 269—An Act to appropriate funds for the use of the County Clerk of San Diego County, to pay deputies—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Assembly Bill No 241—An Act to regulate the rate of interest in the State of California—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 68—An Act to amend an Act in relation to the care of orphan and abandoned children, approved March seventh, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Senate Bill No 261—An Act making appropriations to pay the expenses of the Presidential Electors—report the same back, and recommend its passage.

Also, Assembly Bill No 291—An Act to amend an Act entitled an Act to establish a Political Code, relative to State revenue—report the same back, with a substitute, and recommend passage of the substitute

Also, Assembly Bill No. 230—An Act to amend certain sections of the Political Code, relative to the salaries of certain officers and employés of the Senate and Assembly—report the same back with a substitute, and recommend passage of the substitute.

NOTT, Chairman

REPORTS OF SELECT COMMITTEES.

By Mr. Dunlap:

MR SPEAKER: The Amador delegation, to whom was referred Assembly Bill No. 273—An Act to change the name of a town in Amador County—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

DUNLAP, for Delegation.

Mr. Pauly made a verbal report from San Diego delegation, recommending passage of Assembly Bill No. 307.

By Mr. Mace:

MR. SPEAKER The Fresno and Tulare delegation, to whom was referred Assembly Bill No. 303—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six—have had the same under consideration, and report the same back, and recommend its passage.

MACE, }
ADAMS, } Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 28th, 1878. }

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bills Nos. 3—An Act to regulate the fees and fix the salaries and compensation of certain officers for the County of Colusa.

7—An Act to authorize the Trustees of Lower Lake School District, of Lake County, to issue bonds to pay for the Nichols' School building.

12—An Act to authorize the transfer of moneys in certain funds of the County of Alameda to the General Fund of said county, and to provide for the payment of certain warrants, if any, now outstanding

17—An Act to amend section three thousand six hundred and seventeen of the Political Code, defining certain terms.

84—An Act in relation to roads and highways in San Diego County.

104—An Act to amend section five of an Act entitled an Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same

145—An Act authorizing and empowering the Trustees of Dockery School District, in the County of Butte, to repay certain moneys, etc.

152—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six, so as to make the same applicable to the County of San Benito.

170—An Act authorizing John Parrott, Samuel Clark, J L Keagle, Rufus Franklin, Wm. Heart, Robert Boice, D. P McNeal, their associates and assigns, to construct, maintain, complete, and repair certain levees in San Joaquin County.

54—An Act to prevent hogs and goats from running at large within the limits of the town site of the Town of Weaverville, Trinity County, California.

141—An Act to extend the time for publishing the delinquent tax list in the Counties of

San Luis Obispo, Santa Barbara, San Benito, Ventura, Fresno, Tulare, Kern, Merced, Mariposa, Inyo, and Stanislaus.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS.

By Mr. Ellis—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Elections.

By. Mr. Dinniene—An Act for the relief of James T. Boyd.

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

By Mr. McClure—An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six.

Read first and second times, and referred to the Alameda delegation.

By Mr. Coffey—An Act amendatory of and supplemental to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six.

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

By Mr. Holloway—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and to provide for the payment of the same.

Read first and second times, and referred to the Committee on Elections.

By Mr. McComas—An Act to amend section four thousand one hundred and three of the Political Code, relative to the office of County Surveyor, and to provide for competition in county surveying.

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

On motion of Mr. Barstow, Assembly Bill No. 23, special order for this day, was made special order for Tuesday next, at one o'clock and thirty minutes P. M.

By Mr. Tobin—An Act concerning certain property within the City and County of San Francisco.

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

By Mr. McComas (for Mr. Upton)—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Waters—An Act to appropriate money to aid in the support of a public County Hospital in the County of San Bernardino.

Read first and second times, and referred to the Committee on Ways and Means.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Kercheval, the usual number of copies of Assembly Bill No. 296 was ordered printed.

Mr. Murphy of Del Norte had leave to withdraw Assembly Bill No. 257.

GENERAL FILE.

Assembly Bill No. 102—An Act to authorize the Board of Supervisors to pay the claim of Abner D. Sevier, ex-Sheriff of Humboldt County.

Passed on file.

Assembly Bill No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a road fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six

Passed on file.

Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

Mr. Hugg moved that the above bill be passed on file.

Lost.

The rules were now suspended, the bill considered engrossed, and, on motion of Mr. Blackwell, the vote by which the bill was considered engrossed was reconsidered.

Mr. Blackwell moved to amend by striking out section six of the bill.

Lost.

Mr. Hugg offered the following substitute to section three: "This Act shall apply to the City and County of San Francisco."

Mr. Long moved the indefinite postponement of the whole subject matter, on which motion the ayes and noes were demanded by Messrs. Swift, Waters, and Haworth.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Anderson, Assembly Bill No. 36 was recommitted to the Judiciary Committee.

House resumed consideration of Assembly Bill No. 83, pending discussion of which the House took a recess this day, and, on motion of Mr. Murphy of Del Norte, the bill was recommitted to the Judiciary Committee.

SPECIAL ORDER—WEDNESDAY, JANUARY THIRTIETH, AT ONE O'CLOCK AND THIRTY MINUTES P. M.

Assembly Bill No 155—An Act entitled an Act authorizing the poisoning of wild geese in the agricultural counties of the State of California.

Mr. Abbott moved the indefinite postponement of the bill, and, pending the discussion of the motion, on motion of Mr. Hart, the bill was referred to the Committee on Fish and Game.

GENERAL FILE RESUMED.

Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers in the County of San Bernardino.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 264—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

Recommitted to the Committee on Education.

Assembly Bill No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

Passed on file.

Senate Bill No. 168 —An Act to declare Sonoma River navigable.

Read third time, and passed.

Title approved.

Senate Joint Resolution No. 23—Relative to public lands in this State.

Read third time, and passed

Title approved.

Assembly Bill No. 293—An Act to authorize the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

On motion of Mr. Tuttle, the enacting clause was amended to correct clerical error.

Mr. Waters moved that the bill be recommitted to the Judiciary Committee.

Lost.

The bill was then ordered engrossed

Assembly Bill No. 18—An Act amendatory of section three thousand eight hundred and eighty-eight of the Political Code.

On motion of Mr. Waters, referred to the Committee on Ways and Means.

Assembly Bill No. 244—An Act to amend section three thousand eight hundred and twenty-one of the Political Code.

Indefinitely postponed.

Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced, approved March twentieth, eighteen hundred and seventy-four.

Recommitted to Committee on Ways and Means.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Mr. Nott moved to amend as follows: Strike out section fifteen of the bill.

Mr. Conroy moved that the bill be recommitted to the Judiciary Committee.

Mr. Tuttle moved that the bill be recommitted to the Committee

on Ways and Means, and that it be reprinted as amended by the committee.

So ordered.

Assembly Bill No. 108—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand three hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code.

On motion of Mr. Nott, the Clerk of the House was instructed to insert the enacting clause in the bill.

Mr. Johnson moved to strike out section two of the bill.

So ordered.

Mr. Johnson moved to strike out section three of the bill.

So ordered.

Mr. Swift offered the following amendment to section four: Insert the words "except the Assessor in the collection of poll taxes."

Adopted.

Mr. Murphy of Del Norte moved to strike out the enacting clause of the bill

Adopted.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Johnson—An Act to provide for the registration of policies of life insurance.

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

By Mr. Brooks—An Act for the relief of W. S. Safford.

Read first and second times, and referred to the Committee on Claims.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Mr. Dinniene, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
THURSDAY, January 31st, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Anderson.

ASSEMBLY CHAMBER,
SACRAMENTO, January 31st, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County, approved February twenty-seventh, eighteen hundred and seventy-four—have had the same

under consideration, report that they find no legal question involved, and recommend that it be referred to the Mendocino delegation.

Also, Assembly Bill No 263—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved April third, eighteen hundred and seventy-six—in which no legal question is discovered, and its reference to the Butte County delegation is recommended.

Also, Assembly Bill No. 211—An Act to exempt the earnings of labor from attachment, execution, or garnishment, during a certain period—which is reported back with a recommendation that the author be allowed to withdraw it

Also, Assembly Bill No 292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba—in which no legal question is discovered, and its reference to the Yuba County delegation is recommended.

Also, Assembly Bill No. 295—An Act to fix the amount of the bond of the Tax Collector of Marin County—and recommend its reference to the Marin County delegation.

Also, Assembly Bill No. 249—An Act to provide a new Great Register for the County of Stanislaus, and re-register the voters thereof—and recommend its reference to the Stanislaus County delegation.

Also, Assembly Bill No. 188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered—report the same back, and recommend its passage.

Also, Assembly Bill No 212—An Act relative to Justices' fees, and amendatory of an Act, approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy—report the same back, and recommend its passage.

Also, Assembly Bill No. 219—An Act to amend section one hundred and seventeen of the Code of Civil Procedure—report the same back, and recommend that it do not pass

Also, Assembly Bill No 247—An Act to regulate fees of office in certain counties—in which no legal question is discovered, and reference to the Butte County delegation is recommended.

Also, Assembly Bill No. 248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No 265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations—report the same back with amendments, and recommend passage as amended

Also, Assembly Bill No 253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments—report same back, and recommend its passage.

ANDERSON, Chairman.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, January 31st, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 293—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

Also, Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino.

JOHN T. DARE, for the Committee.

By Mr. DeWitt:

MR. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No 159—entitled an Act to amend section six of an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, and recommend its passage.

January 31st, 1878 W. M DEWITT.

INTRODUCTION OF BILLS.

By Mr. Tuttle—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlement of County Treasurers with the Controller of State.

By Mr. Johnson—An Act to regulate the rate of charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Also, an Act to relieve the estates of deceased persons from costs

of Probate Court when below the value of one thousand five hundred dollars.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Dare—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Holloway (by request)—An Act to incorporate the Town of Downey, Los Angeles County, California.

Read first and second times, and, with accompanying petition and remonstrance, referred to the Committee on Corporations.

By Mr. Warden—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

Read first and second times, and referred to the Committee on Education, with accompanying petition.

By Mr. Murphy of San Francisco—An Act to amend an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two, approved March thirty-first, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Meyers—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure of the State of California.

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

By Mr. Nott—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Young—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

Read first and second times, and referred to the Contra Costa delegation.

By Mr. Miller—An Act relative to the Assessor's office of El Dorado County.

Read first and second times, and referred to the El Dorado delegation.

Also, an Act to prevent buck goats from running at large.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Tuttle (by request)—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relative to publication of delinquent tax lists.

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

By Mr. Anderson (for the Judiciary Committee)—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto, relative to depositions of material witnesses.

Read first and second times, and ordered on file.

RESOLUTION.

By Mr. Tobin:

Resolved, That the committee to whom was referred the address on the part of the workingmen be authorized to proceed to San Francisco, and there take testimony, in open session, on Saturday, Sunday, and Monday, the second, third, and fourth proximo, and that said committee be authorized to employ a short-hand reporter for the purpose of taking down said testimony.

Adopted.

Mr. Kercheval had leave to withdraw Assembly Bill No. 211.

GENERAL FILE.

Assembly Bill No. 243—An Act to authorize the Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

Read third time, and passed.

Title approved.

Assembly Bill No. 234—An Act to provide for the extermination of squirrels in the County of San Mateo.

Read third time, and passed.

Title approved.

Assembly Bill No. 102—An Act to authorize the Board of Supervisors to pay the claim of Abner D. Sevier, ex-Sheriff of Humboldt County

The question being upon concurrence in Senate amendments, the House refused to concur.

Assembly Bill No. 164—An Act to authorize the payment of wages to workmen who were employed in the construction of the Branch Prison at Folsom.

Withdrawn by its author, Mr. Hicks.

Assembly Bill No. 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State.

Amendments adopted, and bill ordered engrossed.

Assembly Bill No. 146—An Act to amend the Political Code of this State.

Made special order for February fourth, at two o'clock P. M., and a minority report from the Judiciary Committee, submitted by Mr. DeWitt, as follows:

MR. SPEAKER. We, the undersigned, members of the Judiciary Committee, beg leave to file the following as a minority report against the action of a majority of that committee in recommending that section one of Assembly Bill No. 146 be stricken out, on the ground that wherever a municipal corporation owns property outside its corporate limits, and such property is owned for the convenience or profit of the citizens, with regard to such property, it occupies the same position as the property of private corporations, and is and ought to be liable to taxation for both county and State purposes.

W. M. DEWITT,
GROVE L JOHNSON,
T J. HART,
JAS. E MURPHY,
JAMES F BREEN,
S. K. WELCH.

Assembly Bill No. 30—An Act to add another section to the Penal Code (Chapter II, Title IX, Part I), to prevent opium smoking.

Rules suspended, and bill considered engrossed.

Mr. Murphy of San Francisco moved that the bill be passed on file.

RECESS.

Pending the discussion of the motion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the Chair.

Roll called, and a quorum present.

On motion of Mr. Johnson, the special orders for this hour were postponed until Assembly Bill No. 30, pending the discussion of which the House took a recess this day, had been disposed of.

The House then resumed consideration of Assembly Bill No. 30, the question being upon the motion of Mr. Murphy of San Francisco to pass it upon the file.

Motion to pass on file lost.

Rules were now suspended, bill considered engrossed, read third time, and passed.

Title approved.

[Mr. Dare in the chair.]

SPECIAL ORDERS—THURSDAY, JANUARY THIRTY-FIRST, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AT ONE O'CLOCK AND THIRTY MINUTES P. M.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations.

Ordered engrossed

Assembly Bill No. 61—An Act to amend the Civil Code, with respect to water rights, and the appropriation of waters.

Made special order for Wednesday, February sixth, at two o'clock P. M.

Motion to reconsider the vote by which Senate Bill No. 80—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure, in regard to Janitor of the Supreme Court—was indefinitely postponed.

Mr. Gough moved that the motion to reconsider be indefinitely postponed.

Pending the discussion of the bill by Mr. Gildea, the Chair ruled that the merits of the bill were not under discussion, thereby ruling the gentleman's remarks out of order.

Mr. Gildea appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the decision of the House?" The roll was called, and the Chair overruled by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Blake, Coffey, Giffen, Gough, Griffith, Hart, McComas, Nott, Sherman, and Swift—13.

NOES—Messrs. Anderson, Asmussen, Backus, Barstow, Blackwell, Broderick, Brooks, Connolly, DeWitt, Dinmene, Dorsey, Dunlap, Ellis, Ewing, Farnum, Garver, Gildea, Haile, Hanna, Hicks, Hinshaw, Hugg, Johnson, May, McClure, Meyers, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Whitlock, Young, and Mr. Speaker—45.

The question being upon the indefinite postponement of the

motion to reconsider, the ayes and noes were demanded by Messrs. Hanna, Gough, and Dinniene,

Several members being outside the bar of the House when the roll was called, the absentees were called the second time, and when the name of Mr. Brooks was reached, Mr. Gildea rose to a point of order, stating as his point that Mr. Brooks was outside of the bar of the House when his name was called, and objected to the recording of his vote on that account.

The Chair decided that his point of order was not well taken, and Mr. Brooks' vote was ordered to be recorded.

The calling of the roll was then proceeded with, and the motion to indefinitely postpone was carried by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Backus, Barstow, Breen, Brooks, Coffey, Conroy, Cooley, Dare, DeWitt, Dorsey, Ellis, Gough, Griffith, Hanna, Hart, Haworth, Hinshaw, Kercheval, McComas, Meyers, Moffat, Murphy of San Francisco, Nott, Sherman, Swift, Thompson, Waters, Welch, Wheat, and Mr. Speaker—34.

NOES—Messrs. Ames, Asmussen, Blackwell, Blake, Broderick, Connolly, Dinniene, Dunlap, Ewing, Farnum, Garver, Giffen, Gildea, Haile, Hicks, Johnson, Mace, May, McClure, Miller, Murphy of Del Norte, Nealley, Ostrom, Pauly, Robertson, Routier, Russ, Tobin, Tuttle, and Young—30.

[Speaker in the chair.]

REPORT.

By Mr. Coffey (by permission):

SACRAMENTO, January 31st, 1878

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns of more than one hundred thousand inhabitants, to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof—report the same back with amendments, and recommend its passage as amended. Nineteen members present and voting, as follows

AYES—Messrs. Anderson, Barstow, Connolly, Dinniene, Gildea, Gough, Griffith, Haworth, Hicks, Murphy, and Tobin—11.

NOES—Messrs. Asmussen, Backus, Blake, Broderick, Conroy, May, Swift, and Mr. Chairman (Coffey)—8.

ABSENT—Mr. Forsyth—1.

J. V COFFEY, Chairman.

Mr. Swift moved that Assembly Bill No. 119, above reported, be made the special order for Tuesday next, at one o'clock and thirty minutes P. M.

Mr. Barstow moved the reference of the bill to the Judiciary Committee.

Pending discussion of the motion to refer to the Judiciary Committee it was withdrawn.

The question now recurring upon the motion by Mr. Swift, to make the bill the special order for Tuesday next, it was adopted, and two hundred and forty copies of the original bill ordered printed.

Mr. Gildea moved that two hundred and forty copies of the bill, as amended by the San Francisco delegation, be printed.

Mr. Waters moved that two hundred and forty copies of the amendments be printed.

Lost.

The question recurring upon Mr. Gildea's motion, it was adopted.

On motion of Mr. Swift, the bill was ordered printed out of order.

INTRODUCTION OF BILLS.

By Mr. Hart (by permission)—An Act amending section nine hundred and eighty-seven of the Penal Code, concerning the appointment of counsel in criminal cases.

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

GENERAL FILE RESUMED.

Senate Bill No. 67—An Act to add another section to the Civil Code, in relation to marriage.

Read third time, and passed.

Title approved.

On motion of Mr. Warden, Senate Bill No. 215 was made the special order for February twelfth, at one o'clock and thirty minutes P. M.

Assembly Bill No. 93—An Act to amend section fifty-four of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 156—An Act to amend sections two hundred and sixty-six and two hundred and seventy-five of the Penal Code, in reference to the crimes of seduction and producing abortions.

Mr. Murphy of San Francisco moved to amend section one by striking out the word "chaste."

Lost.

Amendments recommended by the committee were adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 214—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, in reference to the time when an undertaking shall be filed on an appeal to the County Court.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

At four o'clock and twelve minutes P. M., Mr. DeWitt moved to adjourn.

Lost.

Assembly Bill No. 220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 310—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D. Welch, minor heirs of Samuel T. Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California.

The question being upon the engrossment of the bill, Mr. DeWitt moved that the rules be suspended, and the bill considered engrossed.

Lost

The bill was then ordered engrossed.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Nott the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 1st, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Ten days' leave of absence was granted to Mr. Warden, and three days' leave to Mr. Backus.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, February 1st, 1878.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 233—An Act to amend section seventeen hundred and fifty of the Political Code, in regard to the issuance of certificates without examination—have had the same under consideration, and report it back with an amendment, and with a recommendation that it be passed as amended.

Also, Assembly Bill No. 302—An Act to amend section one thousand seven hundred and seventy-five of the Political Code, in relation to renewal and revocation of teachers' certificates—have had the same under consideration, and report it back with a substitute, with the recommendation that the substitute pass.

Also, Assembly Bill No 264—An Act to amend section seventeen hundred and thirteen of the Political Code—have had the same under consideration, and report it back with a recommendation that it be passed.

HAILE, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 1st, 1878

MR. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 226—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for deficiency in the Street Department Fund of fiscal year eighteen hundred and seventy-seven and seventy-eight—report the same back, and recommend that it do pass. The delegation further ask that the rules be suspended, and the bill be considered at once. Nineteen members present and voting.

Also, Senate Bill No. 104—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board—report the same back with amendments, and recommend that it pass as amended Eighteen members present and voting.

Also, Senate Bill No. 146—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer thereof, and to authorize certain appropriations of money by said Board—report the same back with recommendation that the Assembly recede from their amendment to section one, subdivision two, and insist upon their amendment to section one, subdivision three, the vote upon receding being five ayes and ten noes. Fifteen members present and voting.

Also, Assembly Bill No. 129—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley—report the same back, and recommend that it pass. Sixteen members present and voting.

J. V. COFFEY, Chairman.

Senate Bill No. 226, above reported, taken up, rules suspended, read third time, and passed.

Title approved, and bill ordered to be transmitted to the Senate forthwith.

By Mr. Waters—A minority report from the Judiciary Committee, as follows:

MR. SPEAKER The minority of the Judiciary Committee ask that Assembly Bill No. 310—An Act to authorize the guardian of the minor heirs of Samuel T. Welch to mortgage certain

real estate—which was recommended for passage by a majority of the committee, be recommitted to said Judiciary Committee, with special instructions to inquire and report upon the following questions of law involved in said bill

1. Is it competent for the Legislature to authorize a guardian, without any supervision of any Court, to mortgage the estate of his wards to pay the proceeds of such mortgage to himself to satisfy a claim he holds against his ward?

2 In such a case is not his personal interest antagonistic to that of the ward?

3. If you find that such a law is constitutional, and that this is a proper case for legislative interposition, then consider whether it would not be appropriate that the Probate Court in which the guardianship is pending should pass upon the propriety of making said mortgage, and its terms.

4. Whether it would not be better that a rate of interest should be fixed or limited in the bill, and proper provisions inserted to prevent foreclosure of the mortgage during the minority of the wards.

BYRON WATERS,
S. K. WELCH,
GEORGE BARSTOW,
} Of Committee.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 1st, 1878.

MR SPEAKER. Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 93—An Act to amend section fifty-four of the Penal Code.

220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State.

214—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure, in reference to the time when an undertaking shall be filed on an appeal to the County Court.

30—An Act to add another section to the Penal Code (Chapter II, Title IX, Part I), to prevent opium smoking

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations, and Assembly Bill No. 156—An Act to amend sections two hundred and sixty-six and two hundred and seventy-five of the Penal Code, in reference to the crimes of seduction and producing abortions.

YOUNG, Chairman.

By Mr. Nott:

SACRAMENTO, February 1st, 1878.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four—have considered the same, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 334—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine—and report the same back, and recommend its passage.

Also, Assembly Bill No 18—An Act amendatory of section three thousand eight hundred and eighty-eight of the Political Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto—report the same back with amendments, and recommend its passage as amended

Also, Assembly Bill No. 329—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six—report the same back, and recommend its passage.

NOTT, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Johnson:

SACRAMENTO, January 31st, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 16—An Act in relation to the government of the City of Sacramento—report the same back, and recommend its passage.

Also, having had under consideration Assembly Bill No. 206—An Act in relation to the office of Court Commissioner in Sacramento County—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Assembly Bill No. 16, above reported, taken up, rules suspended, bill considered engrossed, read third time, and the question being

upon the passage of the bill, the ayes and noes were demanded by Messrs. Haile, Tuttle, and Murphy of San Francisco.

The roll was called, and during the call of the roll Messrs. Swift, Pace, and Gildea were excused from voting. The calling of the roll was then proceeded with, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Backus, Barstow, Blake, Breen, Brooks, Connolly, Conroy, Cooley, Dare, Ellis, Ewing, Garvey, Giffen, Griffith, Hart, Hicks, Holloway, Johnson, Kercheval, McClure, McComas, Miller, Moffat, Murphy of San Francisco, Nealley, Ostrom, Pauly, Rouher, Russ, Sherman, Thompson, Warden, Welch, Wheat, and Whitlock—38.

NOES—Messrs Anderson, Asmussen, Blackwell, Coffey, DeWitt, Dorsey, Dunlap, Farnum, Haile, Hanna, Haworth, Hinshaw, Hugg, Mace, May, Nott, Robertson, Smyth, Swift, Tuttle, Waters, Young, and Mr. Speaker—23.

Assembly Bill No. 206, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Waters, Assembly Bill No. 207, special order for this day, was made the special order for February seventh, eighteen hundred and seventy-eight, at one o'clock and thirty minutes P. M.

By Mr. Haile:

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 91—An Act to authorize the Board of Supervisors of Solano County to erect a fireproof building for the protection of the records and papers in the office of the County Clerk and County Recorder of said county—beg leave to report that they have had the same under consideration, and report it back, and recommend its passage.

HAILE,
DARE.

By Mr. Allen:

MR. SPEAKER The Marin delegation, to whom was referred Assembly Bill No 295—Relative to fixing the bond of the Tax Collector of Marin County—have had the same under consideration, and report it back, with a recommendation that it pass.

CHAS. D ALLEN, for Delegation.

By Mr. Moffat:

MR. SPEAKER. The Inyo delegation, to whom was referred Assembly Bill No. 148—entitled an Act fixing the salary of the County Treasurer of the County of Inyo—having considered the same, report it back, and recommend its passage.

MOFFAT, Delegation.

Mr. Nott moved the reference of Assembly Bill No. 148, above reported, to the Committee on Ways and Means.

Pending the discussion of Mr. Nott's motion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of the motion of Mr. Nott to refer Assembly Bill No. 148 to the Committee on Ways and Means.

Upon the question of reference, the ayes and noes were demanded by Messrs. Hicks, Farnum, and Brooks.

Pending discussion of the motion, it was withdrawn, and Mr. Nott moved that the bill be taken up for consideration.

So ordered.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The rules were then suspended, the bill considered engrossed, and, the question being upon its passage, the ayes and noes were demanded by Messrs. Nott, Ostrom, and Hart.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Abbott, Allen, Ames, Backus, Blackwell, Broderick, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Ellis, Giffen, Gildea, Gough, Hicks, Holloway, Johnson, Kercheval, Mace, May, Murphy of Del Norte, Nealley, Pauly, Routier, Sherman, Tobin, Whitlock, and Young—30.

NOES—Messrs. Anderson, Barstow, Blake, Coffey, Cooley, Dorsey, Ewing, Garver, Haile, Hanna, Hart, Haworth, Hinshaw, Hugg, McComas, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Robertson, Thompson, Tuttle, Wheat, and Mr. Speaker—25.

Title approved.

REPORT.

By Mr. Nealley:

MR SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

Assembly Bill No. 222—An Act to amend an Act entitled an Act relative to the powers of the Board of Supervisors of the Counties of Yolo, Solano, and Colusa, approved March twenty-fifth, eighteen hundred and seventy-four.

And has, this first day of February, eighteen hundred and seventy-eight, at eleven o'clock and thirty minutes A. M., been presented to the Governor for his approval.

G. L. NEALLEY, for the Committee.

On motion of Mr. Backus, Assembly Bill No. 224 was made special order for Wednesday next, at one o'clock and thirty minutes P. M.

SPECIAL ORDER.

Assembly Bill No. 28—An Act to protect the rights of married women.

Mr. Johnson moved to amend section one, by inserting after the word "disposition" the words "other than testamentary."

Adopted.

Mr. Anderson moved the indefinite postponement of the bill, on which motion the ayes and noes were demanded by Messrs. Johnson, Haile, and Cooley.

The roll was called, and the motion to indefinitely postpone was carried by the following vote.

AYES—Messrs. Abbott, Adams, Anderson, Asmussen, Blake, Coffey, Dare, DeWitt, Dorsey, Dunlap, Farnum, Giffen, Gough, Haile, Hart, Haworth, Hinshaw, Johnson, May, McClure, McComas, Miller, Murphy of Del Norte, Nott, Pace, Robertson, Smyth, Swift, Thompson, Tuttle, Warden, and Mr. Speaker—32.

NOES—Messrs. Allen, Broderick, Brooks, Connolly, Cooley, Dinmene, Ellis, Hanna, Hicks, Hugg, Mace, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Routier, Sherman, Welch, Wheat, Whitlock, and Young—22.

Mr. Johnson gave notice that, on to-morrow, he would move a reconsideration of the vote by which the bill was indefinitely postponed.

RESOLUTIONS (BY PERMISSION).

By Mr. Murphy of San Francisco:

Resolved, That any member of the House who is outside the bar when the ayes and noes are being called on any question, and comes within the bar before the roll call is ended, shall be entitled to vote, if he so desires.

Laid over one day.
By Mr. Haile·

Resolved, That the Committee on Education be granted indefinite leave of absence, for the purpose of making an examination into the management and condition of the State University, Normal School, Deaf and Dumb Asylum, and Industrial School.

Adopted.
By Mr. Dare:

WHEREAS, It having been decided that any member who is without the rail dividing the Assembly Chamber from the lobby is, to all intents and purposes pertaining to the privileges and service of members, absent from the House, therefore, be it

Resolved, That Rule Sixty-nine (69), of Assembly Rules, as adopted by the Committee on Rules and Regulations, shall hereafter be strictly enforced.

Laid on the table.

REPORT.

By Mr. Swift (by permission)—A minority report from San Francisco delegation, on Assembly Bill No 119, and the usual number of copies of the report ordered printed.

RESOLUTION.

By Mr. Sherman (by permission):

WHEREAS, It appears from copies of official transcripts of the Assessor's books, of Kern County, that while the acreage of said county has increased nearly thirty-three and one-third per cent. the assessed valuation of property has decreased nearly fifteen per cent.; and, whereas, it appears from the same records that one hundred and eighty-seven thousand acres are held by one individual in said county, acquired in great part under the provisions of the so-called Desert Land Act, a large proportion of which is located between the tracts of lands owned by settlers in small quantities, which tracts are assessed at a much higher figure than the adjoining lands of the monopolist, and, whereas, it has been asserted that undue influences were exercised over the Assessor of said county to induce him to reduce the valuation upon the lands of the large owner to the prejudice of the small owners; therefore, be it

Resolved, That a committee of five members of the Assembly be appointed by the Speaker to investigate all the facts in connection with the alleged undervaluation and discrimination against the small settlers, and report the same to this House, with such recommendation as they may deem fit, at as early a day as practicable.

Mr. Haile moved to strike out the preamble of the foregoing resolution.

Withdrawn.

On motion of Mr. Johnson, the preamble was amended by striking out the words "appears from," and inserting the words "is alleged that," and inserting the words "will show" between the words "county" and "that."

Mr. Sherman moved to further amend by inserting the word "private" before the word "lands."

Mr. Abbott moved to further amend by inserting the words "private assessable" before the word "lands."

Adopted.

Mr. Dare moved that the resolution be referred to the Committee on Agriculture, with instructions to inquire into the subject matter, and report upon the same.

Lost.

The question recurring upon the adoption of the resolution, it was adopted

By Mr. Murphy of Del Norte—Assembly Concurrent Resolution:

Resolved by the Assembly, the Senate concurring, That the joint committee on the question of calling a Constitutional Convention be and they are hereby instructed, on or before February fifteenth, eighteen hundred and seventy-eight, to report to the Legislature a bill calling a Constitutional Convention, and be it further

Resolved, That the Legislature adjourn on the twenty-first day of February, A. D. eighteen hundred and seventy-eight.

Mr. Haile called for a division vote.

So ordered.

The previous question being called for by the requisite number, it was so ordered by the House.

The question being upon that part of the resolution requiring the joint committee to report a bill for the calling of a Constitutional Convention, it was adopted.

The question now being upon the question of adjourning *sine die*, on the twenty-first of February, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Hart, and Dinniene.

The roll was called, and that part of the resolution rejected by the following vote:

AYES—Messrs. Adams, Anderson, Brooks, Coffey, Connolly, Dare, Dinniene, Dunlap, Giffen, Hart, Haworth, Hicks, Holloway, Hugg, Mace, McComas, Murphy of Del Norte, Nealley, Nott, Pace, Smyth, Thompson, Welch, Wheat, Young, and Mr. Speaker—26.

NOES—Messrs. Abbott, Allen, Ames, Asmussen, Blackwell, Blake, Broderick, Cooley, DeWitt, Dorsey, Ewing, Farnum, Gildea, Haile, Hanna, Hinshaw, Johnson, May, McClure, Meyers, Miller, Moffat, Murphy of San Francisco, Pauly, Robertson, Routier, Sherman, Swift, and Whitlock—29.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Connolly, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 2d, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence was granted to Messrs. Holloway, Anderson, Young, Backus, and Barstow.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker appointed as a committee to inquire into the alleged undervaluation of lands in Kern County, as provided by a resolution adopted yesterday, Messrs. Sherman, Nealley, Warden, Meyers, and Forsyth.

MEMORIAL.

By Mr. Farnum—From members of the bar of Alameda and San Francisco, relative to the boundaries of the Third Judicial District.

Referred to the Judiciary Committee.

By Mr. Tuttle:

MR. SPEAKER. The Committee on Corporations has considered Assembly Bill No. 203—An Act to confer additional powers in certain cases on the municipal authorities in incorporated towns and cities in the State of California—report the same back with a substitute, and recommend the passage of substitute

TUTTLE, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 2d, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 139—An Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine—have had the same under consideration, and report it back, and recommend its passage.

THOMPSON, Chairman.

Senate Bill No. 139, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Gildea:

MR SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Joint Resolution No. 28—Relative to increase of the mail service in Santa Barbara County—and beg leave to report the same back, and recommend its passage.

Also, Assembly Joint Resolution No. 23—Relative to passage of a bill by Congress, levying a per capita tax on Chinese—and report the same back, and recommend its passage.

Also, Senate Joint Resolution No. 20—Relative to streets adjoining the Point San José—report the same back, and recommend its passage.

Also, Senate Joint Resolution No 18—Relative to desert lands—and report the same back, and recommend its passage.

Also, Senate Joint Resolution No. 19—Relative to the Presidio Reservation—report the same back, and recommend its passage.

Also, Senate Joint Resolution No. 9—Relative to the stone dry dock at Mare Island—report the same back, and recommend its passage.

GIDDEA, for Committee.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 2d, 1878

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 206—An Act in relation to the office of Court Commissioner in Sacramento County.

310—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D. Welch, minor heirs of Samuel T. Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California.

148—An Act fixing the salary of the County Treasurer of the County of Inyo.

16—An Act in relation to the government of the City of Sacramento.

JOHN T. DARE, for the Committee.

By Mr. Whitlock:

MR. SPEAKER: Your committee, to whom was referred Assembly Bill No. 284—An Act to create the County of Chico—has had the same under consideration, and beg leave to return it herewith, with a recommendation that it do not pass.

WHITLOCK, Clerk for the Committee.

This report is recommended by the following members.

J. H. WHITLOCK,
CHAS. D. ALLEN,
J. H. MILLER,
L BYINGTON,
WILLIAM HANNA,
J. C. MONTAGUE.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, February 2d, 1878.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and to

provide for the payment of the same—have had the same under consideration, and report it back, recommending its passage.

G. L. NEALLEY, Chairman.

By Mr. Nealley:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Assembly Bill No. 25—An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code

And have, this second day of February, eighteen hundred and seventy-eight, at eleven o'clock, been presented to the Governor for his approval.

G. L. NEALLEY, for the Committee.

REPORTS OF SELECT COMMITTEES.

By Mr. McClure:

MR SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 317—An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six—have had the same under consideration, report it back, and recommend its passage.

McCLURE, for Delegation.

Assembly Bill No. 317, above reported, taken up, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, February 1st, 1878.

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 192—An Act to amend an Act entitled an Act to prevent hogs and goats from running at large on certain lands in this State, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with a recommendation that it do pass.

MILLER,
NOTT, } Delegation.

Senate Bill No. 192, above reported, taken up, and rules suspended.

Mr. Wilson moved to amend by including the precinct of Rocklin, Placer County.

Pending discussion of the motion, Mr. Gildea moved that the bill be referred to the Committee on Agriculture, with instructions to make its provisions general.

Rejected.

The question recurring upon the amendment offered by Mr. Wilson, it was adopted.

The bill was then read third time, and passed.

Title approved.

The Speaker announced a communication from W. H. Hall, Esq., announcing that he would deliver a lecture in this hall on next Thursday evening.

INTRODUCTION OF BILLS.

By Mr. Abbott—An Act to amend section four thousand three hundred and twenty-nine of the Political Code of the State of California, with respect to the salaries of judicial officers.

Also, an Act authorizing R. C. Ball to sue the State of California for pay for services as Architect of the Branch State Prison at Folsom.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Abbott—An Act to prevent the sale of oleomargarine under the name and pretense that said commodity is butter.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Mace—An Act to amend section one thousand seven hundred and seventy-five of the Political Code, relative to the County Board of Examiners.

Also, an Act to protect the Town of Fresno against fire.

Also, an Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds.

Each of the above bills read first and second times, and referred to the Committee on Education, the Fresno delegation, and the Committee on Internal Improvements, respectively.

By Mr. Dare—An Act in relation to inquests and the office of Coroner in the County of Solano.

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

By Mr. Thompson—An Act to amend an Act providing for the appointment of additional Notaries Public in San Joaquin County.

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

By Mr. Hart—An Act in relation to reclamation in the County of Colusa, and that part of Yolo County which is in Reclamation District Number One Hundred and Eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands, and the usual number of copies ordered printed.

By Mr. Whitlock—An Act to add a new section to the Penal Code, to prevent impositions from being practiced upon settlers by fraudulent publications.

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

By Mr. Whitlock—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County.

Read first and second times, and referred to the Plumas delegation.

By Mr. Swift—An Act to prohibit and punish the sale of adulterated syrup.

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

Also, an Act to protect stockholders, and persons dealing with corporations in this State.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act for the relief of Joseph O'Neal.

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

Also, an Act to preserve the health of the City and County of San Francisco.

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

Also, an Act to amend the Civil Code, with respect to the sale of personal property.

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

By Mr. Blackwell—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons.

Read first and second times, and referred to the Nevada delegation.

By Mr. Dinniene—An Act amending sections five hundred and sixty-two, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, concerning Sealer of Weights and Measures.

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

[Speaker pro tem. in the chair.]

By Mr. Sherman—An Act to amend section one thousand one hundred and sixty of the Political Code, in relation to recording letters patent from the United States.

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

By Mr. McClure—An Act to provide for the transfer of moneys by the Treasurer of Alameda County, to and from the State treasury, and for the payment of the necessary expenses thereby incurred.

Read first and second times, and referred to the Alameda delegation.

By Mr. Nott—An Act to prevent the spread of glanders among horses, and to prohibit the sale or bartering in horses affected with glanders.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Johnson—An Act to add a new section to the Political Code, to be numbered ——, relative to the publication of newspapers.

Also, an Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services.

By Mr. Montague—An Act to legalize the Acts of the Board of Supervisors of Trinity County in appointing Justices of the Peace for the townships in said county.

By Mr Farnum—An Act to divide the Third Judicial District, and to create therefrom the Twenty-third Judicial District.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Johnson—An Act to create a State Board on Text-books, and to provide for compilation and printing of a series of readers for the public schools of this State.

Read first and second times, and referred to the Committee on Education.

By Mr. Hanna—An Act to appoint guardians for habitual drunkards.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Cooley—An Act to amend section four hundred and twenty of the Penal Code, in relation to riots.

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

By Mr. Nott—An Act for the preservation of fish in the waters of Lake Tahoe.

Read first and second times, and referred to Committee on Fish and Game.

By Mr. Ewing—An Act to amend section three thousand eight hundred and twenty-three, and to repeal sections three thousand eight hundred and twenty-four and three thousand eight hundred and twenty-five of the Political Code, in regard to receipts given by Assessors to taxpayers.

Read first and second times, and referred to Committee on Ways and Means.

REPORT.

By Mr. Miller (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, January 29th, 1878.

MR. SPEAKER: The El Dorado delegation, to whom was referred Senate Bill No. 130—An Act to extend the time for the construction of raceway through the City of Placerville—have had the same under consideration, and report it back, recommending its passage.

MILLER,
NOTT, } Delegation.

Senate Bill No. 130, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, January 31st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirtieth day of January, eighteen hundred and seventy-eight, passed Senate Concurrent Resolution No. 101—Adding Senator Bones to the Joint Committee on the Labor Question.

Also, passed, under suspension of the rules, Assembly Bill No. 277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, passed, on this day, Assembly Bill No. 222—An Act to amend an Act entitled an Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano, approved March twenty-fifth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 25—An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code.

Also, passed, January twenty fifth, eighteen hundred and seventy-eight, Senate Bill No. 50—An Act to amend section fourteen, and to reenact sections fifteen, sixteen, and seventeen of the Civil Code, relating to definitions.

Also, Senate Bill No 57—An Act to reimburse the County of Placer for moneys expended in the collection of State taxes.

Also, Senate Bill No. 151—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 163—An Act concerning roads and highways in the County of San Benito

Also, Senate Bill No. 187—An Act to amend section sixty-eight 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.

Also, Senate Bill No. 216—An Act to amend section three hundred and seventy-six of the Penal Code.

Also, this day, under suspension of the rules, passed Senate Bill No 229—An Act to establish the grade of Seventh Street, between Bryant and Brannan Streets, in the City and County of San Francisco—and ordered the same transmitted to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 1st, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of January, eighteen hundred and seventy-eight, passed substitute for Senate Bill No. 193—An Act to amend section two thousand one hundred and eighty of the Civil Code.

Also, this day, amended and passed Assembly Bill No. 136—An Act to amend sections seven

hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

Also, Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to grand juries in the City and County of San Francisco.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 136, above reported, referred to the Judiciary Committee.

Senate Concurrent Resolution No. 32, read first and second times, and concurred in.

Substitute for Senate Bill No. 193, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 50, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 57, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 151, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 163, read first and second times, and referred to the San Benito delegation.

Senate Bill No. 187, read first and second times, and referred to San Francisco delegation.

Senate Bill No. 216, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 229, read first and second times, and referred to the San Francisco delegation.

RECESS.

The hour for recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and quorum present.

REPORT.

By Mr. McClure (by permission):

MR SPEAKER The delegations, to whom was referred Assembly Bill No. 308—entitled an Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof—have had the same under consideration, and report the same back with amendments, and recommend the passage thereof as amended.

R A. McCLURE,
J. P. AMES, } For the Delegations.

Assembly Bill No. 308, above reported, taken up, rules suspended, amendment adopted, considered engrossed, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Murphy of Del Norte—An Act creating a Board of Bank Commissioners, and prescribing its duties and powers.

Read first and second times, and referred to Special Committee on Savings Banks.

By Mr. Johnson—An Act regulating the issuance and transfer of stock, or certificates thereof, in incorporated companies, in the State of California.

Read first and second times, and referred to the Committee on Corporations.

Mr. Johnson moved to reconsider the vote by which Assembly Bill No. 28 was indefinitely postponed on yesterday, and the motion to reconsider was made the special order for March fifth.

REPORT.

By Mr. Wilson (by permission):

MR. SPEAKER: The Placer delegation, to whom was referred Assembly Bill No. 166, have had the same under consideration, and report it back with an amendment, with the recommendation that it pass as amended.

M. W. WILSON, Delegation.

Assembly Bill No. 166, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

RESOLUTIONS.

By Mr. Coffey:

Resolved, That the San Francisco delegation be allowed an additional Clerk, at a per diem of three dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Broderick:

Resolved, That the Porters and Pages of this Assembly are hereby placed under the immediate supervision of the Sergeant-at-Arms, who shall report any dereliction of duty on the part of any of said Porters and Pages to the Speaker of the Assembly.

Adopted.

By Mr. Dare:

Resolved, That the per diem of the Clerk of the Committee on Fish and Game be paid out of the Contingent Fund of the Assembly.

Adopted.

The House took up for consideration the following resolution, by Mr. Murphy of San Francisco, laid over from yesterday:

Resolved, That any member of the House, who is outside the bar when the ayes and noes are being called on any question, and comes within the bar before the roll call is ended, shall be entitled to vote if he so desires.

Referred to the Committee on Rules.

GENERAL FILE.

Assembly Bill No. 293—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers in said county.

Read third time, and passed.

Title approved.

Assembly Bill No. 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State.

Read third time, and passed.

Title approved.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations.

Passed on file.

Assembly Bill No. 165—An Act to protect public health from infection from the bodies or remains of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed previous to being moved or transported in or from this State, and to provide penalties for any violation of the provisions thereof.

Made special order for February eleventh, at two o'clock P. M.

Assembly Bill No. 162—An Act to amend section eight hundred and fifty-three of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

Amendments adopted, and the question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. May, Murphy of San Francisco, and Connolly.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Allen, Blackwell, Blake, Broderick, Byington, Coffey, Connolly, Dare, DeWitt, Dinmene, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Gough, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Ludgate, Mace, McComas, Montague, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Robertson, Routier, Russ, Sherman, Smyth, and Thompson—39.

NOES—Messrs Abbott, Adams, Cooley, Dixon, Farnum, Hanna, May, McClure, Meyers, Murphy of San Francisco, Swift, Wheat, Whitlock, and Mr. Speaker—14.

Assembly Bill No. 203—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine.

Ordered engrossed.

On motion of Mr. Gough, the vote by which the bill was ordered engrossed was reconsidered, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 124—An Act for the relief of John Rierdon, B. H. Kenney, Patrick Donahue, and W. B. Jourden.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.
Assembly Bill No. 238—An Act in relation to Reclamation District Number One Hundred and Eight.
Indefinitely postponed.
Assembly Bill No. 268—An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara.
Rules suspended, considered engrossed, read third time, and passed.
Title approved.
Senate Bill No. 145—An Act to pay the claims of the County of Sacramento.
Substitute adopted by the Senate rejected.
The bill, on motion of Mr. Johnson, considered in Committee of the Whole.
[Speaker in the chair.]
The committee arose, and reported back the bill, recommending its passage.

IN ASSEMBLY.

The bill was read third time, and passed.
Title approved.
Senate Bill No. 93—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Sheldon and Graves.
Amendments adopted, read third time, and passed.
Title approved
Mr. Coffey moved to take up Senate Bills Nos. 104 and 146 out of order.
So ordered.
Senate Bill No. 104—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor, Treasurer, and Superintendent of Public Streets, Highways, and Squares thereof, and to authorize an appropriation of money by said Board.
[Mr. Johnson in the chair.]
Amendments adopted, read third time, and passed.
Title approved.
Senate Bill No. 146—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Mayor, Auditor, and Treasurer, and to authorize certain appropriations of money by said Board.
The question being, "Shall the Assembly recede from its amendments which were rejected by the Senate?" House receded.
On motion of Mr. Hart, Assembly Bill No. 254 was taken up out of order, as follows:
Assembly Bill No. 254—An Act for the relief of Colusa County.
Substitute adopted, and bill considered in Committee of the Whole.
[Mr. Johnson in the chair.]
The committee arose, and reported the bill back, with recommendation that it pass.

IN ASSEMBLY.

[Mr. Johnson in the chair.]
The rules were now suspended, the bill considered engrossed, read third time, and passed.
Title approved.

Mr. DeWitt moved that the order of Senate messages be taken up.
Lost.

Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk.

Passed on file.

Assembly Bill No. 176—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy, and the several Acts amendatory and supplementary thereof.

Withdrawn.

Assembly Bill No. 246—An Act granting certain rights and powers to the county, city, and town authorities of the County of Alameda, relative to street railroad corporations within said county.

Withdrawn.

Senate Bill No 189—An Act to amend an Act entitled an Act to widen English Street, in the City of Petaluma, and to take private lands therefor, approved March twenty-fifth, eighteen hundred and seventy-six.

Passed on file.

Senate Bill No. 106—An Act to repeal an Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, and all Acts amendatory thereof, so far as they relate to the Counties of Mendocino and Humboldt.

Read third time, and passed.

Title approved.

Assembly Bill No. 195—An Act relative to cheese factories.

Mr. Abbott moved to amend by striking out the County of Santa Clara and inserting "the State of California."

Adopted.

Mr. Hart moved to amend by striking out the Counties of Colusa and Tehama.

Mr. Dare moved to strike out the enacting clause.

Withdrawn.

On motion of Mr. Johnson, the vote by which Mr. Abbott's amendment was adopted was reconsidered.

On motion of Mr. Johnson, the County of Sacramento was added.

On motion of Mr. Abbott, Monterey County was added.

On motion of Mr. Whitlock, Plumas and Lassen were added.

On motion of Mr. Wilson, the County of Placer was added.

On motion of Mr. Tuttle, the County of San Francisco was added.

Mr. Forsyth moved to indefinitely postpone the whole subject matter.

Lost.

Mr. Dare moved the reference of the bill to the Committee on Irrigation.

Lost.

Mr. Hugg moved that the bill be made the special order for one week from to-day, and the usual number of copies ordered printed.

Withdrawn.

On motion of Mr. Johnson, the vote by which San Francisco was added to the bill was reconsidered, and that county stricken out.

The rules were then suspended, the substitute adopted, the bill considered engrossed, read third time, and passed, and title amended so as to conform to the body of the bill, and approved as amended.

Assembly Bill No. 269—An Act to appropriate funds for the use of the County Clerk of San Diego County, to pay deputies.

Substitute for sections one and two were offered by Mr. Pauly, and adopted.

The rules were then suspended, the bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Mace, Assembly Bill No. 303 was taken up out of order, as follows:

Assembly Bill No. 303—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Sherman, Assembly Bill No. 250 was taken up out of order.

Assembly Bill No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district. approved March twenty-seventh, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 241—An Act to regulate the rate of interest in the State of California.

Passed on file.

Senate Bill No. 68—An Act to amend an Act in relation to the care of orphans and abandoned children, approved March seventh, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

At four o'clock and five minutes P. M. Mr. DeWitt moved to adjourn.

Lost.

Senate Bill No. 261—An Act making an appropriation to pay the expenses of Presidential Electors.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Read third time, and passed.

Title approved.

Committee on Fish and Game were allowed further time to report on Assembly Bills Nos. 138 and 251.

At four o'clock and eight minutes P. M. Mr. Robertson moved to adjourn.

Lost.

Assembly Bill No. 291—An Act to amend an Act entitled an Act to establish a Political Code, in relation to State revenue.

Ordered at the head of the file for Monday next.

Assembly Bill No. 230—An Act to amend certain sections of the Political Code, relative to the salary of officers and employés of the Senate and Assembly.

Passed on file.

Assembly Bill No. 307—An Act authorizing the County Treasurer of San Diego County to pay certain warrants out of the Contingent Fund of said county.

Withdrawn.

Assembly Bill No. 273—An Act to change the name of a town in Amador County.

On motion of Mr. Tuttle, the enacting clause was amended to correct clerical error.

Rules were then suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

Passed on file.

Assembly Bill No. 188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Dare, the House took up Assembly Bill No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code—which was passed on file this day, and, on motion of Mr. Johnson, the bill was referred to the Judiciary Committee, with instructions to report on Monday next.

At four o'clock and twenty-five minutes P. M. Mr. Wilson moved to adjourn.

Lost.

Assembly Bill No. 212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy.

Mr. Hart moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Abbott, Adams, Blackwell, Blake, Broderick, Byington, Coffey, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Hanna, Hart, Haworth, Hinshaw, Hugg, Johnson, Ludgate, Mace, McClure, McComas, Meyers, Miller, Montague, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Tuttle, Wheat, Whitlock, Wilson, and Mr. Speaker—45.

A quorum being found to be present, on motion of Mr. Blackwell, further proceedings under the call of the House were dispensed with.

Assembly Bill No. 212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy.

Read third time, and passed.

Title approved.

ADJOURNMENT.

At four o'clock and thirty-seven minutes P. M., on motion of Mr. Hugg, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 4th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Rev. Mr. Rankin.
On motion of Mr. Broderick, one day's leave of absence was granted to all absentees.
Journal of Saturday, February second, read and approved.

PETITIONS.

By Mr. Moffat—From citizens of Mono County relative to the issuing of bonds by said county for the construction of a toll road.
Referred to the Mono delegation.
Also, a remonstrance from citizens of Mono County against the issuing of bonds for the construction of a toll road in said county.
Referred to the Mono delegation.
By Mr. Murphy of San Francisco—From State Woman's Suffrage Society of California, relative to removing the political disabilities of women.
Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts have obtained a statement of the Controller of State, showing the amount of contingent expenses of the Assembly for the nineteenth, twentieth, twenty-first, and twenty-second sessions of Legislature, for the first two months of each—December and January—and herewith present the same.

HINSHAW, Chairman.

Statement above reported:

CONTINGENT EXPENSES OF ASSEMBLY.

	December.	January.	Total.
Contingent Expenses, Twentieth Session	$2,139 00	$5,418 52	$7,557 52
Contingent Expenses, Twenty-first Session	886 00	5,996 68	6,882 68
Contingent Expenses, Twenty-second Session	3,268 20	3,286 24	6,554 44
Contingent Expenses, Nineteenth Session	3,382 00	8,597 90	11,979 90

REPORT OF SELECT COMMITTEE.

By Mr. Dorsey:

MR. SPEAKER: The delegation from Stanislaus County, having had Assembly Bill No. 249 under consideration, beg leave to report it back, and recommend its passage.

CALEB DORSEY.

INTRODUCTION OF BILLS.

By Mr. Holloway—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

Read first and second times, and referred to the Committee on Irrigation, and the usual number of copies ordered printed.

By Mr. Coffey—An Act to prevent extortion by gas companies in the State of California.

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

By Mr. Swift (by request)—An Act to add a new section to the Civil Code, relating to corporations.

Read first and second times, and referred to the Special Committee on Savings Banks.

By Mr. Moffat—An Act to provide for the improvement of public roads in the County of Mono.

Read first and second times, and referred to the Mono delegation.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 2d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January eighteenth, passed Senate Bill No 218—An Act to amend section one thousand five hundred and ninety of the Penal Code—and on this day ordered the same to be sent to the Assembly without engrossment

Passed, January thirty-first, eighteen hundred and seventy-eight, Senate Bill No. 134—An Act for the protection of the Harbor of Wilmington.

Amended and passed Assembly Joint Resolution No. 35—Relative to subsidies to steamship companies on the Pacific Ocean.

R SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, February 4th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of January, eighteen hundred and seventy-eight, passed Senate Bill No 254—An Act to ratify and confirm ordinance number sixty-four, passed by the City Council of the City of Stockton, and approved by the Acting Mayor of said city on the eighth day of December, eighteen hundred and seventy-seven.

Also, Senate Bill No. 287—An Act for the relief of Charles Dukes, and others, of the County of Tulare.

GEO. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Joint Resolution No. 35, taken up, and Senate amendment concurred in.

Senate Bill No. 218, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 134, read first and second times, and referred to Committee on Commerce and Navigation.

Senate Bill No. 287, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 254, read first and second times, and referred to the Committee on Corporations.

RESOLUTION.

By Mr. Coffey:

Resolved, That the Engrossing Clerk of the Assembly be authorized to insert in Assembly Bill No. 203 the words "Section one." where omitted, through clerical error, in original bill.

Adopted.

GENERAL FILE.

Assembly Bill No. 291—An Act to amend an Act entitled an Act to establish a Political Code, in relation to State revenue.

Mr. Ames moved to amend by inserting after the words "San Francisco," the words "and the Town of Redwood City, in the County of San Mateo."

Pending the discussion of the amendment, on motion of Mr. DeWitt, the whole subject matter was referred to the Judiciary Committee.

Assembly Bill No. 310—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D. Welch, minor heirs of Samuel T. Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California.

On motion of Mr. Waters, re-referred to the Judiciary Committee, with instructions to report in accordance with the recommendations of the minority of the Judiciary Committee.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations.

Passed on file.

Assembly Bill No. 219—An Act to amend section one hundred and seventeen of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-six.

Indefinitely postponed.

Assembly Bill No. 248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

REPORT.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 4th, 1878.

MR SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 166—An Act to provide for the payment of witnesses, in criminal cases, in the County of Placer.

308—An Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof.

317—An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of the Oakland Harbor, approved April third, eighteen hundred and seventy-six

162—An Act to amend section eight hundred and fifty-three of the Code of Civil Procedure.

82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

203—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine.

184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bills Nos. 124—An Act for the relief of John Rierdon, B. H. Kenney, Patrick Donahue, and W. B Jourden.

268—An Act for the relief of J. M. Garretson, Assessor for the County of Santa Barbara.

254—An Act for the relief of Colusa County.

195—An Act entitled an Act to control the manufactories of cheese and butter in certain counties in this State.

269—An Act to appropriate funds for the use of the County Clerk of San Diego County to pay deputies.

273—An Act to change the name of a town in Amador County.

303—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.

212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy.

JOHN T. DARE, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 159—An Act to amend section six of an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

Assembly Bill No. 233—An Act to amend section one thousand seven hundred and fifty of the Political Code, in regard to the issuance of certificates without examination.

Passed on file.

Assembly Bill No. 302—An Act to amend section one thousand seven hundred and twenty-five, in relation to renewal and revocation of teachers' certificates.

Passed on file.

Assembly Bill No. 264—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

Passed on file.

Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
Assembly Bill No. 146, special order for this day, was, on motion of Mr. Ames, made special order for Friday next, at one o'clock and thirty minutes P. M.

RESOLUTION.

By Mr. Whitlock (by permission)—Assembly Concurrent Resolution, relative to a mail route from Reno, Nevada, to Chico, California.
Read first and second times, and referred to the Committee on Federal Relations.

REPORT.

By Mr. Miller (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, February 4th, 1878.

MR SPEAKER. The El Dorado delegation, to whom was referred Assembly Bill No. 336—An Act relative to the Assessor's office of El Dorado County—have had the same under consideration, and report it back, with a recommendation that it pass.

MILLER,
NOTT, } Delegation.

Assembly Bill No. 336, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.
Title approved.

GENERAL FILE RESUMED.

Assembly Bill No. 334—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.
On motion of Mr. Tuttle, section three of the bill was amended by striking out all after the word "repealed."
The rules were then suspended, the bill considered engrossed, read third time, and passed.
Title approved.
Assembly Bill No. 18—An Act amendatory of section three thousand eight hundred and eighty-eight of the Political Code.
Mr. Waters offered the following amendment to section one: Insert after the word "assessment" the following, "or from any one person, when he has more than one assessment in the same county."
[Mr. Swift in the chair.]
Amendment adopted.
Mr. Berry moved to amend by striking out section two of the bill.
Adopted.
The question now being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Nott, Routier, and Blake.
The roll was called, and the bill refused engrossment by the following vote:

AYES—Messrs. Ames, Ellis, Forsyth, Hanna, Hart, Hugg, Johnson, McComas, Miller, Nealley, Robertson, Routier, Sherman, Smyth, Waters, Wheat, Whitlock, and Mr. Speaker—18.
NOES—Messrs. Adams, Allen, Anderson, Barstow, Blackwell, Blake, Broderick, Byington, Coffey, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Farnum, Giffen, Haworth, Hinshaw, Holloway, Ludgate, Mace, May, Meyers, Moffat, Montague, Nott, Russ, Swift, Thompson, and Tuttle—31.

[Speaker in the Chair.]

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Mr. Tuttle moved that the bill be placed at the head of the file for to-morrow.

Mr. Johnson moved that it be placed at the head of the file for one week from to-morrow.

Mr. Tuttle moved to amend the amendment by placing the bill second on the file for to-morrow.

Adopted.

Assembly Bill No. 329—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

Considered in Committee of the Whole.

[Speaker in the Chair.]

The Committee arose and reported progress.

IN ASSEMBLY.

Mr. Nott moved that the enacting clause of the bill be stricken out.

Lost.

Mr. Anderson moved that the bill be made the special order for Thursday next, at one o'clock and thirty minutes P. M.

Adopted.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Murphy of San Francisco, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 5th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by Rev. Mr. Pendegast.
Journal of yesterday read and approved.
One day's leave of absence was granted to Mr. Sargent.

MEMORIAL.

By Mr. Ellis—From Ladies' Benevolent Society, of Los Angeles, relative to an appropriation for said association.

Referred to Committee on Hospitals.

PETITIONS.

By Mr. Farnum—From citizens of Oakland, protesting against the passage of a bill entitled an Act to create a Board of Fire and Police Commissioners of the City of Oakland.

By Mr. Dixon—From citizens of Oakland, requesting the passage of a bill entitled an Act to create a Board of Fire and Police Commissioners of the City of Oakland.

Above petition and remonstrance referred to the Alameda delegation.

Indefinite leave of absence was granted to Mr. Brooks.

REPORTS OF STANDING COMMITTEES.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 5th, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four

334—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.

336—An Act relative to the Assessor's office of El Dorado County.

248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure.

253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.

JOHN T. DARE, for the Committee.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, February, 5th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No 254—An Act to ratify and confirm ordinance number sixty-four, passed by the City Council of the City of Stockton, and approved by the Acting Mayor of said city on the eight day of December, eighteen hundred and seventy-seven—have had the same under consideration, and hereby report the same back, recommending its passage.

Also, Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county—have had the same under consideration, and upon the motion to report the same back recommending its passage, the vote of the members of the committee present was as follows

AYES—Messrs. Haworth, Meyers, and Dixon.

NOES—Messrs. Nott, Waters, and Tuttle.

Respectfully submitted,

TUTTLE, Chairman.

By Mr. Pace—A minority report from the Committee on Counties and County Boundaries:

MR. SPEAKER: The undersigned, members of your Committee on County and County Boundaries, have had under consideration Assembly Bill No 284, for creating the County of Chico and defining its boundaries, and ask to submit the following report: It was shown before the committee that there has been for a term of years a strong sectional feeling between one portion of the county and the other which enters into the elections for the government of the county and control of its finances, which cannot be remedied while the present boundaries remain as they are. And it is also shown that the most populous portion of the county, with three-fourths (¾) of the civil and criminal business, are compelled to travel twenty-five miles to the county seat. The wagon roads leading to Oroville from the different parts of the proposed new county are frequently impassable for want of proper appropriations, while the other portions of the county have large appropriations for free bridges and turnpikes, there being but

one resident Supervisor in the proposed new county out of five The same inequality is shown in appropriating two hundred thousand dollars subsidy for the Oroville Railroad against the entire vote of the residents and taxpayers of the proposed new county. The county has paid, up to January twenty-fifth, eighteen hundred and seventy-eight, forty-four thousand dollars of the bonds, and over two hundred and seventy-four thousand dollars interest, leaving one hundred and fifty-six thousand dollars still due, being nearly the entire indebtedness of the county at present.

These and like appropriations for the benefit of one section and against the other are strong reasons in favor of division. The principal argument of the opponents against division is that the county has not sufficient assessable property and territory for two governments, but the facts show differently, as about one-half of the counties of this State have less assessable property than either will have after division. Twenty-three counties have less than five million: fifteen counties have less than two million five hundred thousand, ten counties have less than two million; four counties have less than one million. The total assessed value of Butte County, in eighteen hundred and seventy-seven, amounts to ten million five hundred and two thousand seven hundred and twenty-two dollars, State and county tax, at two per cent., two hundred and ten thousand and fifty-four dollars and forty-four cents, assessed value of that portion of Butte County forming the proposed new county of Chico amounts to five million four hundred and ninety-seven thousand six hundred and seventy-five dollars; State and county tax, at two per cent., one hundred and nine thousand nine hundred and fifty-three dollars and fifty cents, assessed value that will remain in Butte County amounts to five million five thousand and forty-seven dollars; State and county tax, at two per cent., amounts to one hundred thousand one hundred dollars and ninety-four cents. Whole number of acres in Butte County amounts to one million one hundred and twenty-eight thousand seven hundred and sixty acres; whole number of acres that will be in the proposed new County of Chico amounts to four hundred and fourteen thousand seven hundred and twenty acres, whole number of acres that will remain in Butte County, seven hundred and fourteen thousand and forty acres. The evidence shows there was equally as much if not more agricultural land, also, the greater proportion of wood and timber, together with the richest paying mineral lands, both quartz and gravel, in Butte County, after division, than in the proposed new County of Chico.

In view of the foregoing facts, we report the bill back, and recommend its passage.

GEORGE PACE, Chairman,
LEW. M. WARDEN,
JOSEPH RUSS.

Mr. Pace moved that the usual number of copies of the above report be printed, upon which motion the ayes and noes were demanded by Messrs. Wilson, Miller, and Nealley.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Anderson, Barstow, Coffey, Cooley, Dorsey, Ellis, Hart, Haworth, Hinshaw, Meyers, Nealley, Ostrom, Pace, Russ, Sherman, Tuttle, Warden, Wheat and Mr. Speaker—20.

NOES—Messrs Allen, Ames, Blackwell, Blake, Broderick, Byington, Dare, Dixon, Dunlap, Farnum, Forsyth, Garver, Giffen, Hanna, Hugg, Johnson, Ludgate, Mace, McClure, McComas, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Robertson, Routier, Smyth, Thompson, Waters, Welch, Whitlock, and Wilson—33.

REPORT.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, Febuary 5th, 1878.

MR SPEAKER: Your Committee on Claims have had under consideration Senate Bill No. 287—An Act for the relief of Charles Dukes, J. D. Billingsley, D. Malloch, William Kincaid, Stacy Taylor, A. M. Abby, and M. S. Merrill, all of the County of Tulare—report the same back, and recommend its passage.

Also, Assembly Bill No 154—An Act for the payment of the claim of J. L. Howard—have reconsidered the same, and report it back, recommending that it do not pass

OSTROM, Chairman.

INTRODUCTION OF BILLS.

By Mr. McComas (by permission)—An Act concerning the special election to be held in the Seventh Senatorial District, on the thirteenth of February, eighteen hundred and seventy-eight.

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

Title approved, and bill ordered transmitted to the Senate forthwith, without engrossment.

REPORTS OF STANDING COMMITTEES CONTINUED.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 5th, 1878.

MR. SPEAKER. Your Judiciary Committee, to whom was referred Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office—have had the same under consideration, report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters—report the same back with amendments, and recommend passage as amended.

ANDERSON, Chairman.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, February 4th, 1878.

MR. SPEAKER: Your Committee on Hospitals, to whom was referred Senate Bill No. 138—An Act to amend section three thousand and sixty-one of the Political Code, relating to local Boards of Health—have had the same under consideration, and report it back with an amendment, and recommend that it pass as amended.

Also, Assembly Bill No. 314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm, in the County of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same—have had the same under consideration, and report it back, with recommendation that it pass.

J. C. MONTAGUE, Chairman.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 235—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six—have had the same under consideration, report it back, and recommend its passage.

WHEAT, Chairman.

Assembly Bill No. 235, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

REPORTS OF SELECT COMMITTEES.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 5th, 1878.

MR SPEAKER The Lake County delegation, to whom was referred Assembly Bill No. 252—An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake—have had the same under consideration, and report it back, with a recommendation that it pass.

WELCH, for Delegation.

By Mr. Wilson:

MR. SPEAKER The Placer delegation, to whom was referred Senate Bill No. 161, have had the same under consideration, and report it back, recommending its passage.

M. W. WILSON, Delegation.

By Mr. Ostrom:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 292—An Act concerning Justices of the Peace in Yuba County—report the same back, and recommend its passage.

OSTROM, for Delegation.

By Mr. Moffat:

MR SPEAKER: The Mono delegation, to whom was referred Assembly Bill No. 68—entitled an Act to authorize the Board of Supervisors of Mono County to issue bonds for the construction

of a wagon road from Antelope Valley to Dexter's Wells, in said county—having considered the same, report the same back with a substitute, and recommend that the substitute do pass.

Also, Assembly Bill No. 376—entitled an Act to provide for the improvement of the public roads in the County of Mono—report the same back, and recommend that it do pass.

MOFFAT, Delegation.

REPORT OF STANDING COMMITTEE.

By Mr. Nealley (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, February 5th, 1878.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No 194—An Act relative to elections—have had the same under consideration, and report it back, and recommend it do not pass.

G. L. NEALLEY, Chairman.

REPORT OF SELECT COMMITTEE RESUMED.

By Mr. Giffen:

MR. SPEAKER. The Nevada delegation, to whom was referred Assembly Bill No. 357—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons—have considered the same, and report it back, with the recommendation that it pass.

GIFFEN, for Delegation.

Assembly Bill No. 357, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Broderick:

MR. SPEAKER. Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to grand juries in the City and County of San Francisco.

Assembly Joint Resolution No. 35—Relative to subsidies to steamship companies on the Pacific Ocean.

And have, this fifth day of February, eighteen hundred and seventy-eight, at eleven o'clock and fifty minutes A. M., been presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Mace:

MR. SPEAKER. The Fresno delegation, to whom was referred Assembly Bill No. 345—An Act to protect the Town of Fresno against fire—have had the same under consideration, and report the bill back, and recommend its passage.

MACE.

By Mr. Whitlock:

MR. SPEAKER. Your committee, to whom was referred Assembly Bill No. 351—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County—beg leave to report it back, with a recommendation that it pass.

WHITLOCK.

INTRODUCTION OF BILLS.

By Mr. Nott—An Act to amend section three hundred and thirty of the Political Code, in reference to gaming.

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

By Mr. Russ—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

Read first and second times, and referred to the Committee on Corporations.

By Mr. McClure—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda.

Read first and second times, and referred to the Alameda and San Mateo delegations.

By Mr. Hugg—An Act to amend an Act entitled an Act to protect agriculture, and to prevent trespassing of animals upon private property in Marysville and Long Bar Townships, Yuba County, approved March eleventh, eighteen hundred and seventy-six.

Read first and second times, and, with accompanying petition, referred to the Yuba delegation.

By Mr. Welch (by request)—An Act to provide for a narrow gauge railroad in the County of Napa.

Read first and second times, and referred to the Napa, Solano, and Lake delegations.

By Mr. Dare (by request)—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, as amended by an Act approved March twenty-ninth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Napa, Solano, and Lake delegations.

By Mr. Holloway—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Waters—An Act to amend section three thousand six hundred and seventy-four of the Political Code, concerning equalization of assessments.

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

By Mr. Johnson—An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful separation or proceedings for divorce.

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

RESOLUTIONS.

By Mr. Hart:

Resolved, That the Secretary of State be and he is hereby authorized to furnish to such of the accredited newspaper reporters on the floor of the Assembly as may need them in the discharge of their duties, a copy of the Codes, Amendments to the Codes, and Statutes Continued in Force, taking their receipt therefor; said Codes, etc., to be returned to the office of the Secretary of State at the close of the session.

Adopted.

By Mr. Dixon:

Resolved, That the Seargent-at-Arms be and he is hereby authorized and directed to furnish five dollars worth of postage stamps for the use of the Committee on Corporations.

Adopted.

By Mr. Dorsey—Assembly Concurrent Resolution, relative to a memorial to Congress for the restoration of the railroad lands to the public domain.

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

GENERAL FILE.

Assembly Bill No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

Passed on file.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Mr. Dorsey moved to amend section one, line sixty-four, by striking out "three" and inserting "two."

Adopted.

Also, to amend section one, line sixty-six, by striking out "two" and inserting "one."

Adopted.

Mr. Holloway moved to amend line fifty-nine, in section one, by striking out "one" and inserting "two."

Adopted.

Mr. Johnson moved to amend line fourteen, in section one, by striking out "two" and inserting "four."

RECESS.

Pending discussion of the amendment, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Tuttle, Assembly Bill No. 46, pending discussion of which the House took a recess this day, was ordered at the head of the file for to-morrow.

On motion of Mr. Barstow, Assembly Bill No. 119, special order for this day, was taken up out of order.

SPECIAL ORDERS.

Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

Mr. Swift moved to amend the amendment to section two of the bill, recommended by the San Francisco delegation, as follows: Amend the amendment to section two of the bill by striking out all after the word "be," in line six of said amendment, and by inserting in place thereof the following: "More than nine per cent. per annum of the actual cost of constructing said works, or the value of

the same, over and above the reasonable expenses of operating the same, which actual cost of construction, or value, and expense, shall be ascertained and determined by said Board of Commissioners; but the amount determined as the cost of said construction or value by said Board of Commissioners for any one year shall not bind their successors, but said facts may be reascertained or redetermined at any time; *and provided further*, that the rates hereafter fixed for water, under this or any other law, shall not be so fixed as to produce a gross income to the owners of the water-works higher than eighty-five per cent. of the income of said owners from said works, as shown by the last official report of the officers thereof for the year eighteen hundred and seventy-seven."

Pending the discussion of the amendment, Mr. Swift moved that the bill and amendment be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Adopted.

Mr. Tuttle moved that Senate Bill No. 189 be recommitted to the Sonoma delegation.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Johnson (by permission)—An Act to confer additional powers upon the Board of Levee Commissioners of the City and County of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, and the question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Swift, and Gough.

At five o'clock and fifteen minutes P. M. Mr. Gough moved to adjourn.

Lost.

The roll was then called on the passage of the bill, and it was passed by the following vote:

AYES—Messrs Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Byington, Coffey, Connolly, Conroy, Dunniene, Dixon, Dorsey, Dunlap, Ellis, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Ludgate, Mace, May, McClure, McComas, Meyers, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Robertson, Routier, Sherman, Swift, Thompson, Tobin, Welch, Whitlock, and Wilson—53.

NOES—Messrs. Dare, Ostrom, Smyth, Tuttle, and Mr. Speaker—5.

Title approved.

Mr. Gough gave notice that on to-morrow he would move to reconsider the vote by which the bill was passed.

ADJOURNMENT.

At five o'clock and twenty-three minutes P. M., on motion of Mr. Whitlock, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 6th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Rev. Mr. Dwinelle.
Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. McClure (by permission)—An Act to amend an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, and passed.

Title approved, and, by consent, ordered transmitted to the Senate forthwith without engrossment.

Mr. Johnson moved to reconsider the vote by which Assembly Bill No. 387 was passed on yesterday.

Mr. Murphy of Del Norte moved to indefinitely postpone the motion to reconsider.

Pending discussion of the motion, the previous question being called for by the requisite number, it was so ordered by the House.

The question recurring upon the motion to indefinitely postpone the motion to reconsider, it was indefinitely postponed.

The rules were then further suspended, and the bill ordered transmitted to the Senate forthwith without engrossment.

RESOLUTION.

By Mr. McComas (by permission):

Resolved by the Assembly, the Senate concurring, That a committee of five members of the Assembly be appointed by the Speaker of the Assembly, and five Senators be appointed by the President of the Senate, to attend the funeral obsequies of the Honorable C. W. Upton, at the Town of Santa Clara, in the County of Santa Clara, at two o'clock P. M., on Thursday, the seventh day of February, eighteen hundred and seventy-eight.

Adopted unanimously by members rising.

In accordance with above resolution, the Speaker announced as a committee, Messrs. Hanna, McComas, Pace, Dinniene, and Backus.

On motion of Mr. Swift, Assembly Bill No. 119 was made the special order for to-morrow, at one o'clock and thirty minutes P. M.

On motion of Mr. Backus, Assembly Bill No. 224 was made special order for Friday, at one o'clock and thirty minutes P. M.

On motion of Mr. Tuttle, Assembly Bill No. 46 was ordered continued at the head of the file.

On motion of Mr. Barstow, Assembly Bill No. 23 was made special order for to-morrow, at one o'clock and thirty minutes P. M.

On motion of Mr. Swift, the vote by which Assembly Bill No. 119

was made the special order for one o'clock and thirty minutes P. M., to-morrow, was reconsidered, and the bill made the special order for Friday, at one o'clock and thirty minutes P. M.

On motion of Mr. Barstow, the vote by which Assembly Bill No. 23 was made the special order for to-morrow, at one o'clock and thirty minutes P. M., was reconsidered, and the bill made the special order for Friday next, at one o'clock and thirty minutes P. M.

On motion of Mr. Nealley, Assembly Bill No. 284 was made special order for February thirteenth, at one o'clock and thirty minutes P. M.

REPORT.

By Mr. Dixon:

MR. SPEAKER: The delegation, to whom was referred Senate substitute for Senate Bill No. 61, having had the same under consideration, respectfully report the same back, and recommend that the same be referrred to the Committee on Corporations.

M. W. DIXON,
J. E FARNUM, } Delegation.
R. A. McCLURE,

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Farnum—An Act to incorporate the Town of Berkeley, in Alameda County.

Read first and second times, and referred to the Alameda delegation, and the usual number of copies ordered printed.

By Mr. Conroy—An Act to amend sections one thousand and ninety-eight, one thousand one hundred, and one thousand one hundred and one of the Political Code of California.

Read first and second times, and referred to the Committee on Elections.

REPORT.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 6th, 1878

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 187—An Act to amend section four hundred and ninety-seven of the Civil Code of the State of California—report the same back with amendments, and recommend that it do pass as amended. Seventeen members present and voting

Also, Assembly Bill No. 75—An Act to ascertain the amount, and provide for the payment, of damages done to St. Francis' Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue, in said city and county—report the same back, and recommend that it do pass Sixteen members present and voting.

Also, Assembly Bill No. 261—An Act to ratify and confirm resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco—report the same back, and recommend that it do pass. Eleven members present and voting.

Also, Assembly Bill No. 153—An Act to increase the police force of the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended. Twelve members present and voting.

J. V. COFFEY, Chairman.

Assembly Bill No. 153, above reported. taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 187, above reported, taken up, rules suspended, amendments adopted, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to authorize the Sheriff, as ex officio Tax Collector of Shasta County, to convey certain lands illegally sold to the State for taxes.

Read first and second times, and referred to the Shasta, Colusa, and Tehama delegations.

Assembly Bill No. 61 was, on motion of Mr. Swift, made special order for Tuesday next, at one o'clock and thirty minutes P M.

By Mr. Hicks—An Act to provide for the establishing of quarantine stations at the ports of entry for foreign commerce of this State, and to provide for the acquiring of lands for quarantine purposes, and the erection thereon of buildings for the reception of quarantined immigrant passengers, and offices for the use of the Quarantine and Health Officers, and to provide for the sanitary condition of vessels arriving at ports of entry, and prescribing penalties for the violation thereof.

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

On motion of Mr. Murphy of Del Norte, the time for taking a recess was extended until a message shall be received from the Senate.

By Mr. Blackwell—An Act to provide for the payment of unused and uncanceled stamps of the State of California, heretofore sold.

Read first and second times, and referred to Committee on Claims.

MEMORIAL.

By Mr. Dinniene—From the Principal of the Temporary Home for Young Girls, relative to an appropriation for the benefit of that institution.

Referred to the Committee on Ways and Means.

INTRODUCTION OF BILLS.

By Mr. Tuttle—An Act to encourage the mining industry, and to suppress stock gambling.

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

REPORT.

By Mr. Russ:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly bill has been correctly enrolled:

Assembly Bill No. 377—An Act concerning the special election to be held in the Seventh Senatorial District on the thirteenth day of February, eighteen hundred and seventy-eight.

And has, this sixth day of February, eighteen hundred and seventy-eight, at ten o'clock and forty-five minutes A. M., been presented to the Governor for his approval.

RUSS, for the Committee.

RESOLUTIONS.

By Mr. McComas:

Resolved, That when this House adjourn, it adjourn to Friday, at one o'clock and thirty minutes P M., and the Senate be informed of this action.

Mr. Nott offered the following substitute:

Resolved, That when this House adjourn to-day, it adjourn until Friday, February eighth, at eleven o'clock A. M., out of respect to the memory of C. W. Upton.

Which was adopted, and the resolution, as amended, was adopted.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 8th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
One day's leave of absence was granted to Messrs. Farnum and Dorsey; indefinite leave to Messrs. Hinshaw, Pace, and Kercheval, and temporary leave to the Committee on Corporations.
Prayer by the Rev. Mr. Rankin.
Journal of Wednesday, February sixth, read and approved.
Mr. Johnson arose to a question of privilege, relative to the report of the *San Francisco Chronicle* of the action of the railroad company in the matter of the late break in the levee.

PETITIONS.

By Mr. Anderson—From managers of the Magdalen Asylum, relative to an appropriation for that institution.
Referred to the Committee on Hospitals.

RESOLUTION.

Mr. Anderson introduced the following resolution, by permission:

Resolved, That the Speaker of this House be and is hereby authorized to appoint a member of the Committee on Education to fill the vacancy in said committee occasioned by the death of the late Honorable C. W. Upton.

Amended to authorize the Speaker to fill all vacancies on committees occasioned by the death of Honorable C. W. Upton, and adopted as amended.

PETITIONS RESUMED.

By Mr. Dare—From taxpayers of Solano County, protesting against the passage of Assembly Bill No. 327
Referred to the Committee on Corporations.
By Mr. Ludgate—From citizens of Amador County, relative to the passage of a law compelling owners of goats to herd them on their own lands.
Referred to the Committee on Agriculture.
By Mr. Tobin—From the so-called "German-speaking Section

Workingmens' Party of the United States," relative to the bill in relation to the Constitutional Convention.

Referred to the Special Committee on Constitutional Convention.

By Mr. Mace—From citizens of Fresno County, relative to the repeal of the law extending the time for the payment of delinquent taxes.

Referred to the Committee on Ways and Means

By Mr. Tobin—From managers of the Home for Aged and Infirm Females, relative to an appropriation for the benefit of that institution.

Referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 8th, 1878

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 235—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six.

357—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons.

187—An Act to amend section four hundred and ninety-seven of the Civil Code of the State of California.

153—An Act to increase the police force of the City and County of San Francisco.

JOHN T. DARE, for the Committee.

By Mr. Anderson:

ASSEMBLY CHAMBER, February 8th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Senate Bill No 32—An Act to amend section six hundred and sixty-three of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No. 42—An Act to amend section one hundred and thirteen of the Code of Civil Procedure, so as to change the time for the election of Justices of the Peace—report the same back, and recommend its passage.

Also, Senate Bill No 49—An Act to amend section one thousand six hundred and twenty-four of the Civil Code—report the same back, and recommend its passage.

Also, Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys and counselors at law—report the same back without recommendation

Also, Senate Bill No. 87—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No 112—An Act to amend section one thousand one hundred and sixty-six of the Code of Civil Procedure, in relation to forcible or unlawful detainer—report the same back, and recommend its passage.

Also, Senate Bill No. 118—An Act to amend section eight hundred and ninety-five of the Code of Civil Procedure—report the same back, and recommend its passage

Also, Senate Bill No 160—An Act to amend section one thousand three hundred and eighty-six of the Penal Code—report the same back, and recommend that it do not pass

Also, Senate Bill No 193—An Act to amend section two thousand one hundred and eighty of the Civil Code—report the same back, and recommend its passage.

Also, Senate Bill No 216—An Act to amend section three hundred and seventy-six of the Penal Code—recommend its reference to the Committee on Commerce and Navigation.

Also, Senate Bill No. 218—An Act to amend section one thousand five hundred and ninety of the Penal Code—recommend its reference to the Committee on State Prison.

Also, Assembly Bill No 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code—and recommend its passage

Also, Assembly Bill No. 338—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relative to publication of delinquent tax lists—recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No 341—An Act to amend section four thousand three hundred and twenty-nine of the Political Code, with respect to the salaries of judicial officers—report the same back, and recommend that it do not pass.

ANDERSON, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 8th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 116—An Act relating to the Board of Education of the City and County of San Francisco—report the

same back with an amendment, and recommend that it do pass as amended. Eleven members present and voting.

Also, Assembly Bill No. 114—An Act to amend an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and sixty-three—report the same back with an amendment, and recommend that it do pass as amended. Eleven members present and voting.

Also, Assembly Bill No. 158—An Act to amend the Political Code of the State of California—report the same back, and recommend that it be referred to the Committee on Judiciary.

Also, Senate substitute for Senate Bills Nos. 90, 173, and 175—entitled an Act supplementary to an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six—report the same back, and recommend that it do pass. The delegation further ask that the rule of the House be suspended and the bill be considered at once. Eleven members present and voting.

Also, Assembly Bill No. 354—An Act for the relief of Joseph O'Neil—report the same back with amendment, and recommend that it do pass as amended. Eleven members present and voting.

Also, Senate Bill No. 172—An Act for the relief of Richard H. Stretch—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 151—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—report the same back, and recommend that it do pass. Eleven members present and voting.

Also, Senate Bill No. 229—An Act to establish the grade of Seventh Street, between Bryant and Brannan Streets, in the City and County of San Francisco—report the same back, and recommend that it do pass. Eleven members present and voting.

Also, Assembly Bill No. 306—An Act to amend an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six—report the same back with an amendment, and recommend that it do pass as amended. Eleven members present and voting.

J. V. COFFEY, Chairman.

Senate substitute for Senate Bills Nos. 90, 173, and 175, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

On motion of Mr. Waters, the House took up for consideration Assembly Bill No. 207.

Mr. Waters offered the following amendments: Amend section six by inserting the words "in an action *in rem*." after the word "summons," in the first line of said section.

Adopted.

Also, amend section thirteen by inserting in line eight, after the word "distrainer," the words "the amount of damage done or."

Adopted.

Also, amend by inserting the following as a new section, to be numbered section fifteen, and renumber subsequent sections to correspond:

SECTION 15. Whenever any animal is lawfully distrained under section thirteen of this Act, then the distrainer shall be entitled to recover reasonable compensation for care and feed of such animal during the time of such lawful distrainment, and in actions brought under the provisions of this Act, when the plaintiff recovers, then a reasonable sum for keeping any animal levied upon by attachment, process, or under execution shall be allowed as costs of suit.

Mr. Nott moved to amend the amendment by fixing the price for keeping and feeding animals during the time of distrainment at twenty-five cents per head per day.

Pending discussion of the amendment, it was withdrawn by Mr. Nott, who offered the following as a substitute: Amend by inserting "that no person shall be allowed to charge more than fifty cents per day per head for horses; twenty-five cents per day per head for grown cattle; ten cents per head for yearling and under, and five cents per head for sheep and goats."

Lost, and the amendment as offered by Mr. Waters adopted.

Mr. Johnson moved to further amend as follows: "*Provided*, that the provisions of this Act shall apply to the Counties of Sacramento, Colusa, Tehama, Santa Barbara, San Joaquin, Mendocino. Merced, and Solano, and that part of El Dorado County known as White Oak and Mud Springs Townships."

Adopted.

The bill was then read third time, and passed, and title amended to conform to the body of the bill, and approved as amended.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Broderick:

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

Assembly Bill No 388—An Act to amend an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county on Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 387—An Act to confer additional powers upon the Board of Levee Commissioners of the City of Sacramento

And were, on the sixth day of February, eighteen hundred and seventy-eight, at two o'clock P. M., presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 6th, 1878.

MR SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 237—An Act to protect agriculture, and to provide for the distraining of trespassing animals in certain counties—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

THOMPSON, Chairman.

Substitute for Assembly Bill No. 237, above reported, taken up, and during the reading of the bill the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the Chair.

Roll called, and a quorum present.

Mr. Abbott moved that the consideration of Assembly Bill No. 337, during the reading of which the House took a recess this day, be continued.

Mr. Dare moved that Assembly Bill No. 329 be taken up.

Mr. Swift moved to postpone the bill under consideration at the hour of recess until Assembly Bill No. 119, special order for this hour, had been disposed of.

Lost.

The original motion, as offered by Mr. Abbott, was then adopted.

On motion of Mr. Ames, Assembly Bill No. 146 was made special order for Monday next, at one o'clock and thirty minutes P. M.

Substitute for Assembly Bill No. 237 was then read, substitute adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Mr Dare moved that Assembly Bill No. 329 be now taken up.

Lost.

On motion of Mr. Dare, Assembly Bill No. 329 was made the special order for to-morrow.

On motion of Mr. Murphy of Del Norte, Assembly Bill No. 24 was placed second on the file for to-morrow.

On motion of Mr. Johnson, Assembly Bill No. 224, special order for this day, was placed second on file for Monday next.

SPECIAL ORDERS.

Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof—was taken up.

The question being upon the amendment offered by Mr. Swift to the amendment recommended by the San Francisco delegation, pending discussion of which the House adjourned on Tuesday, February fifth.

[Speaker pro tem. in the chair.]

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. May, Asmussen, and Conroy.

The roll was called, and the amendment to the amendment rejected by the following vote:

AYES—Messrs Abbott, Asmussen, Blake, Broderick, Byington, Coffey, Conroy, Cooley, Dixon, Farnum, Forsyth, Hanna, Long, May McComas, Meyers, Nott, Ostrom, Robertson, Sargent, Smyth, Swift, Thompson, Waters, Welch, Wheat, and Mr Speaker—27.

NOES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Blackwell, Connolly, Dare, DeWitt, Dinmene, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Gough, Griffith, Hart Haworth, Hicks, Holloway, Hugg, Johnson, Ludgate, Mace, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Sherman, Tobin, Warden, and Whitlock—37.

The question now recurring upon the adoption of the amendment offered by the committee, Mr. Swift offered the following amendment: "*Provided*, that no higher valuation shall be fixed upon any water-works than such a sum as shall be shown by the market value of the stock thereof on the first day of February, eighteen hundred and seventy-eight," upon the adoption of which the ayes and noes were demanded by Messrs. Swift, Forsyth, and Anderson.

Mr. Murphy of San Francisco moved to recommit the bill to the San Francisco delegation, upon which motion the ayes and noes were demanded by Messrs. Murphy of San Francisco, Dare, and Coffey

The roll was called, and the motion to recommit lost by the following vote:

AYES—Messrs. Long, Murphy of San Francisco, and Nott—3

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinmene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Ludgate, Mace, May, McClure, McComas, Meyers, Miller, Moffat, Murphy of Del Norte, Nealley Ostrom, Robertson, Routier, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Warden, Waters, Welch, Wheat, and Mr. Speaker—61.

Mr. Swift had leave to withdraw his amendment, and offer in lieu thereof the following substitute: "*Provided*, that no greater or higher valuation shall be established upon such water-works than the par value of the stock upon which the company paid its regular dividend upon the first day of February, eighteen hundred and seventy-eight."

The previous question being moved by the requisite number, it was so ordered by the House.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Swift, Anderson, and Haworth.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Asmussen, Blackwell, Blake, Broderick, Byington, Coffey, Conroy, Cooley, Dixon, Forsyth, Garvey, Gildea, Gough, Griffith, Hanna, Holloway, Long, May, McComas, Meyers, Miller, Murphy of San Francisco, Nott, Ostrom, Robertson, Sargent, Smyth, Swift, Thompson, Tobin, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—35.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Barstow, Connolly, Dare, DeWitt, Dinmene, Dunlap, Ellis, Ewing, Giffen, Hart, Haworth, Hicks, Hugg, Johnson, Ludgate, Mace, McClure, Moffat, Murphy of Del Norte, Nealley, Routier, Sherman, and Warden—29.

The question now recurring upon the adoption of the amendment as amended, it was adopted.

At five o'clock and forty minutes P. M. Mr. Ames moved to adjourn.

Lost.

The reading of the bill was then resumed, and Mr. Barstow moved to dispense with the reading until section thirteen was reached.

Lost.

Mr. Swift moved to reconsider the vote by which section thirteen was adopted as amended.

Ruled out of order.

The bill was then ordered engrossed.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Coffey—An Act concerning special elections.

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

By Mr. Hart—An Act authorizing the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

Read first and second times, and referred to the Colusa delegation.

ADJOURNMENT.

At five o'clock and fifty-two and one-half minutes P. M., on motion of Mr. Routier, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 9th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

One day's leave of absence each was granted to Messrs. Conroy, Dorsey, and Gough, and two days' leave to Mr. Miller.

Journal of yesterday read and approved.

Mr. Backus arose to a question of privilege in regard to his action on Assembly Bill No. 119.

On motion of Mr. Barstow, Assembly Bill No. 23 was placed at the head of special orders for Tuesday next.

Mr. Pauly arose to a question of privilege in regard to his action on Assembly Bill No. 119.

PETITIONS.

By Mr. Smyth—From citizens of Tuolumne County, relative to certain evils connected with the management of the Yosemite Valley, and asking legislation in connection therewith.

Referred to Special Committee on Yosemite.

By Mr. Murphy of San Francisco—From Managers of Temporary Home for Young Girls, relative to an appropriation for that institution.

Referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER. Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 207—An Act concerning trespass of animals upon private lands in certain counties in the State of California.

237—An Act to protect agriculture and to provide for the distraining of trespassing animals in the County of Los Angeles.

DINNIENE, for Committee.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, February 7th, 1878.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 370—An Act to amend section three thousand eight hundred and twenty-three, and to repeal sections three thousand eight hundred and twenty-four and three thousand eight hundred and twenty-five of the Political Code, in regard to receipts given by Assessors to taxpayers—report it back without recommendation.

Also, Assembly Bill No. 367—An Act to appoint guardians for habitual drunkards—report the same back, and recommend it be referred to the Committee on Public Morals.

Also, Assembly Bill No 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 168—An Act in relation to the Sheriff and Treasurer of Calaveras County—report the same back, and recommend that it do not pass.

NOTT, Chairman.

Assembly Bill No. 370, above reported, was withdrawn by its author, Mr. Ewing.

Mr. Wheat had leave to withdraw Assembly Bill No. 168.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER Your Judiciary Committee have had under consideration Assembly Bill No. 340—entitled an Act to amend section nine hundred and eighty-seven of the Penal Code, concerning the power of the Court to appoint counsel in criminal cases—and report the same back with a recommendation that it do pass, a minority of your committee reserving the privilege of filing a minority report against its passage.

Also, Assembly Bill No 178—*entitled an Act to amend subdivision two, of section six hundred* and ninety, Title X, Chapter I, of the Code of Civil Procedure, to exempt certain property from execution—and report a substitute therefor, entitled an Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale—and recommend the passage of the substitute.

ANDERSON, Chairman.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, February 8th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 92—An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on the business of mining, and for the prevention of fraud—have had the same under consideration, and report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 322—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof—and report the same back, recommending its passage

Also, Assembly Bill No 330—An Act to incorporate the Town of Downey, Los Angeles County, California—and recommend that it do not pass.

Also, Assembly Bill No. 379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization—and recommend its passage.

Also, Assembly Bill No 260—An Act to incorporate the Town of Fulton, in the County of Santa Cruz, State of California—and have amended the same, and recommend the passage of the bill as amended

Also, substitute for Senate Bill No. 61—An Act to incorporate the Town of Alameda—and have amended the same, and recommend the passage of the bill as amended.

TUTTLE, Chairman

Substitute for Senate Bill No. 61, above reported, was taken up, and, on motion of Mr. Tuttle, its reading was dispensed with, except such sections as were amended.

The amendments were then read and adopted, and, on motion of Mr. Tuttle, the vote by which the second amendment to section five was adopted was reconsidered, and the amendment rejected, and Mr. Broderick moved that the bill be made the special order for Friday next, and the usual number of copies of the bill as amended be printed.

Withdrawn.

The consideration of the bill was temporarily postponed.

Mr. Anderson had leave to submit the following report, out of order:

ASSEMBLY CHAMBER, February 9th, 1878.

MR SPEAKER: Your Committee on the Judiciary have had under consideration Assembly Bill No. 395—entitled an Act concerning special elections—and report it back, and recommend the passage thereof, with the further recommendation that the rules be suspended, the same considered engrossed, and that it be read third time, and put upon its passage this day.

ANDERSON, Chairman.

Assembly Bill No. 395, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

House resumed consideration of substitute for Senate Bill No. 61, and Mr. Broderick renewed his motion to make it the special order for Friday next, and to order the usual number of copies of the bill, as amended, printed.

Lost.

The bill was then read third time, and passed.

Title approved.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.
Roll called, and a quorum present.

SPECIAL ORDER.

Assembly Bill No. 329—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

The question was on the following amendment to section one of the bill, offered by Mr. Swift, pending discussion of which the House adjourned on February fourth: Amend section one by striking out "twenty-five thousand dollars" where it first occurs in the bill, and by inserting "twelve thousand five hundred" instead.

On motion of Mr. Gildea, considered in Committee of the Whole.

[Speaker in the chair]

The committee arose and reported the bill back, with an amendment, recommending its passage as amended.

IN ASSEMBLY.

[Speaker in the chair.]

The amendment reported by the Committee of the Whole was adopted, the rules suspended, the bill considered engrossed, read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Murphy of San Francisco, Dinmene, and Haworth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Coffey, Connolly, Cooley, Dale, DeWitt, Dinniene, Dixon, Ellis, Farnum, Forsyth, Garver, Giffen, Gildea, Griffith, Haile, Haworth, Hicks, Holloway, Hugg, Johnson, Loug, Ludgate, Mace, May, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Rontier, Russ, Sherman, Tobin, Tuttle, Warden, Wheat, and Whitlock—51.

NOES—Messrs. Barstow, Dunlap, Hanna, Hart, Murphy of San Francisco, Robertson, Sargent, Smyth, Waters, Welch, and Mr. Speaker—11.

Title approved.

Bill ordered transmitted to the Senate.

At three o'clock and forty-five minutes P. M. Mr. Griffith moved to adjourn.

Lost.

RESOLUTIONS (BY PERMISSION).

By Mr. Blackwell:

Resolved, That John M Crawford be and he is hereby authorized and directed to carefully compare the minutes of the Assembly with the Journal, and after making all corrections necessary to make the same conform to the Journal, deliver the same to the Superintendent of State Printing, for which service he shall receive five cents per folio, to be paid out of the appropriation for the contingent expenses of the Assembly. The Secretary of State is hereby authorized and directed to compute the amount due for such service, and certify the same to the Controller, who is hereby authorized to draw his warrant for the amount on the Treasurer, who is hereby authorized and directed to pay the same For the purpose of carrying this resolution into effect, the Minute Clerk is hereby directed to deliver to the said John M Crawford the minutes of the Assembly after the same shall have been copied into the Journal, *provided*, that before entering upon the performance of said service, the said John M Crawford shall file with the Secretary of State a bond in the sum of one thousand dollars, with good and sufficient sureties, conditioned upon the faithful performance of said work, and that the same shall be completed within ten days after the adjournment of the Legislature.

Referred to the Committee on Attachés and Employés.
By Mr. Mace:

Resolved, That on and after February eleventh this House do meet at ten o'clock A. M.

Referred to Committee on Rules.
Mr. Forsyth had leave to withdraw Assembly Bill No. 92.

REPORT.

By Mr. Dare (by permission).

SACRAMENTO, February 7th, 1878.

MR. SPEAKER: Your committee, composed of the delegations of Lake, Napa, and Solano, to whom was referred Assembly Bill No. 383—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, as amended by Act approved March twenty-ninth, eighteen hundred and seventy-six—have had the same under consideration, and report it back with a recommendation that it pass.

S. K. WELCH, } For Delegation.
JOHN T. DARE, }

RESOLUTIONS (BY PERMISSION).

By Mr. DeWitt:

Resolved, That the Committee on Swamp Lands are hereby authorized to employ a Clerk, at a salary of five dollars per day, to be paid out of the Contingent Fund of the Assembly

On motion of Mr. Johnson, the rules were suspended for the purpose of considering the above resolution, and it was adopted.
By Mr. Robertson:

Resolved, That the Minute Clerk of this House be and he is hereby authorized to appoint an Assistant, at the same per diem as is allowed the Minute Clerk, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Employés and Attachés.

INTRODUCTION OF BILLS.

By Mr. Pauly (by permission)—An Act to authorize the Treasurer of San Diego County to pay certain warrants out of the Contingent Fund of said county.

Read first and second times, and referred to the Committee on Ways and Means.

Also, an Act amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.

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

REPORTS (BY PERMISSION).

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 205—An Act to incorporate the Town of Anaheim—have had the same under consideration, and report it back with amendments, and recommend the passage of the bill as amended.

TUTTLE, Chairman.

By Mr. Adams:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace—have had the same under consideration, and report it back, with the recommendation that it pass.

ADAMS, Chairman.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled

Assembly Bill No. 395—An Act concerning special elections.

And has, this ninth day of February, eighteen hundred and seventy-eight, at two o'clock and forty-five minutes P. M., been presented to the Governor for his approval.

BRODERICK, Chairman.

RESOLUTION.

By Mr. Johnson (by permission):

Resolved, That the delegations from the Counties of Colusa, Tehama, Yuba, Yolo, Solano, Contra Costa, and Sacramento be and they are hereby appointed a special committee to examine into the feasibility of constructing a canal from a point on the west bank of the Sacramento River, at or near Knight's Landing, to Suisun Bay, and that said committee report, as soon as possible, the result of their investigations.

Mr. Tuttle offered the following amendment: *Provided*, that no expense be involved to the Contingent Fund of the Assembly.

Adopted.

The resolution was further amended by adding the Counties of San Joaquin and Sutter, and adopted as amended.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Ellis—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles.

Also, an Act authorizing the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for the payment of the costs of the same.

Each of the above bills read first and second times, and referred to the Los Angeles delegation.

Also, an Act to create a Board of Wharf and Harbor Commissioners in the County of Los Angeles.

Read first and second times, and referred to the Committee on Commerce and Navigation.

REPORT.

By Mr. Dunlap (by permission):

MR. SPEAKER: Your Committee on Internal Improvements, to whom was referred Assembly Bill No. 346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds—have had said bill under consideration, and herewith report the same back, and recommend its passage as amended.

DUNLAP, Chairman.

RESOLUTION.

By Mr. Sherman (by permission):

Resolved, That the Special Committee appointed to investigate the unequal assessment of lands in Kern County be authorized to send for persons and papers.

Adopted.

REPORT.

By Mr. Gildea (by permission)—A verbal report from the Committee on Federal Relations, recommending passage of Assembly Joint Resolution No. 40—Relative to establishing a mail route from Reno, Nevada, to Chico, California.

The rules were suspended, the resolution considered engrossed, read third time, and passed.

Title approved.

Mr. Mace moved that Assembly Bill No. 346 be taken up for consideration.

Lost.

REPORTS OF STANDING COMMITTEES.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 390—An Act to amend sections one thousand and ninety-eight, one thousand one hundred, and one thousand one hundred and one of the Political Code of California, in relation to the registration of voters—have had the same under consideration, and report it back, with recommendation that it be referred to the Joint Committee on Registration.

NEALLEY, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Tuttle—From Sonoma delegation, reporting Assembly Bill No. 189 with amendments, and recommending passage as amended.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 8th, 1878.

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 111—An Act to prevent and restrict sheep from being herded or running at large in certain portions of Lake County—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

WELCH, for Delegation.

By Mr. Whitlock:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER: The delegations, to whom was referred Assembly Bill No. 147—An Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes—have had the same under consideration, and report it back, with a recommendation that it pass.

J. H. WHITLOCK,
T. J. HART.

By Mr. McClure:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County to and from the State treasury, and for the payment of the necessary expenses thereby incurred—have had the same under consideration, report it back, and recommend its passage.

McCLURE, for Delegation.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

To the Assembly of the State of California:

I respectfully herewith return to your honorable body Assembly Bill No. 377—entitled an Act concerning the special election to be held in the Seventh Senatorial District, on the thir-

teenth day of February, eighteen hundred and seventy-eight, without my approval. My reason for not approving the bill is that, by a proclamation issued on the sixth instant, the proclamation of the third instant, calling said special election, was revoked. As the Act is special, limited by its terms to an election to be held on a specified day, it would be inoperative and useless. Hence, it is better, in my judgment, that the Statute Book be not cumbered with it.

I respectfully suggest that an Act, similar in its provisions to the one now returned without approval, but applicable to all special elections that may be called, be passed.

WILLIAM IRWIN, Governor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by a unanimous vote, as follows:

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Byington, Connolly, Cooley, Dale, DeWitt, Dinmene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Haile, Hanna, Hart, Haworth, Hicks, Hugg, Long, Ludgate, Mace, May, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Robertson, Russ, Sargent, Sherman, Smyth, Tuttle, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—56.

On motion of Mr. Sargent, Senate Bill No. 254 was ordered taken from the file and referred to the San Joaquin delegation.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, W. L. Tomlin, and M. V. Dixon.

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

Also, an Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.

Read first and second times, and referred to the Colusa delegation.

By Mr. Long—An Act concerning the office of Superintendent of Schools of Mendocino County.

Read first and second times, and referred to the Committee on Education.

By Mr. Asmussen—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia Streets, in the City and County of San Francisco.

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

By Mr. Johnson—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

Also, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Each of the above bills read first and second times, and referred to Sacramento delegation.

Also, an Act to amend section six hundred and two of the Political Code, in relation to insurance.

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

By Mr. Haworth—An Act to amend section three thousand three hundred and eighty-five of the Political Code, in relation to animals kept for propagation.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Moffat—An Act to provide for the distribution of school moneys in certain counties.

Read first and second times, and referred to the Commitee on Education.

By Mr. Breen (by request)—An Act to amend section one thousand two hundred and forty-one of the Civil Code, in relation to homesteads.

Also (by request)—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Backus—An Act in relation to County Surveyors

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Tuttle—An Act to authorize the City of Petaluma to provide and maintain public water-works for said city, and to purchase and condemn private property for that purpose.

Read first and second times, and, with accompanying petition, referred to the Sonoma delegation.

By Mr. DeWitt—An Act entitled an Act to amend section four hundred and thirty-seven of the Code of Civil Procedure.

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

By Mr. Meyers—An Act to regulate the terms of the County Court of San Joaquin County.

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

By Mr. Russ—An Act for securing liens for laborers and others in Humboldt County.

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

By Mr. McComas—An Act to amend section six hundred and ninety of the Code of Civil Procedure, in relation to property exempt from execution.

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

By Mr. Hanna—An Act to amend certain sections of the Political and Penal Codes.

Read first and second times, and referred to the Committee on Elections.

By Mr. Ludgate—An Act to prevent the trespassing of goats on inclosed lands in the County of Amador.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Montague—An Act to amend 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, approved April twenty-first, eighteen hundred and fifty-six, approved April eighth, eighteen hundred and fifty-nine.

Also, an Act to create an additional Contingent Fund for Trinity County.

Each of the above bills read first and second times, and referred to the Trinity and Shasta delegations.

By Mr. Johnson—An Act to amend section eight hundred and

seventy-one of the Code of Civil Procedure, relative to defaults in Justices' Courts.

Also, an Act to amend section eight hundred of the Political Code of the State of California, relative to the oath of office of Notaries Public.

Also, an Act to amend section nine hundred and nine of the Political Code of California, relative to the oath of office of County Judges and County Clerks.

Also, an Act to amend sections one thousand two hundred and eighty-four and one thousand two hundred and eighty-eight of the Political Code, relating to abstracts of election returns to be made by County Clerks.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 6th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 200—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof.

Also, Senate Bill No. 265—An Act to amend sections one and three of an Act entitled an Act to authorize the Assessor of the City and County of San Francisco to appoint deputies, approved January twenty-fifth, eighteen hundred and seventy.

Also, Senate Bill No. 267—An Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco.

Also, on February fifth, eighteen hundred and seventy-eight, adopted Assembly Concurrent Resolution No. 39—Relative to Constitutional Convention.

GEO. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the second of February, eighteen hundred and seventy-eight, passed Senate Bill No. 114—An Act to amend section one thousand seven hundred and forty-six of the Political Code.

Also, Senate Bill No. 182—An Act to fix the salary of the Superintendent of Public Schools, in the County of Calaveras.

Also, Senate Bill No. 233—An Act to amend an Act entitled an Act to create the Twenty-first Judicial District, approved February fifteenth, eighteen hundred and seventy-six, by changing the dates of holding terms of Court in said district.

Also, on February sixth, eighteen hundred and seventy-eight, passed substitute for Senate Bill No. 35—An Act to confirm certain letters patent of the State of California to W. F. Montgomery et al.

Also, this day, passed Assembly Bill No. 133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

Also, Assembly Bill No. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

GEO. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 6th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No 42—Relative to the death of Honorable C. W. Upton—and that the President of the Senate, under said resolution, appointed Senators Murphy of Santa Clara, Howe, Hilborn, Hill, and Beazell as the committee on the part of the Senate to attend the funeral of the deceased.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, February 6th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Assembly Bill No. 387—An Act to confer additional powers upon the Board of Levee Commissioners of the City of Sacramento.

Also, this day, under suspension of the rules, passed Assembly Bill No. 388—An Act to amend an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 9th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Joint Resolution No. 5—Relative to Chinese immigration.

And, indefinitely postponed Assembly Bill No 39—An Act concerning fees of jurors in the County of Humboldt.

Also, passed Assembly Bill No. 395—An Act concerning special elections

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 5th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, Senate Joint Resolution No. 26—Memorializing Congress to abolish the duty on grain sacks, and the materials of which they are made.

Also, Assembly Bill No. 377—An Act concerning the special election to be held in the Seventh Senatorial District, on the thirteenth day of February, eighteen hundred and seventy-eight.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 26, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 265, read first and second times, and referred to the San Francisco delegation.

Substitute for Senate Bill No. 200, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 267, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 233, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 182, read first and second times, and referred to the Committee on Education.

Senate Bill No. 114, read first and second times, and referred to the Committee on Education.

On motion of Mr. Johnson, Assembly Bill No. 194 was re-referred to the Committee on Elections

Mr. Dare moved that the Senate Concurrent Resolution No. 9 be taken up for consideration.

Lost.

RESOLUTIONS.

By Mr. Hart:

Resolved, That the Committee on Corporations be required to report Assembly Bill No. 216—An Act entitled an Act to repeal an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State—to this House, on or before the twelfth day of February, A. D. eighteen hundred and seventy-eight.

Adopted.

By Mr. Sargent—Assembly Concurrent Resolution, relative to the import duty on mohair.

Referred to the Committee on Federal Relations.

Mr. Johnson moved to suspend the rules for the purpose of considering Assembly Concurrent Resolution No. 9.

Lost.

At four o'clock and two and a half minutes P. M. Mr. DeWitt moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Dinniene, Haile, and Cooley.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Ames, Asmussen, Blackwell, Byington, Dare, DeWitt, Dixon, Gildea, Hart, Hicks, Holloway, Johnson, Ludgate, May, McClure, Meyers, Moffat, Murphy of Del Norte, Nealley, Pauly, Russ, Sherman, Smyth, and Wheat—24.

NOES—Messrs. Adams, Allen, Anderson, Backus, Barstow, Blake, Connolly, Cooley, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Haile, Hanna, Hugg, Mace, McComas, Montague, Murphy of San Francisco, Robertson, Sargent, Thompson, Tuttle, Waters, Welch, Whitlock, Wilson, and Mr. Speaker—32.

GENERAL FILE.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Pending the reading of the bill, at four o'clock and ten minutes P. M., Mr. Murphy of Del Norte moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Tuttle, Haile, and Welch.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Barstow, Blackwell, Byington, Dare, DeWitt, Dunlap, Forsyth, Giffen, Holloway, Hugg, Johnson, Ludgate, Mace, McClure, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Russ, Sherman, and Whitlock—27.

NOES—Messrs. Allen, Backus, Blake, Connolly, Cooley, Dinniene, Dixon, Ellis, Ewing, Farnum, Garver, Gildea, Haile, Hanna, Hart, Hicks, May, McComas, Murphy of San Francisco, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Wilson, and Mr. Speaker—28.

On motion of Mr. Tuttle, the bill was ordered continued at the head of the file for Monday next.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Waters, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 11th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

Two days' leave of absence was granted to Mr. Hinshaw, and two days' leave to Mr. Ellis.

Journal of Saturday, February ninth, read, and, on motion of Mr. Tuttle, altered so that Assembly Bill No. 46 be continued at the head of the file till disposed of and approved.

On motion of Mr. Anderson, Assembly Bill No. 165 was recommitted to the Judiciary Committee.

On motion of Mr. Warden, Senate Bill No. 215 was recommitted to the Committee on Corporations.

PETITIONS.

By Mr. Pauly—A remonstrance from residents of San Jacinto Valley, against changing the boundary line between San Diego and San Bernardino Counties.

Referred to the San Diego and San Bernardino delegations.

By Mr. Long—From taxpayers of this State, requesting the passage of Assembly Bill No. 31.

Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, February 11th, 1878.

MR SPEAKER. Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

DINNIENE, for the Committee.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 9th, 1878.

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 236—An Act restricting the herding of sheep to certain pastures in the County of Modoc—report the same back, and recommend its passage as amended.

Also, Assembly Bill No. 337—An Act to prevent buck goats running at large—report the same back, and recommend its passage as amended.

Also, Assembly Bill No 343—An Act to prevent the sale of oleomargarine, under the name and pretense that it is butter—report the same back, and recommend its passage.

Also, Senate Bill No. 224—An Act to amend section three thousand three hundred and eighty-two of the Political Code, by removing taxation from the manufactured products of wheat—report the same back, and recommend that it do not pass.

Also, petition from citizens of Amador County, in regard to the ravages of goats—report the same back, and respectfully recommend that the same be referred to the Amador delegation, with instructions that they draw up a bill for the relief of said county

THOMPSON, Chairman

The petition from citizens of Amador County, relative to goats, above reported, was referred to the Committee on Agriculture.

By Mr. Ewing:

SACRAMENTO, February 11th, 1878.

MR SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No 373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

EWING, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Long:

MR. SPEAKER. The delegation, to whom was referred Assembly Bill No. 200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County—have had the same under consideration, and report it back, and recommend its passage.

LONG, for Delegation.

By Mr. Holloway (for Mr. Ellis):

MR. SPEAKER. The Los Angeles delegation, to whom was referred Assembly Bill No. 399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles, also, Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for the payment of the costs of the same—have had the same under consideration, report them back, and recommend their passage.

ELLIS, for Delegation.

[Speaker pro tem. in the chair.]

INTRODUCTION OF BILLS.

By Mr. Berry—An Act to amend an Act entitled an Act to authorize the Board of Trustees of the Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-ninth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Sutter delegation.

By Mr. Johnson—An Act in relation to the Assessor of the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Ostrom—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Kercheval—An Act to provide for the appointment of a City Attorney for the City of Sacramento.

Also, an Act to provide for the collection of delinquent taxes and street assessments in the City of Sacramento.

Each of the above bills read first and second times, and referred to the Sacramento delegation.

By Mr. Warden (by request)—An Act to add a new section to the Civil Code.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Waters—An Act to amend the Penal Code by adding a new section thereto, to be numbered four hundred and one, concerning the sale of artificial or spurious honey.

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

RESOLUTION.

By Mr. Meyers:

Resolved by the Assembly, That we extend an invitation to our Senators to attend the lecture on irrigation, to be delivered in the Assembly Chamber on Wednesday evening, February thirteenth, commencing at seven and a half o'clock, by Wm Hammond Hall, Civil Engineer.

Resolved, That our Chief Clerk be instructed to transmit the above resolution immediately.

Withdrawn.

GENERAL FILE.

Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto—was taken up.

The question being upon Mr. Johnson's motion to amend section one, line fourteen of the printed bill, by striking out "two" and inserting "four."

Amendment was lost.

[Speaker in the chair.]

Mr. Johnson moved to amend section two of the bill by striking out the words, "or which may be by law hereafter devolved upon him."

Lost.

Mr. Whitlock moved to amend by striking out section twenty-five of the bill.

Lost.

Mr. Holloway moved to amend as follows: Amend line fifty-five, in section one, by striking out "ten" and inserting "eleven."

Adopted.

Mr. Waters moved to amend by striking out section fifteen.

Pending discussion of amendment, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Mr. Waters' motion to strike out section fifteen of the bill.

Pending discussion of the bill, Mr. Murphy of Del Norte moved the previous question, but the House refused to order it.

The question recurring upon the motion to strike out section fifteen, the ayes and noes were demanded by Messrs. Ostrom, Waters, and Smyth.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Allen, Barstow, Blake, Breen, Byington, Coffey, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Hale, Hanna, Hart, Hicks, Holloway, Hugg, Johnson, Ludgate, May, McClure, McConnas, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Warden, Waters, Welch, Wheat, Whitlock, Wilson, and Mr. Speaker—48.

NOES—Messrs. Adams, Ames, Anderson, Asmussen, Backus, Blackwell, Brooks, Connolly, Dinniene, Garver, Giffen, Gildea, Gough, Haworth, Long, Mace, Meyers, and Tuttle—18.

Mr. Dare moved to amend as follows: Amend section twenty-eight to read as follows:

SECTION 266. Members of the Legislature shall receive eight dollars per day, payable weekly, and three dollars for each twenty miles of travel to and from their residences to the place of holding the session

Pending the discussion of the amendment, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the adoption of the amendment offered by Mr. Dare, the ayes and noes were demanded by Messrs. Tuttle, Dinniene, and Waters.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Asmussen, Barstow, Blake, Breen, Brooks, Byington, Coffey, Connolly, Dare, DeWitt, Dixon, Dunlap, Ewing, Forsyth, Giffen, Gough, Hanna, Hart, Hicks, Hugg, Ludgate, Mace, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Waters, Wheat, Wilson, and Mr. Speaker—47.

NOES—Messrs Backus, Blackwell, Conroy, Cooley, Dinniene, Dorsey, Farnum, Garver, Gildea, Haile, Haworth, Holloway, Johnson, Kercheval, Long, May, Thompson, Tuttle, Warden, Welch, and Whitlock—21.

The bill was then ordered engrossed.

Mr. Gildea moved to suspend the rules, for the purpose of submitting a report from the Joint Committee on Constitutional Convention.

Lost.

On motion of Mr. Dare, the vote by which Mr. Gildea's motion was lost was reconsidered, the rules were suspended, and the following report submitted by Mr. Gildea:

MR. SPEAKER The Joint Committee on the Constitutional Convention beg leave to report as follows That they have fully considered the returns made to the Secretary of State of the election held in September last upon the question of a Constitutional Convention, and which returns are herewith presented. The construction of the Constitution adopted at the last session, and in which the Joint Committee concurs is that in order to call a Convention a majority of all the votes cast must be in favor of the call, and that to the votes in the negative are to be added all the votes or ballots cast at the last election, except those in the Counties of Humboldt and San Diego. The returns from those counties show an aggregate vote upon the question of calling a Convention as follows San Diego, one thousand and eighty-five. Humboldt, two thousand seven hundred and eighty. The Secretary of State, in the absence of returns as to the total number of votes cast, has estimated the total number by taking the highest vote cast at that election for any one office, and in the case of San Diego the vote is thus estimated at one thousand five hundred and five instead of one thousand and eighty-five, and in that of Humboldt two thousand nine hundred and thirty-four instead of two thousand seven hundred and eighty. With this estimate, and indeed, with any conceivable estimate based upon the returns, the total vote or total number of ballots cast at the September election was one hundred and forty-six thousand one hundred and ninety-nine, the ballots in favor of the Convention were seventy-three thousand four hundred and sixty, the ballots expressly against were forty-four thousand two hundred and fourteen, the ballots silent were twenty-eight thousand five hundred and twenty-five, thus leaving an expressed affirmative majority of three hundred and sixty for the Convention. Thus satisfied as to the fact that the Convention has been called, the Joint Committee has, under the instructions of both Houses of the Legislature, prepared and herewith presents a bill calling for the election of Delegates to such Convention, providing for the meeting of the Convention, and for the submission of the Constitution framed by it to the people.

The committee recommends that the bill be ordered printed, and that its consideration be made the special order for Wednesday, the twentieth day of February, at two o'clock P. M.

PIERSON, Chairman Joint Committee.

In accordance with above report, Mr. Gildea introduced a bill entitled "An Act to provide for a Convention to frame a new Constitution for the State of California."

Read first and second times, and made special order for February twentieth, eighteen hundred and seventy-eight, at two o'clock P. M., and one thousand copies ordered printed.

SPECIAL ORDER.

Assembly Bill No. 146—An Act to amend the Political Code of this State.

Mr. Coffey moved that the bill be made the special order for Monday next, at one o'clock and thirty minutes P. M.

Mr. Anderson moved to amend by making it the special order for Thursday next, at one o'clock and thirty minutes P. M.

Lost.

The question recurring upon the original motion, it was lost.

The question being upon the substitute recommended by the Judiciary Committee, the following amendment was offered by Mr. Johnson: Amend the substitute by adding thereto the following section:

[SECTION —.] Section three thousand six hundred and seven of the Political Code is hereby amended so as to read as follows Section 3607 All property within this State, except the property of the United States, of this State, and of municipal corporations, is subject to taxation, and the property of municipal corporations, when situate outside the corporation owning the same, shall be subject to taxation like other property.

Pending discussion of the amendment, the previous question was moved by Mr. Sherman, but the House refused to order it.

[Mr. Abbott in the chair.]

[Speaker in the chair]

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Dinniene, May, and Haworth.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Blackwell, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ewing, Farnum, Haile, Hanna, Hart, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, McClure, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—47

NOES—Messrs. Adams, Anderson, Asmussen, Backus, Barstow, Blake, Coffey, Connolly, Conroy, Dinniene, Forsyth, Garver, Giffen, Gildea, Gough, Haworth, Hicks, Holloway, May, Murphy of San Francisco, Tobin, and Whitlock—22.

The question recurrring upon the adoption of the substitute as amended, the ayes and noes were demanded by Messrs. Dinniene, May, and Gough.

Mr Dorsey moved to recommit the bill to the Judiciary Committee, with instructions to strike out sections three, four, five, and six.

Lost.

The roll was then called on the adoption of the substitute, and it was adopted by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dunlap, Farnum, Forsyth, Giffen, Haile, Hanna, Hart, Haworth, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, McClure, McComas, Miller, Montague, Murphy of Del Norte, Nealley, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—49

NOES—Messrs. Backus, Barstow, Coffey, Connolly, Conroy, Dinniene, Dorsey, Garver, Gildea, Gough, Hicks, Holloway, May, Murphy of San Francisco, Nott, Tuttle, and Whitlock—17.

At four o'clock and thirty-six minutes P. M., Mr. Dinniene moved to adjourn.

Lost.

The previous question being moved by Mr. Johnson, and seconded by the requisite number, Mr. Gildea arose to address the House, but was ruled out of order by the Speaker.

Mr Gildea arose to a point of order, claiming that the names of the movers of the previous question had not been announced from the Chair.

The Speaker decided that the point of order was not well taken.

Mr. Gildea appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?" the ayes and noes were demanded by Messrs. Gildea, Dare, and Johnson.

The roll was called, and the Chair sustained by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Barstow, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gough, Haile, Hanna, Hart, Haworth, Holloway, Johnson, Kercheval, Long Ludgate, Mace, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Warden, Wheat, Wilson, and Young—47.

NOES—Messrs. Asmussen, Backus, Blake, Coffey, Connolly, Conroy, Dinmene, Dorsey, Garver, Gildea, Hicks, Hugg, May, Miller, Nott, Tuttle, Waters, and Welch—18.

The previous question was then ordered by the House.

The question now being upon the engrossment of the bill, the ayes and noes were demanded by Messrs May, Conroy, and Wilson.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Blackwell, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gildea, Haile, Hanna, Hart, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, McClure, McComas, Meyers, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr Speaker—52.

NOES—Messrs. Asmussen, Backus, Barstow, Blake, Coffey, Connolly, Conroy, Dinmene, Dorsey, Garver, Gough, Haworth, Hicks, Holloway, May, Moffat, and Tuttle—17

INTRODUCTION OF BILLS.

By Mr. Haile (by permission)—An Act to legalize the debt contracted in completing and furnishing a school house in Fairfield School District, and fencing the grounds thereof, and to provide for the payment of the same.

Read first and second times, and referred to the Committee on Education.

ADJOURNMENT.

At five o'clock and two minutes P. M., on motion of Mr. Nealley, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 12th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Blackwell—From managers of Roman Catholic Orphan Asylum of Grass Valley, requesting an appropriation.

Referred to Committee on Ways and Means.

By Mr. Tuttle—From citizens of Petaluma, requesting an amendment to charter of said city.

Referred to the Sonoma delegation.

By Mr. Waters—A petition, requesting a change in the medical law.

Referred to the Committee on Hospitals.

By Mr. Farnum—From Oakland Ladies' Relief Society, requesting an appropriation of eight thousand dollars.

Referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Murphy of Del Norte:

MR. SPEAKER: Your committee, to whom was referred the subject of investigating the savings banks of the State of California, and to provide means to protect depositors, have had the same under consideration, and beg leave to report that they have been to San Francisco, and have taken the testimony of the managers of all the savings and loan societies of that city, but were unable to make a thorough and complete investigation owing to the want of time necessary for such duties. Your committee, however, herewith report a bill on the subject of banks and the investigation thereof, which, if it becomes a law, will protect the people of this State from malfeasance of bank officers, and afford depositors ample security for the safety of their deposits. Respectfully submitted,

JAMES E. MURPHY, Chairman.

In accordance with the above report, Mr. Murphy of Del Norte introduced a bill as follows: An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Read first and second times, and made special order for February fifteenth, at one o'clock and thirty minutes P. M., and five hundred copies ordered printed.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 312—An Act to authorize the Board of Supervisors of Marin County to levy a special tax and to appropriate the money collected thereunder to the construction of a wagon road in said county, and to transfer certain funds—beg leave to report the same back with amendments, and recommend its passage as amended.

WHEAT, Chairman.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 404—An Act concerning the office of Superintendent of Schools of Mendocino County—have had the same under consideration, and report it back, with a recommendation that it be passed.

HAILE, Chairman.

By Mr. Gough:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred resolution in relation to the copying of Journal—have had the same under consideration, and report it back with amendments, and recommend its adoption as amended.

GOUGH, Acting Chairman.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties—have had the same under consideration, and hereby report it back, with the recommendation that it be referred to the Judiciary Committee.

Also, Assembly Bill No. 89—An Act to amend section three hundred and seven of the Civil Code—have had the same under consideration, and hereby report it back, recommending that it be referred to the Judiciary Committee.

Also, Assembly Bill No 216—An Act to repeal an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six—have had the same under consideration, and hereby recommend that it do not pass.

Also, Senate Bill No. 215—An Act supplementary to an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara—report the same back, and recommend its passage.

TUTTLE, Chairman.

By Mr. Russ:

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

Assembly Bill No. 133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

Assembly Bill No 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code

Assembly Joint Resolution No. 5—Relative to Chinese immigration.

And have, this twelfth day of February, eighteen hundred and seventy-eight, at eleven o'clock and ten minutes, been presented to the Governor for his approval.

RUSS, for the Committee.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878

MR. SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 146—An Act to amend the Political Code of this State.

46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Also, Assembly Joint Resolution No. 40—Relative to establishing a mail route from Reno, in the State of Nevada, to Chico, in California.

DINNIENE, for Committee.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 86—An Act to amend section one hundred and sixty of the Code of Civil Procedure—recommend that the author be allowed to withdraw the same.

Also, Assembly Bill No 165—An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons—report with a substitute, and recommend passage of substitute

Also, Assembly Bill No. 181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo—recommend the passage thereof.

Also, Assembly Bill No. 386—An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful separation or proceedings for divorce—report the same with an amendment to the bill, and also an amendment of the title, and recommend passage as thus amended.

Also, Assembly Bill No. 288—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section, to be numbered section five hundred and sixty-eight—report the same with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 358—An Act to amend sections five hundred and sixty-two, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, concerning Sealer of Weights and Measures—and recommend its reference to the San Francisco delegation.

ANDERSON, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 393—An Act to provide for the payment of unused and uncanceled stamps of the State of California heretofore sold—have had the same under consideration, and report it back, recommending its passage.

Also, Assembly Bill No. 217—An Act for the relief of R. M Wilson.

Also, Assembly Bill No. 157—An Act to provide for the payment of certain outstanding

Indian war bonds, issued by the State of California under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Also, Assembly Bill No. 91—An Act to provide for the payment of certain outstanding bonds of the State of California—have had the same under consideration, and report them back, recommending that they do not pass.

OSTROM, Chairman.

[Mr. Haile in the chair.]

REPORTS OF SELECT COMMITTEES.

By Mr. Berry:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER The Sutter delegation, to whom was referred Assembly Bill No. 427—An Act to amend an Act entitled an Act to authorize the Board of Trustees of Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-ninth, eighteen hundred and seventy-six—have had the same under consideration, and report it back, and recommend its passage.

BERRY, for Delegation.

By Mr. Tuttle:

MR. SPEAKER The delegation from Sonoma have considered Assembly Bill No 94—An Act to regulate fees and salaries of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto—have considered the same, report it back with a substitute, and recommend the adoption of the substitute

TUTTLE, for Delegation.

By Mr. Montague:

SACRAMENTO, February 12th, 1878.

MR. SPEAKER. The delegation, to whom was referred Assembly Bill No 422—An Act to create an additional Contingent Fund for Trinity County—have considered the same, and report it back, recommending that it pass.

Also, Assembly Bill No 421—An Act to amend 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, approved April twenty-first, eighteen hundred and fifty-six, approved April eighth, eighteen hundred and fifty-nine—having considered the same, beg leave to report it back, recommending that it pass.

MONTAGUE, Delegation.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER. The San Joaquin delegation, to whom was referred Senate Bill No. 254—An Act to ratify and confirm ordinance number sixty-four, passed by the City Council of the City of Stockton, and approved by the Acting Mayor of said city on the eighth day of December, eighteen hundred and seventy-seven—have had the same under consideration, and report it back, with the recommendation that it pass.

THOMPSON, MEYERS, } For Delegation.

INTRODUCTION OF BILLS.

By Mr. Conroy—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street in said city and county.

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

By Mr. Holloway—An Act to amend section one thousand five hundred and seventeen of the Political Code, in relation to the State Board of Education.

Read first and second times, and referred to the Committee on Education.

By Mr. Pauly—An Act amending an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego,

approved March thirty-first, eighteen hundred and seventy-six, in relation to County Assessor.

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

By Mr. Brooks—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers in Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times, and referred to the Butte delegation.

By Mr. Hart—An Act to add four sections to the Code of Civil Procedure, relating to compromise.

Also, an Act to add a new section to the Code of Civil Procedure, relating to witnesses.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Russ—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

Read first and second times, and referred to the Humboldt delegation.

By Mr. Connolly—An Act for the protection of stockholders in corporations.

Read first and second times, and referred to the Committee on Corporations.

By Mr. DeWitt—An Act to add a new section to the Code of Civil Procedure, relating to pleadings.

Also, an Act in relation to Swamp Land District Number Three Hundred and Seven, and legalize certain proceedings therein.

Each of the above bills read first and second times, and referred to the Committee on Judiciary.

By Mr. Kercheval—An Act to provide money for the support of the County Hospital in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. McClure—An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County.

Read first and second times, and referred to the Alameda delegation.

Also, an Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.

Read first and second times, and referred to the Alameda delegation.

By Mr. Giffen—Assembly Concurrent Resolution, relative to recognizing the Diaz Government in Mexico.

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

By Mr. Farnum—An Act relative to the appropriation of moneys by the Common Council of the City of Oakland to certain benevolent societies, out of the public funds of said city.

Read first and second times, and referred to the Alameda delegation.

By Mr. Tobin—An Act to amend section two thousand two hundred and ninety-five of the Political Code.

Read first and second times, and referred to the Committee on State Library.

By Mr. Breen—An Act to amend section nine hundred and fifty-

four of the Code of Civil Procedure, in relation to appeals to the Supreme Court.

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

By Mr. Sherman—An Act to amend an Act entitled an Act concerning the office of County Clerk of Santa Barbara County, approved March eleventh, eighteen hundred and seventy-six.

Also, an Act to amend section two thousand seven hundred and ten of the Political Code, in and for the County of Santa Barbara.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

Also, an Act to prevent the adulteration of coffee with the article known as chiccory.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Nott—An Act to add two new sections to the Political Code, relative to assessments.

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

By Mr. Young—An Act to amend section three thousand eight hundred and twenty-four of the Political Code, relative to the return of taxes upon personal property when excess of rate has been charged.

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

[Speaker in the chair.]

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of February, eighteen hundred and seventy-eight, passed Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino.

Also, directed to inform your honorable body that the Senate has received a message from the Governor, accompanied by a communication from the Honorable S. C. Hastings, proffering to donate to the State of California the sum of one hundred thousand dollars for the establishment of a Law College in the City of San Francisco, the Governor requesting the Senate to inform the Assembly of the receipt of said message and communication.

The message and communication were referred to the Judiciary Committee, with instructions to report a bill to carry out the wishes of the donor.

G. SECKEL, Assistant Secretary.

ASSEMBLY CHAMBER,
SACRAMENTO, February 11th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to recede from its amendments to Assembly Bill No. 102—An Act to authorize the Board of Supervisors of Humboldt to pay the claim of Abner D Sevier, ex-Sheriff of said county, and has appointed, as a Committee of Free Conference on the disagreeing vote, Senators McGarvey, Lambert, and Evans.

G. SECKEL, Assistant Secretary.

The Speaker appointed, as a committee on the part of the Assembly, Messrs. Murphy of Del Norte, Long, and Haile.

Mr. Johnson moved to suspend the rules for the purpose of introducing a bill.

Lost.

NOTICE.

By Mr. Broderick:

I hereby give notice that I will, at an early day, introduce a bill to facilitate and equalize the collection of State and county licenses in the City and County of San Francisco.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Holloway, Assembly Bill No. 319 was re-referred to the Committee on Elections.

By Mr. Ames—Assembly Concurrent Resolution, relative to soldiers in California before gold was discovered.

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

By Mr. Miller—Assembly Concurrent Resolution, relative to import duty on wool.

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

By Mr. Dare:

Resolved, That the State Prison Committee is hereby directed to ascertain from the State Prison authorities the name of each prisoner in the State Prison to be discharged under the provisions of Senate Bill No. 218, together with the crime and term of imprisonment of such prisoner, and report the same back to this House at an early day.

Adopted.

By Mr. Long:

Resolved, That on and after the fourteenth instant, the regular daily hour of meeting of this Assembly shall be ten o'clock A. M., and that the hour of recess shall be from twelve o'clock M to one o'clock P. M.

Laid over one day.

By Mr. Dare:

Resolved, That the Minute Clerk of this House be and he is hereby ordered to prepare and revise, at the close of the session, his minutes, so that they will conform to the Journal as approved each day, for the use of the State Printer in preparing the printed Journal of the House, the same to be at a cost not to exceed five cents per folio, to be paid out of the fund for contingent expenses of the Assembly; and be it

Resolved, That said Minute Clerk be and he is hereby authorized to retain his original minutes for that purpose, and, in order that a faithful discharge of the duty herein specified may be secured, be it

Resolved, That said Minute Clerk be and he is hereby required to file in the office of the Secretary of State a bond in the sum of two thousand dollars, with good and sufficient sureties, that he will complete the work in a satisfactory manner within fifteen days of the close of the session, and,

Resolved, That when such work shall have been completed, the Controller be and is hereby authorized to draw his warrant for, and the Treasurer to pay, the amount due therefor, at the rate hereinbefore specified.

Referred to the Committee on Employés and Attachés.

GENERAL FILE.

Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

Made special order for Friday next, at one o'clock and thirty minutes P. M.

Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, California, to Eel River Valley, in said county.

Mr. Murphy of Del Norte offered the following amendment: Amend section five, in line one, by striking out the words "a greater number," and inserting in lieu thereof the words "two-thirds."

Adopted.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Murphy of Del Norte moved that the special orders for this hour be disposed of till Assembly Bill No. 177, pending discussion of which the House took a recess this day, should be disposed of

So ordered.

On motion of Mr. Gildea two hundred and forty copies of substitute for Senate Bill No. 35 was ordered printed.

Mr. Haile, at his own request, was excused from service upon the committee appointed in conjunction with Senate committee to consider Assembly Bill No. 102, and the Speaker appointed Mr. Russ in his stead.

Leave of absence was granted to Mr. Abbott till Monday next.

House resumed consideration of Assembly Bill No. 177.

[Mr. Dare in the chair.]

Mr. Waters moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs Hart, Nott, and Ostrom.

The previous question being moved by the requisite number, it was so ordered by the House.

The roll was called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Asmussen, Blackwell, Broderick, Cooley, Dare, Dixon, Dorsey, Dunlap, Garver, Gildea, Haile, Kercheval, Meyers, Miller, Nott, Ostrom, Smyth, Thompson, Tuttle, Waters, Wheat, and Mr Speaker—22.

NOES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Blake, Breen, Brooks, Byington, Connolly, Conroy, Dinniene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Long, Ludgate, May, McClure, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, Wilson, and Young—47.

At four o'clock P. M. Mr. Waters moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Routier, Dinniene, and Murphy of Del Norte.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Blackwell, Broderick, Coffey, DeWitt, Dixon, Haile, Kercheval, Miller, Nott, Ostrom, Smyth, Thompson, Tuttle, Waters, and Mr. Speaker—15

NOES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Blake, Breen, Brooks, Byington, Connolly, Cooley, Dare, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen,

Gildea, Gough, Griffith, Hanna, Hart, Hicks, Holloway, Hugg, Long, Ludgate, May, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sherman, Tobin, Warden, Welch, Wheat, Whitlock, Wilson, and Young—53.

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Berry, Hart, and Murphy of Del Norte.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Blake, Breen, Brooks, Byington, Connolly, Dinmene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Long, Ludgate, May, McClure, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, Wilson, and Young—46

NOES—Messrs Asmussen, Blackwell, Broderick, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Garver, Gildea, Haile, Kercheval, Meyers, Miller, Nott, Ostrom, Smyth, Thompson, Tuttle, Waters, Wheat, and Mr. Speaker—23.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Mr. Nott, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 13th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Two days' leave of absence was granted to Mr. Johnson.

Prayer by the Chaplain.

Mr. Hart moved that the reading of the Journal be dispensed with.

Lost.

Journal of yesterday read and approved.

On motion of Mr. Blackwell, a petition from managers of Orphan Asylum of Grass Valley, introduced by him on yesterday, was withdrawn from the Committee on Ways and Means, and referred to the Committee on Hospitals.

Mr. Barstow moved that Assembly Bill No. 23 be made special order for to-morrow.

Lost.

PETITIONS.

By Mr. Murphy of San Francisco—From managers of San Francisco Lying-in Hospital and Foundling Asylum.

Referred to Committee on Ways and Means.

By Mr. Conroy—From citizens of the City of San Francisco, relative to improvements in the Harbor of San Francisco.

Referred to the Committee on Commerce and Navigation, and the usual number of copies ordered printed.

By Mr. Pauly—From citizens of San Diego City, against the passage of a bill reducing charges on telegraph lines.

Referred to the Judiciary Committee

By Mr. Hinshaw—From citizens of Sonoma and Marin Counties, relative to a change in the deer law.

Referred to the Committee on Fish and Game.

By Mr. Barstow—From the California Prison Commission, asking for an appropriation.

Referred to the Committee on Ways and Means.

By Mr. Young—From citizens of Contra Costa County, against the reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 13th, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 179—An Act to regulate street railroads in the City and County of San Francisco—report back a substitute therefor—entitled an Act to regulate street railroads in the State of California—and recommend that the substitute be referred to the Committee on Corporations. Twenty members present and voting.

The delegation also report that they have under consideration a substitute for Assembly Bills Nos. 1 and 100, and ask leave to have the substitute printed. Twenty members present and voting.

COFFEY, Chairman.

On motion of Mr. Coffey, the substitute for Assembly Bills Nos. 1 and 100, above reported, was ordered printed.

By Mr. Tuttle:

MR. SPEAKER The Committee on Corporations, to whom was referred Assembly Bill No. 429—An Act to amend an Act entitled an Act for the incorporation of the town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four—have had the same under consideration, and hereby report the same back, recommending its passage.

TUTTLE, Chairman.

By Mr. Dorsey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 11th, 1878.

MR. SPEAKER Your Committee on Military Affairs, to whom was referred Assembly Bill No 34—An Act to amend the Political Code of the State of California and other Acts concerning military affairs, also, Assembly Bill No. 52—An Act to amend sections one thousand nine hundred and thirty-six and two thousand and ninety-four of the Political Code—respectfully report the same back with a substitute, and unanimously recommend the passage of the substitute.

Your Committee have also had under consideration Assembly Bill No. 283—An Act relating to the civil government of military companies—and herewith report the same back with amendments, and recommend the passage of the bill as amended.

CALEB DORSEY,
J. J. TOBIN,
S. W. BACKUS,
J. H. DINNIENE,
JOHN T. DARE. } Committee.

Mr. Dorsey moved to make the substitute for Assemby Bills Nos. 34 and 52, above reported, special order for to-morrow at one o'clock and thirty minutes P. M.

Lost.

By Mr. Dorsey—A report relative to the state of the various regiments, battalions, companies, etc., of the Second Brigade, National Guard of California.

On motion of Mr. Backus, the usual number of copies of the report was ordered printed.

Mr. Ostrom moved to suspend the rules for the purpose of considering Assembly Bill No. 429.

Lost.

By Mr. Haworth:

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 216—An Act to amend section three hundred and seventy-six of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend its passage.

Also, Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code—and recommend that it do not pass.

JAS HAWORTH, Chairman.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 13th, 1878.

MR. SPEAKER. Your Committee on Public Lands, to whom was referred Assembly Bill No. 89—An Act in relation to the disposition of State lands—have had the same under consideration, and report it back, with a recommendation that it pass.

WELCH, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 13th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 361—An Act to prevent the spread of glanders among horses, and to punish the sale or bartering in horses affected with glanders—have had the same under consideration, and report it back, and unanimously recommend that it do not pass.

THOMPSON, Chairman.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, February 13th, 1878.

MR. SPEAKER: Your Committee on State Prison, to whom was referred Senate Bill No 218—An Act to amend section one thousand five hundred and ninety of the Penal Code—have had the same under consideration, and report it back, with a recommendation that it do pass.

MILLER, Chairman.

Mr. Gildea moved that the rules be suspended for the purpose of considering Assembly Bill No. 218.

Lost.

REPORTS OF SELECT COMMITTEES.

By Mr. Hart:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 391—An Act to authorize the Sheriff, as ex officio Tax Collector of Shasta County, to convey certain lands illegally sold to the State for taxes—have had the same under consideration, and hereby request that said bill be referred to the Judiciary Committee.

HART,
MONTAGUE.

By Mr. Pauly:

MR SPEAKER The San Diego delegation, to whom was referred Assembly Bill No. 439, beg leave to report the same back, and recommend its passage.

February 13th, 1878. PAULY, Delegation.

By Mr. Kercheval (for Mr. Johnson):

SACRAMENTO, February 12th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 428—An Act in relation to the Assessor of the County of Sacramento—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Mr. Kercheval moved that the rules be suspended for the purpose of considering Assembly Bill No. 428, above reported.

Lost.

By Mr. Farnum:

MR SPEAKER. The delegation, to whom was referred Senate Bill No 237—An Act entitled an Act to create a Board of Fire and Police Commissioners of the City of Oakland—respectfully report the same back, and recommend its indefinite postponement.

FARNUM, for a majority of the Delegation.

Mr. Dixon moved that the rules be suspended for the purpose of considering Senate Bill No. 237, above reported.

Lost.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 13th, 1878.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bills No 78—An Act to empower the Board of Supervisors of Mendocino County to sell certain road and bridge bonds, and to apply the proceeds thereof.

No. 123—An Act to provide for the payment of certain outstanding road bonds of Plumas County.

No 388—An Act to amend an Act entitled an Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland, approved February fourth, eighteen hundred and seventy-four.

No 395—An Act concerning special elections.

No. 25—An Act to amend sections two thousand five hundred and sixty-seven and two thousand five hundred and sixty-eight of the Political Code

No. 387—An Act to confer additional powers upon the Board of Levee Commissioners of the City of Sacramento.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS.

By Mr. Hicks—An Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March twentieth, eighteen hundred and seventy-two.

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

By Mr. Dare—An Act to amend an Act entitled an Act to regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Solano delegation.

By Mr. Griffith—An Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done as therein specified.

Read first and second times, and referred to the San Francisco delegation, and the accompanying petition ordered printed.

By Mr. Ostrom—An Act to provide for transcribing certain records in the County of Yuba.

Read first and second times, and referred to the Yuba delegation.

By Mr. Nott—An Act amendatory of and supplementary to an Act

entitled an Act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the fund arising therefrom, approved March eighteenth, eighteen hundred and seventy-six.

Read first and second times, and referred to the El Dorado and Alpine delegation.

By Mr. Sherman—An Act to repeal an Act entitled an Act to extend the time for publishing the delinquent tax list in certain counties in this State, approved January thirtieth, eighteen hundred and seventy-eight.

Read first and second times, and referred to the Santa Barbara delegation.

By Mr. Pauly—An Act to add a new section to the Political Code, to be known as section three thousand eight hundred and seventeen, to provide for the redemption, by delinquent owners, of property sold to the State.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Hart—An Act concerning road poll tax and hospital poll tax for Tehama County

Read first and second times, and referred to the Colusa and Tehama delegation.

Also, an Act to provide for the inspection of steam-boilers in the County of Colusa.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Miller—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Welch—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

Also, an Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.

Each of the above bills read first and second times, and referred to the Lake delegation

By Mr. Pace—An Act to provide for the payment of certain claims against the County of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

SPECIAL ORDER.

The House took up for consideration the following resolution, laid over from yesterday:

Resolved, That on and after the fourteenth instant, the regular daily hour of meeting of this Assembly shall be ten o'clock A. M., and that the hour of recess shall be from twelve o'clock M. to one o'clock P. M

Mr. Murphy of Del Norte moved to amend by striking out "ten" and inserting "ten o'clock and thirty minutes."

Lost.

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

Lost.

The question recurring upon the adoption of the resolution, it was adopted.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 12th, 1878.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 31—An Act to amend section one thousand five hundred and seventy-six of the Political Code.

Also, Assembly Bill No 287—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State.

Also, Assembly Bill No. 293—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 13th, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February twelfth, passed Senate Bill No 197—An Act to amend section one thousand seven hundred and twelve of the Political Code

Also, Senate Concurrent Resolution No. 36—In relating to printing the Statutes of this session.

Also, Assembly Bill No 56—An Act to legalize and enforce the collection of a district school tax, and to render lawful the acts of the Board of Trustees of North Butte School District pursuant to an election held therein.

P. H. DUNN, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 31, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 197, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution No 36, above reported, read first and second times, and referred to the Joint Committee on Public Printing.

On motion of Mr. Hinshaw, Assembly Bill No. 94—An Act to regulate fees of office and salaries of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto—was taken up.

During the reading of the substitute recommended by the Sonoma delegation, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Tuttle, the special order for this hour was temporarily postponed till Assembly Bill No. 94, pending discussion of which the House took a recess this day, was disposed of.

On motion of Mr. Tuttle, the further reading of the substitute was dispensed with, the substitute adopted, the rules suspended, bill considered engrossed, read third time, and passed.

Title approved, and the bill ordered transmitted to the Senate forthwith without engrossment.

SPECIAL ORDER.

Assembly Bill No. 284—An Act to create the County of Chico, to establish the boundaries thereof, and to provide for its organization.

The bill was read, and Mr. Brooks moved its indefinite postponement.

Upon the question of indefinite postponement, the ayes and noes were demanded by Messrs. Brooks, Haile, and Whitlock.

The roll was called, and the motion to indefinitely postpone carried by the following vote:

AYES—Messrs. Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Cooley, Dale, DeWitt, Dorsey, Dunlap, Fairnum, Forsyth, Gaiver, Gildea, Gough, Haile, Hart, Haworth, Hinshaw, Hugg, Kercheval, Long, Ludgate, McClure, McComas, Miller, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Robertson, Routier, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Whitlock, Wilson, Young, and Mr. Speaker—50.

NOES—Messrs. Adams, Backus, Barstow, Connolly, Dinniene, Ellis, Giffen, Griffith, Hanna, Hicks, Holloway, Mace, May, Meyers, Moffat, Murphy of Del Norte, Pace, Sherman, Swift, Tobin, Warden, and Wheat—22.

Mr. Nealley gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS RESUMED.

By Mr. Murphy of Del Norte:

Resolved, That the committees of this House be instructed to report back to the Assembly to-morrow all bills which they have had under consideration for a period of over fifteen days.

Withdrawn.

By Mr. Warden—Assembly Concurrent Resolution, relative to the land grant to the Southern Pacific Railroad in California.

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

On motion of Mr. Barstow, Assembly Bill No. 23 was made special order for Tuesday next, at one o'clock and thirty minutes P. M.

On motion of Mr. Dinniene, substitute for Assembly Bill No. 34 was made special order for Monday next, at one o'clock and thirty minutes P. M.

The Speaker appointed Mr. McComas to the Committee on Education, to fill the vacancy caused by the death of Mr. Upton.

On motion of Mr. Thompson, Senate Bill No. 224 was re-referred to the Committee on Agriculture.

REPORT.

By Mr. Haile (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof—have had the same under consideration, and report it back with amendments, and with a recommendation that it be passed as amended.

HAILE, Chairman.

RESOLUTION.

By Mr Ludgate—Assembly Concurrent Resolution, relative to public lands, etc.

Referred to the Committee on Federal Relations.

Mr. Dixon moved that Senate Bill No. 237 be placed at the head of the file for to-morrow.

Lost.

At four o'clock and twenty-seven minutes P. M. Mr. Backus moved to adjourn.

Lost

Mr. Dixon submitted a communication signed by one Charles E. Pickett, which, on motion of Mr. Waters, was laid on the table.

GENERAL FILE.

Assembly Bill No. 224—An Act to provide for a proper display of the industries and resources of California at the French Exposition of eighteen hundred and seventy-eight, and report upon the same.

Mr. Mace moved the indefinite postponement of the bill.

Pending discussion of the motion to indefinitely postpone, at five o'clock and two minutes P. M., Mr. Nott moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Backus, Routier, and Griffith.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs Breen, Coffey, Dixon, Dunlap, Garvei, Gough, Hart, Hinshaw, Hugg, Ketcheval, McClure, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Sherman, Smyth, Swift, Thompson, Tuttle, Waters, and Mr. Speaker—23.

NOES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Byington, Connolly, Conroy, Cooley, Dare, Dorsey, Ellis, Forsyth, Giffen, Griffith, Haile, Hanna, Hawoith, Hicks, Long, Ludgate, Mace, May, McComas, Ostiom, Pauly, Robertson, Routier, Russ, Sargent, Tobin, Welch, Wheat, Whitlock, Wilson, and Young—41.

The previous question was now moved by Mr. Hugg, and seconded by Messrs. Ostrom and Haile, but the House refused to order it

Mr. Murphy of Del Norte moved that the bill be placed at the head of the file for to-morrow.

Mr. Hugg moved to amend by making it the special order for March twentieth.

Lost, and the motion to place it at the head of the file for to-morrow adopted.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Long, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 14th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, February 12th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 225—An Act amendatory of and supplementary to an Act entitled an Act for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six—have had the same under consideration, and report it back with amendments, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 226—An Act for the prevention of unjust discrimination, and the regulation of freights and fares on railroads in this State—have had the same under consideration, and report it back with amendments, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 227—An Act in relation to railroads—report the same back, recommending its passage.

And the committee further recommend that the bills herewith reported be made the special order for Tuesday, February nineteenth, eighteen hundred and seventy-eight, at half-past one o'clock P. M., and that they be printed immediately, as amended, out of their order.

TUTTLE, for Committee.

On motion of Mr. Johnson, the bills above reported were made the special order for Thursday, twenty-first instant, at one o'clock P. M., and double the usual number of copies ordered printed.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, February 14th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county.

BROOKS, for Committee.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 293—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

Assembly Bill No. 287—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State.

Assembly Bill No. 144—An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino.

And have, this fourteenth day of February, eighteen hundred and seventy-eight, at ten o'clock and fifty minutes A. M., been presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Haworth.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 279—An Act to amend section two thousand nine hundred and six of the Political Code, in relation to the powers of the Board of Supervisors respecting the construction of wharves—have had the same under consideration, and report it back, and recommend that it do not pass.

Also, Senate Bill No. 134—An Act for the protection of the Harbor of Wilmington—have had the same under consideration, and report it back, and recommend that it do not pass.

JAS. HAWORTH, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Hart:

MR. SPEAKER: The Colusa and Tehama delegation, to whom was referred Assembly Bill No. 465—An Act concerning road poll tax and hospital poll tax in Tehama County; and Assembly Bill No. 403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa—have had the same under consideration, and hereby report the same back, and recommend the passage of both of said bills

HART, Delegation.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, February 14th, 1878.

MR SPEAKER The El Dorado delegation, to whom was referred Assembly Bill No. 462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Chas F. Irwin a Trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom, approved March eighteenth, eighteen hundred and seventy-six—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 467—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado—and report the same back, and recommend its passage.

NOTT.
MILLER, } For Delegation.

By Mr. McClure:

MR SPEAKER The Alameda delegation, to whom was referred Assembly Bill No. 449—An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County—have had the same under consideration, report it back, and recommend its passage.

McCLURE, for Delegation.

Also:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 448—An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County—have had the same under consideration, report the same back, and recommend its passage.

McCLURE, for Delegation

By Mr. Meyers:

MR. SPEAKER The San Joaquin delegation, to whom was referred Assembly Bill No. 416—An Act to regulate the terms of the County Court of San Joaquin County—have had the same under consideration, and beg leave to report it back, and recommend its passage

MEYERS,
THOMPSON, } For Delegation

On motion of Mr. Meyers, the rules were suspended for the purpose of considering Assembly Bill No. 416, above reported.

The rules were further suspended, the bill considered engrossed, read third time, and passed.

Title approved.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No. 222—entitled an Act to amend an Act entitled an Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano—without my approval.

The Act, of which this bill is amendatory, confers on the Boards of Supervisors of the Counties of Solano and Yolo power to form new swamp land districts in their respective counties out of swamp land districts already formed This bill, if it should become a law, would confer like power on the Board of Supervisors of Colusa County. This power, if exercised, would destroy the present swamp land districts located in that county.

Should this be done? I will not undertake to say whether it is possible to reclaim the lands of those districts by the present modes of reclamation or not. On this point there seem to be differences of opinion. If it were universally conceded by those in interest that reclamation could not be effected by the methods now in use, or by means of the districts now formed, there would be, I presume, no opposition to the abandonment of the present plans, provided satisfactory provision were made for the liabilities of the districts. Some of those owning lands in the present districts—owning more than half of the lands—do not concede that the efforts at reclamation have, so far, been a failure, or that it is not possible to secure complete reclamation by carrying out the present plans.

In determining whether the present bill ought to become a law, two questions must be considered: First, whether the present districts can be broken up, by the formation of new districts out of them, compatibly with the rights of those in the present districts who would not be included in the new districts, and, second, whether new districts can be formed from the present districts without impairing the rights of the creditors of the present districts.

Though there are several swamp land districts in Colusa County, none of the parties interested in any of them, except those interested in Swamp Land District Number One Hundred and Eight, have sought an interview or communicated with me in relation to this bill. But with parties interested in that district, both with those who favor and those who oppose the present bill, I have had conferences. From these I have learned the following facts: The district contains about seventy-five thousand acres; there have been assessments levied on the lands of the district amounting in the aggregate to something over three hundred thousand dollars, there have been expended in constructing levees, and other works of reclamation, and in defraying the expenses of the district, over three hundred thousand dollars; the district extends along the Sacramento River a distance of more than twenty miles, and has a width of seven or eight miles back from the river, at its widest point; the principal work done by the district has been the construction of a levee along the bank of the river, to prevent the overflow of its waters into the district; the lands adjacent to and near the river are considerably higher than those further back; the levee on the bank of the river has sufficed to prevent the overflow of the river, except at a few points, where, from want of attention, it has been permitted to break; the complete plan of reclamation adopted for the district involved the construction of a canal along its western line, which should receive and carry off the waters flowing into the district from the plains and foothills to the westward of it, and also such waters as might come down from the overflow of the Sacramento River at points above the district; the imperfect reclamation of the district, in ordinary seasons, has been due to the fact that the proposed canal along the western line of the district has not yet been constructed.

There exists now a difference of opinion among parties interested in the district as to whether the plan of reclamation adopted would effect the reclamation of the district if completed. Those who take the negative of the proposition ask the passage of this bill, that they may have their lands taken from the present district, and thus relieved from any further assessments for the completion of the plan adopted for the reclamation of the district. These comprise those who own the higher lands on the eastern margin of the district near the river, and some who own lands comparatively high on the western border of it.

It will be practicable, if this bill becomes a law, for those owning the lands next the river, and on which the works of the present district are constructed, to have those lands formed into a new district or districts. The works which have been constructed by assessments on all the lands of the district—on those remote from the river as well as on those near its banks—would be taken from the jurisdiction and control of the district, and placed under the jurisdiction of a new district, in the management of which those owning more than half of the land, assessed for their construction, would have no voice. If the Trustees of the new district should not deem it to the interest of the district to maintain and keep in repair the levee along the river, those in the rear of such new district or districts, and whose lands equally with the lands of the new district, contributed to construct said levee, and to whose protection the maintenance of the levee is absolutely indispensable, would be wholly without power to compel the maintenance of such levee. I do not think the disposition of existing districts, as contemplated by the present bill, would furnish the protection to rights acquired under the present districts which they are entitled to.

Again, of the three hundred thousand dollars, or upwards, assessed on the lands of District Number One Hundred and Eight I understand something like a hundred thousand dollars is still unpaid. It is probable that the assessment has become a lien on the land, and could be collected, even if the land should be taken from the district. Though whether this could be done, without the creation of further machinery by legislation, I will not undertake to say.

But, in addition to this large assessment, which has not yet been collected, there is, I understand, a debt of from thirty to forty thousand dollars against the district for which no assessment has yet been made. Now, it is true, the bill provides that any land taken from an old district to form a new one shall be liable for its proportion of the debt of the old district. But it is difficult to see how this liability can be enforced without the creation of other machinery than that provided by existing laws.

For these reasons, without expressing, or intending to express, any opinion as to the propriety of making further efforts at reclamation according to present plans, I am constrained to withhold my signature from the present bill.

WILLIAM IRWIN, Governor.

The question being: "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by the following vote:

AYES—Messrs Backus, Blackwell, Brooks, Byington, Connolly, Cooley, Dare, Dimmene, Dixon, Dorsey, Farnum, Garver, Giffen, Hart, Hicks, Hinshaw, Holloway, Johnson, Kercheval, McClure, Montague, Murphy of Del Norte, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Thompson, Waters, Welch, Wheat, Whitlock, and Wilson—36.

NOES—Messrs. Adams, Allen, Anderson, Asmussen, Barstow, Blake, Breen, Broderick, Coffey, Conroy, Dunlap, Ellis, Forsyth, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hugg, Long, Ludgate, Mace, May, McComas, Meyers, Miller, Murphy of San Francisco, Nealley, Nott, Swift, Tuttle, Warden, Young, and Mr. Speaker—35.

Mr. Nealley moved to reconsider the vote by which Assembly Bill No. 284 was indefinitely postponed on yesterday.

On motion of Mr. Murphy of Del Norte, the motion to reconsider was indefinitely postponed.

RECESS.

The hour of recess having arrived, the House took a recess for one hour

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

INTRODUCTION OF BILLS.

By Mr. Broderick—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.

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

By Mr. Wheat—An Act to regulate the salaries and fix the compensation of the county officers of the County of Calaveras.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. DeWitt—An Act to provide for the payment of a claim for collecting delinquent purchases of school lands.

Read first and second times, and referred to the Committee on Claims.

By Mr. Long—An Act to provide for the construction and repair of bridges in the County of Mendocino.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Pauly—An Act to amend section six hundred and ninety of the Code of Civil Procedure, so far as to exempt fifty hives of bees from execution.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Hinshaw—An Act to reestablish Court-house School Dis-

trict in the County of Sonoma, and to repeal an Act in relation thereto.

Read first and second times, and referred to the Sonoma delegation, with accompanying petition.

By Mr. Tobin—An Act to compel boot and shoe makers in this State to mark or brand their names on the goods they manufacture.

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

Also, an Act to authorize the Board of Supervisors of the City and County of San Francisco to widen City Hall Avenue, in said city and county, and form the same into a public square, to be known and designated as "City Hall Square."

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

By Mr. Meyers—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Johnson—An Act providing for the election of an Attorney in and for the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Also, an Act concerning Swamp Land District Number Thirty-eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands

By Mr. Murphy of Del Norte—An Act to define the duties and liabilities of pawnbrokers and pledgees, and for the management of the affairs thereof.

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

By Mr. Welch—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County.

Read first and second times, and referred to the Lake delegation.

By Mr. Backus—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

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

By Mr. Coffey—An Act concerning gas companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Farnum—An Act in relation to the collection of licenses in Alameda County.

Read first and second times, and ordered on file.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 14th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections same Code, relating to public schools.

Also, on the thirteenth day of February, eighteen hundred and seventy-eight, passed Senate

Bill No. 170—An Act to amend section eight hundred and eighty-three of the Code of Civil Procedure.

Also, Assembly Bill No. 220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

Also, Assembly Bill No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 273—An Act to change the name of a town in Amador County.

Also, Assembly Bill No. 308—An Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof.

Also, Assembly Bill No. 317—An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six.

Also, Assembly Bill No. 357—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons.

And indefinitely postponed Assembly Bill No. 93—An Act to amend section fifty-four of the Penal Code.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 73, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 170, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES.

By Mr. Giffen:

MR. SPEAKER: I hereby give notice that I may, at an early day, introduce a bill entitled "An Act to remove the State Capitol to the City of Truckee, the highest city in the State."

By Mr. Johnson:

MR SPEAKER. I hereby give notice that I will, at an early day, introduce a bill to compel the trustees of all mining companies, incorporated under the laws of this State, to preserve and have worked for the benefit of the stockholders thereof the tailings of all ores produced by their respective mines.

MOTIONS AND RESOLUTIONS.

Mr. May moved that Assembly Bill No. 116 be recommitted to the San Francisco delegation.

Lost.

On motion of Mr. Johnson, Assembly Bill No. 428 was taken up for consideration.

Mr. Nott moved to amend as follows: Amend section two by adding thereto as follows: "*Provided*, that all appointments of Deputy Assessors must be submitted to and confirmed by the Board of Supervisors of Sacramento County."

Adopted.

The rules were then further suspended, the bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Whitlock, Assembly Bill No. 147 was made the special order for Saturday next, at one o'clock and thirty minutes P. M.

RESOLUTIONS.

By Mr. Tuttle:

Resolved, That on and after the eighteenth instant, the Clerk be instructed to prepare two files, the one to be known as the "general file," and the other to be known as the "special

file." The former shall contain all bills of a general character, which shall be considered during the day session: the latter shall contain all special or local bills, which shall be considered during an evening session, which shall commence at seven and a half P. M., *provided*, that the special file may be considered at any time after the clearing of the general file.

Laid over one day.

By Mr. Allen:

Resolved, That the usual number of copies of Assembly Bill No. 312 be printed.

Adopted.

GENERAL FILE.

Assembly Bill No. 224—An Act to provide for a proper display of the industries and resources of California at the French Exposition of eighteen hundred and seventy-eight, and report upon the same.

Mr Barstow moved that the bill be considered in Committee of the Whole.

[Speaker in the chair.]

Mr. Swift moved that the bill be indefinitely postponed.

Pending discussion of the motion, Mr. Murphy of Del Norte moved to amend as follows. Insert after the word "Commissioners" the following: "one of which Commissioners shall be Philosopher Pickett."

Pending discussion of the amendment, the previous question was moved by Messrs. Nott, Ostrom, and Smyth.

The ayes and noes were demanded by Messrs. Johnson, Murphy of San Francisco, and Gildea.

The roll was called, and the House refused to order the previous question by the following vote:

AYES—Messrs. Adams, Allen, Breen, Dunlap, Garver, Haile, Hanna, Long, Ludgate, Mace, McClure, McComas, Montague, Murphy of Del Norte, Nott, Ostrom, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Warden, Waters, Wheat, Wilson, Young, and Mr. Speaker—28.

NOES—Messrs. Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Brooks, Coffey, Connolly, Conroy, Cooley, Dare, Dinniene, Dorsey, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, May, Meyers, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Sargent, Swift, Welch, and Whitlock—42.

[Mr. Nott in the chair.]

Mr. Hinshaw moved to amend the amendment by adding the name of J. P. Dameron.

Upon the amendment to the amendment, the ayes and noes were demanded by Messrs. Haile, Pauly, and Ostrom.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs Dunlap, Gough, Haile, Hinshaw, Hugg, Long, Ludgate, Mace, Murphy of Del Norte, Nealley, Nott, Ostrom, Robertson, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, and Mr Speaker—23.

NOES—Messrs Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dinniene, Dixon, Dorsey, Ellis, Ewing, Forsyth, Garver, Gildea, Griffith, Hanna, Haworth, Hicks, Holloway, Johnson, Kercheval, May, McClure, Miller, Montague, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Warden, Whitlock, Wilson, and Young—46.

Mr. Kecheval then moved to amend the original amendment by inserting the name of "Emperor Norton" after the name of "Philosopher Pickett."

Mr. Dinniene moved to indefinitely postpone the amendment.

[Speaker in the chair.]

The previous question was now moved by the requisite number, upon which the ayes and noes were demanded by Messrs. Backus, Routier, and Johnson.

The roll was called, and the House refused to order the previous question by the following vote:

AYES—Messrs Adams, Breen, Cooley, Dixon, Dunlap, Garver, Haile, Hanna, Hugg, Kercheval, Long, Ludgate, McComas, Miller, Montague, Nott, Ostrom, Robertson, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—30.

NOES—Messrs Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Dale, Dinniene, Dorsey, Ellis, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hinshaw, Holloway, Johnson, May, McClure, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Whitlock, and Wilson—38

The question recurring upon the indefinite postponement of the amendment to the amendment, pending its discussion the previous question was again moved by the requisite number, upon which the ayes and noes were demanded by Messrs. May, Dinniene, and Gildea.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs Barstow, Blackwell, Breen, Byington, Coffey, Cooley, DeWitt, Dixon, Dunlap, Ellis, Ewing, Garver, Giffen, Gough, Haile, Hanna, Hart, Hinshaw, Holloway, Hugg, Kercheval, Long, Ludgate, Mace, McComas, Meyers, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—47.

NOES—Messrs Allen, Ames, Anderson, Asmussen, Backus, Blake, Broderick, Brooks, Connolly, Conroy, Dale, Dinniene, Dorsey, Farnum, Forsyth, Gildea, Griffith, Haworth, Hicks, Johnson, May, Murphy of San Francisco, Pauly, Routier, Sargent, Tobin, and Whitlock—27.

The question again recurring upon the indefinite postponement of the amendment to the amendment, the ayes and noes were demanded by Messrs. Kercheval, Haile, and Murphy of San Francisco.

The roll was called, and the motion to indefinitely postpone carried by the following vote:

AYES—Messrs Adams, Asmussen, Blackwell, Breen, Byington, Coffey, Cooley, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Garver, Gough, Haile, Hanna, Hart, Hinshaw, Holloway, Hugg, Kercheval, Long, Ludgate, Mace, McClure, McComas, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—47.

NOES—Messrs. Allen, Ames, Anderson, Backus, Barstow, Blake, Brooks, Connolly, Conroy, Dale, Dinniene, Farnum, Forsyth, Giffen, Gildea, Griffith, Haworth, Hicks, Johnson, May, Meyers, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Tobin, and Mr. Whitlock—28

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Hart, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 15th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.

One day's leave of absence was granted to Mr. Whitlock.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Montague—A remonstrance against the passage of a law reducing the charges on telegraph lines in this State.

Referred to the Judiciary Committee

By Mr. Barstow—From Scandinavian Ladies' Relief Society, relative to an appropriation.

Referred to the Committee on Hospitals.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 416—An Act to regulate the terms of the County Court of San Joaquin County.

428—An Act in relation to the Assessor of the County of Sacramento.

YOUNG, Chairman.

By Mr. Coffey.

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR SPEAKER: The San Francisco delegation, to whom was referred Senate substitute for Senate Bill No. 186—An Act in relation to the office of Sheriff of the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended. Sixteen members present and voting, ten ayes, six noes.

Also, Senate Bill No. 252—An Act to provide for the payment of the expenses of the Seventh Street Commission, in and for the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended Seventeen members present and voting: twelve ayes, five noes.

Also, Assembly Bill No 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue—report the same back with an amendment, and recommend that it do pass as amended. Seventeen members present and voting.

Also, Senate Bill No 265—An Act to amend sections one and three of an Act entitled an Act to authorize the Assessor of the City and County of San Francisco to appoint deputies, approved January twenty-fifth, eighteen hundred and seventy—report the same back, and recommend that it do pass. Seventeen members present and voting.

Also, Assembly Bill No. 286—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—report the same back with an amendment, and recommend that it do pass as amended. Fourteen members present and voting, eleven ayes, and three noes.

J. V. COFFEY, Chairman.

By Mr. Coffey—A minority report from the San Francisco delegation:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR SPEAKER The undersigned, a minority of the San Francisco delegation, to whom was referred Senate substitute for Senate Bill No. 186—An Act in relation to the office of Sheriff of the City and County of San Francisco—beg leave, respectfully, to dissent from the report of the majority, because it involves an unnecessary increase of salaries.

J. V. COFFEY, Chairman.
W. K. FORSYTH,
M. C. CONROY,
C. H. GOUGH,
S B BLAKE.

Mr. Coffey also submitted a minority report from the San Francisco delegation on Assembly Bill No. 116, and on his motion the usual number of copies were ordered printed.

Mr. Miller had leave to withdraw Assembly Bill No. 467.

By Mr. Hinshaw:

MR SPEAKER. Your Committee on Public Expenditures and Accounts have examined two bills of Samuel Nathan & Co., amounting to twenty-four dollars and fifty cents, and one of Wells, Fargo & Co. express, for thirty-five cents, and find them correct, and recommend that they be paid.

Resolved, That the Controller of State be and he is authorized to draw warrants, one in favor of Samuel Nathan & Co., for twenty-four dollars and fifty cents, and one in favor of Wells, Fargo & Co., for thirty-five cents, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

Report accepted, and resolution adopted.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 14th, 1878.

MR. SPEAKER A minority of your Committee on Judiciary, in pursuance of the notification contained in the report of the majority on Assembly Bill No 340—entitled an Act to amend section nine hundred and eighty-seven of the Penal Code, concerning the power of Courts to appoint counsel in criminal cases—now present their objections to the passage of said bill We call attention to the fact that the bill proposes to authorize the Courts in every county in the State, when a party on his arraignment avers that he is unable to employ counsel, to allow counsel assigned for the defense such fee or compensation as said Court may, in its discretion, deem proper, and to order the County Treasurer, without the consent of the Supervisors or other officer, to pay the amount so directed by the Courts In the past history of our State, it has been to the honor of the profession of the law that, when assigned as counsel, they have cheerfully, and, we believe, faithfully, discharged the duty imposed upon them by Courts, without fee or reward. The privileges and immunities which are enjoyed by the profession have been appreciated to that extent that they have viewed this labor on their part as only affording them an opportunity to make return, by rendering themselves, in this department, immediately useful to the public, without burdening the public with an onerous expense. To the discharge of this duty, we may also say that the profession has been commonly excited by the fact that prosecutions are conducted by officers skilled in juridical learning and practice, and that, to leave the unfortunate person accused of crime without such assistance as can be afforded by men equally skilled would be often to expose the innocent to unmerited condemnation. We believe that this task, so long and so honorably discharged by our brethren, is not deemed by them to be onerous or burdensome, and that a change in the law is not by them generally called for or demanded.

W F ANDERSON,
GEORGE BARSTOW,
JOHN F. SWIFT,
J. V. COFFEY,
JAMES F. BREEN,
BYRON WATERS.

By Mr. Swift:

MR SPEAKER The Joint Committee on translating the laws into Spanish, beg leave to report as follows: That on the sixth day of February, A. D. eighteen hundred and seventy-eight, the Joint Committee met in pursuance of law and opened the bids for such translation; that they found MRS. A. B. Godoy to be the lowest responsible and competent bidder; and that the contract to translate the laws of this session of the Legislature was accordingly duly awarded and let to said MRS A B. Godoy, at the price of sixteen (16) cents per folio of one hundred (100) words. And your committee ask to be discharged.

J. F. SWIFT, Chairman.

On motion of Mr. Swift, the report was adopted, and the committee discharged.

By Mr. Mace (for Mr. Dunlap):

MR. SPEAKER: Your Committee on Internal Improvements, to whom was referred Assembly Bill No. 413—An Act in relation to County Surveyors—have had the same under consideration, and herewith report the bill back, and recommend that it do not pass.

DUNLAP, Chairman.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, February 14th, 1878.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county—report the same back, and recommend its passage.

Also, Assembly Bill No 472—An Act to regulate the salaries and fix the compensation of the county officers of the County of Calaveras—report the same back, and recommend its passage.

Also, Assembly Bill No. 338—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relative to publication of delinquent tax lists—report the same back, and recommend its passage.

NOTT, Chairman.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR SPEAKER Your Committee on State Hospitals, to whom was referred Assembly Bill No. 300—An Act to promote the sanitary condition of towns and villages—have had the same under consideration, and report it back with the recommendation that it pass.

Also, your committee, to whom was referred Assembly Bill No. 332—An Act to amend an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two, approved March thirty-first, eighteen hundred and seventy-two—have considered and amended the same, and recommend that it pass as amended.

J. C. MONTAGUE, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Ostrom:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 461—An Act to provide for transcribing certain records in the County of Yuba—report the same back, and recommend its passage.

OSTROM, for Delegation.

By Mr. Russ:

MR SPEAKER: The Humboldt delegation, to whom was referred Assembly Bill No. 444—entitled an Act to provide a fund for the payment of certain indebtedness of Humboldt County—report the same back with an amendment, and recommend its passage as amended.

RUSS.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR. SPEAKER The Solano delegation, to whom was referred Assembly Bill No 459—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, and report it back with a recommendation that it pass.

HAILE,
DARE.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 468—An Act to amend an Act to amend an Act entitled an Act to provide for the payment of certain bonds of Lake County, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

Also, Assembly Bill No. 469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in Lake County.

Also, Assembly Bill No 484—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County—have had the same under consideration, and report them back with a recommendation that they pass.

WELCH, for Delegation.

By Mr. Gildea:

MR. SPEAKER Your committee, to whom was referred Assembly Joint Resolution No. 32—Relative to certain Indians in the southern counties of the State of California—have had the same under consideration, and report the same back, and recommend its passage.

GILDEA, for Committee.

INTRODUCTION OF BILLS.

By Mr. Johnson—An Act to provide for the payment of certain Controller's warrants drawn against the swamp land districts in this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Mace—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four.

Read first and second times, and referred to the Fresno and Kern delegations.

By Mr. Gough—An Act for the relief of William Doyle, Francis Timmins, and Joseph Gleeson.

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

By Mr. Hinshaw—An Act concerning estrays and animals found running at large in the County of Sonoma.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Ames—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six.

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

Also, an Act to authorize and empower the Board of Supervisors of the County of San Mateo to take and subscribe to the capital stock of a railroad in said county, to be constructed from the City and County of San Francisco to the City of Santa Cruz, and to provide payment for the same, and other matters relating thereto.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Backus—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors.

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

By Mr. Sherman—An Act to amend sections thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-fourth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Corporations.

SPECIAL ORDER.

The House took up the following resolution laid over from yesterday.

Resolved, That on and after the eighteenth instant, the Clerk be instructed to prepare two files, the one to be known as the "general file," the other to be known as the "special file." The former shall contain all bills of a general character, which shall be considered during the day session; the latter shall contain all special or local bills, which shall be considered during an evening session, which shall commence at seven and a half o'clock P. M., *provided*, that the special file may be considered at any time after the clearing of the general file.

Adopted.

SENATE MESSAGE.

The following message was received from the Senate.

SENATE CHAMBER,
SACRAMENTO, February 15th, 1878

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of February, eighteen hundred and seventy-eight, passed substitute for Senate Bill No. 212—An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco.

Also, on the fourteenth day of February, eighteen hundred and seventy-eight, passed Assembly Bill No. 303—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 243—An Act to authorize the Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate Bill No. 212, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

MOTIONS AND RESOLUTIONS.

By Mr. May:

Resolved, That a committee of five members of this House be appointed by the Speaker to consider the desirability of holding the Constitutional Convention at Oakland or San Francisco, and that said committee report the result of its deliberations on or before the twentieth instant.

On motion of Mr. Ostrom, indefinitely postponed.

By Mr Young:

Resolved, That this House tender a vote of thanks to Professor Wm. Ham. Hall for the able and instructive address, upon the subject of irrigation, delivered by him in this Chamber on the evening of the thirteenth instant.

Adopted.

Mr. Holloway moved that Senate Bill No. 134 be re-referred to the Judiciary Committee, upon which the ayes and noes were demanded by Messrs. Holloway, Sargent, and Waters.

The roll was called, and the motion to refer prevailed by the following vote:

AYES—Messrs. Adams, Allen, Asmussen, Blackwell, Blake, Breen, Broderick, Brooks, Coffey, Connolly, Cooley, Dorsey, Dunlap, Ellis, Ewing, Garvey, Hale, Hanna, Hart, Hicks, Hinshaw, Holloway, Hugg, McClure, Meyers, Miller, Moffat, Murphy of Del Norte, Nealley, Ostrom, Pace, Pauly, Sargent, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—43.

NOES—Messrs Backus, Barstow, Byington, Conroy, Dare, Dinmene, Dixon, Farnum, Forsyth, Griffith, Haworth, Johnson, Kercheval, Long, Ludgate, Mace, May, Montague, Routier, Warden, and Wilson—21

GENERAL FILE.

Assembly Bill No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

Mr. Barstow submitted the following motion: "I move that this bill be recommitted to the San Francisco delegation with instructions so to amend it that the five Supervisors last named therein be elected at large, and without reference to the senatorial district or districts in which they reside, or in which either of them may reside."

Upon the above motion, the ayes and noes were demanded by Messrs. Hicks, Gough, and Connolly.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Allen, Barstow, Blake, Coffey, Conroy, Dare, Dixon, Farnum, Forsyth, Haile, Hanna, Hinshaw, Kercheval, Ludgate, Mace, May, McComas, Meyers, Nott, Routier, Swift, Waters, Welch, Wheat, Wilson, and Mr Speaker—27

NOES—Messrs. Ames, Anderson, Asmussen, Backus, Blackwell, Breen, Broderick, Brooks, Byington, Connolly, Cooley, DeWitt, Dinniene, Dorsey, Dunlap, Ellis, Ewing, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Long, McClure, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Ostrom, Pace, Pauly, Robertson, Sargent, Sherman, Thompson, Tobin, Tuttle, Warden, and Young—44.

RECESS.

Pending discussion of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Assembly Bill No. 82, the question being upon its passage.

[Mr. Waters in the chair.]

Upon the passage of the bill, the ayes and noes were demanded by Messrs Connolly, May, and Dinniene.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Asmussen, Backus, Barstow, Blackwell, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Dare, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Giffen, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Ludgate, Mace, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Sherman, Thompson, Tobin, Tuttle, Warden, Waters, Wheat, and Young—56.

NOES—Messrs. Allen, Blake, Conroy, Cooley, Farnum, Forsyth, May, McClure, Meyers, Sargent, Swift, Welch, and Mr Speaker—13.

Title approved.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations—made special order for Wednesday, twentieth instant, at one o'clock P. M.

SPECIAL ORDER.

Assembly Bill No. 19—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

Mr. Murphy of Del Norte moved that the bill be recommitted to the San Francisco delegation with instructions to amend, by adding at the end of section two the following: "And the amount of such company's indebtedness on said first day of February, eighteen hundred and seventy-eight, to be ascertained by said Commissioners."

Upon the above motion, the ayes and noes were demanded by Messrs. Swift, Blake, and Asmussen.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams Allen, Ames, Anderson, Barstow, Blackwell, Brooks, Connolly, Dare, DeWitt, Dinniene, Dorsey, Dunlap, Ellis, Ewing, Giffen, Gough, Hart, Haworth, Hicks, Hol-

loway, Hugg, Johnson, Ludgate, Mace, Moffat, Murphy of Del Norte, Nealley, Pauly, Routier, Sherman, Warden, and Welch—33.

NOES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Coffey, Conroy, Cooley, Dixon, Farnum, Forsyth, Garver, Gildea, Haile, Hanna, Hinshaw, Kercheval, Long, May, McClure, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pace, Robertson, Sargent, Smyth, Swift, Thompson, Waters, Wheat, Whitlock, Young, and Mr. Speaker—37.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Swift, Gough, and Anderson

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Kercheval, Ludgate, Mace, May, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Young, and Mr Speaker—65

NOES—Messrs Allen, Ames, DeWitt, Johnson, and Routier—5.

Title approved

Assembly Bill No. 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers

Mr. Tuttle moved that the bill be referred to the Special Committee on Savings Banks.

Lost.

Mr. Pauly moved to amend as follows: Amend section ten by striking out the words "or before," after the word "on."

Adopted.

Mr. Dinniene moved to amend section thirteen to correct clerical error.

Adopted.

Mr. Tuttle moved to amend section one of the bill by striking out "three" and inserting "one," upon which amendment the ayes and noes were demanded by Messrs. Murphy of Del Norte, Pauly, and Tuttle.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Allen, Blackwell, Broderick, Coffey, Conroy, Dixon, Dunlap, Garver, Hinshaw, Johnson, May, McClure, Meyers, Miller, Nott, Ostrom, Pace, Routier, Russ, Swift, Tuttle, Waters, Welch, Wheat, and Mr. Speaker—25.

NOES—Messrs. Adams, Anderson, Asmussen, Backus, Blake, Brooks, Byington, Connolly, Cooley, Dare, DeWitt, Dinniene, Ellis, Ewing, Farnum, Gildea, Gough, Haile, Hanna, Haworth, Hicks, Hugg, Kercheval, Ludgate, Mace, McComas, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Sargent, Sherman, Smyth, Thompson, Warden, and Young—38.

Mr. Farnum moved to amend as follows: Amend section one, in lines seven and eight, by striking out the words "for the period of two years," and inserting in lieu thereof the following, "during the pleasure of the appointing power;" and inserting after the word "qualified," in line nine, the following, "and no two Commissioners to be appointed under this Act shall be residents of the same county."

Pending discussion of the amendment, on motion of Mr. Murphy of Del Norte, the bill was ordered at the head of the file for to-morrow.

[Mr Haile in the chair.]

On motion of Mr. Welch, the order of Senate messages was taken up.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 15th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Senate Bill No. 269—An Act to ratify and confirm order number one thousand four hundred and four of the Board of Supervisors of the City and County of San Francisco.

Also, an Act to authorize and require the Board of Supervisors of San Joaquin County to allow a claim of S. G. S. Dunbar, and to authorize and require the Auditor of said county to draw a warrant therefor, and to authorize and require the Treasurer of said county to pay the same.

Also, Senate Bill No. 86—An Act to declare Clear Lake, in Lake County, navigable.

Also, Senate Bill No. 275—An Act to ratify the contract between the Stockton Gas Company and the City of Stockton to supply gas to said city and its inhabitants, approved by the Acting Mayor of said city on the eighteenth day of December, eighteen hundred and seventy-seven.

Also, this day, indefinitely postponed Assembly Bill No. 162—An Act to amend section eight hundred and fifty-three of the Code of Civil Procedure.

And, passed Assembly Bill No. 188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.

Also, passed Assembly Bill No. 248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure.

Also, passed Assembly Bill No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.

Also, passed Assembly Bill No. 265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 86, read first and second times, and referred to the Lake delegation.

Senate Bill No. 269, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 370, read first and second times, and referred to the San Joaquin delegation.

Senate Bill No. 275, read first and second times, and referred to the San Joaquin delegation.

REPORT.

By Mr. Nott (by permission):

ASSEMBLY CHAMBER, February 15th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 57—An Act to reimburse the County of Placer for moneys expended in the collection of State taxes—have examined the same, and find that the county has an equitable claim against the State, in their opinion, but as to the amount your committee is unable to ascertain.

NOTT, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 146—An Act to amend the Political Code of this State.

Read third time, and passed.

Mr. Adams moved to reconsider the vote by which the bill was passed.

So ordered.

Mr. Waters moved that the bill be re-referred to the Judiciary Committee, with instructions to amend, so as to limit right to tax to such property as the municipality may own outside its limits, and use for other purposes than public purposes.

Pending discussson of the amendment, the previous question was moved by Messrs Ames, Murphy of Del Norte, and Young.

Upon the previous question, the ayes and noes were demanded by Messrs. Swift, Anderson, and Haworth.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs. Ames, Blackwell, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Hanna, Hinshaw, Holloway, Hugg, Ludgate, McClure, McComas, Miller, Murphy of Del Norte, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Welch, Wheat, Young, and Mr Speaker—39.

NOES—Messrs. Adams, Allen, Anderson, Asmussen, Backus, Blake, Broderick, Coffey, Conroy, Dinniene, Gildea, Gough, Haile, Hart, Haworth, Johnson, Kercheval, May, Meyers, Nealley, Pace, Swift, Tuttle, and Waters—24

The question recurring upon the adoption of the motion to refer to the Judiciary Committee, with special instructions, it was lost.

The question now recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Swift, Gough, and May.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Ames, Anderson, Blackwell, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ewing, Farnum, Hanna, Hart, Hinshaw, Hugg, Johnson, Kercheval, Ludgate, McClure, McComas, Meyers, Miller, Murphy of Del Norte, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Welch, Wheat, Young, and Mr. Speaker—40.

NOES—Messrs. Adams, Allen, Asmussen, Backus, Blake, Broderick, Coffey, Conroy, Dinniene, Ellis, Garver, Gildea, Gough, Haile, Haworth, Holloway, May, Nealley, Sargent, Swift, and Tuttle—21.

Title approved.

Mr. Anderson gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Gildea, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 16th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Dinniene, one day's leave of absence was granted to all absentees.

Prayer by the Chaplain.

Journal of yesterday read and approved.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa—have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

WHEAT, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 16th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 116—An Act to define the powers of the Board of Supervisors of the City and County of San Francisco, with reference to contracts—report the same back with amendments, and recommend that it do pass as amended. Eleven members present and voting.

Also, Senate Bill No. 267—An Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco—report the same back, and recommend that it do pass. Eleven members present and voting.

J. V. COFFEY, Chairman.

On motion of Mr. Coffey, the rules were suspended for the purpose of considering the bills above reported.

Senate Bill No. 116, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 267, above reported, taken up, rules suspended, and, on motion of Mr. Coffey, its reading was dispensed with.

The bill was then read a third time by title, and passed.

Title approved.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 16th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 271—An Act to repeal section three hundred and fifteen of the Code of Civil Procedure—report the same back with a substitute, and recommend passage of the substitute.

Also, Assembly Bill No. 412—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California—and recommend that it be referred to the Committee on Public Lands.

Also, Senate Bill No. 26—An Act to amend section two hundred and ninety-nine of the Civil Code—report with amendments, and recommend passage as amended.

Also, Assembly Bill No. 435—An Act to amend the Penal Code, by adding a new section thereto, to be numbered four hundred and one, concerning the sale of artificial or spurious honey—and recommend its passage.

Your committee also report, introducing and recommending the passage of the accompanying bill—An Act to amend sections three hundred and seven, three hundred and twelve, and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

ANDERSON, Chairman.

In accordance with above report, Mr. Anderson introduced bill as follows: An Act to amend sections three hundred and seven, three hundred and twelve, and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

Read first and second times, and ordered on file.

By Mr. Pace:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 470—An Act to provide for the payment of certain claims against the County of Santa Cruz—have had the same under consideration, and report it back with the recommendation that it pass.

GEO. PACE, Delegation.

On motion of Mr. Pace, Assembly Bill No. 470, above reported,

was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Whitlock moved to take up Assembly Bill No. 147, special order for this day.

So ordered.

[Speaker pro tem. in the chair.]

The bill was read, and ordered engrossed.

Pursuant to notice, Mr. Anderson moved that the vote by which Assembly Bill No. 146 was passed be reconsidered.

Mr. Johnson moved that the motion to reconsider be indefinitely postponed, and the motion was made the special order for Tuesday next, immediately after the reading of the Journal.

[Mr. Tuttle in the chair.]

RESOLUTION.

By Mr. Dunlap:

Resolved by the Assembly, the Senate concurring, That a committee of five Assemblymen be appointed by the Speaker of the Assembly, and five Senators by the President of the Senate, to attend the funeral obsequies of the late Honorable Robert Ludgate, on Sunday, the seventeenth instant, at eight o'clock, in Ione City, Amador County, and further, that the Assembly attend the funeral in a body.

[Speaker pro tem. in the chair.]

Adopted unanimously by members rising.

In accordance with the above resolution, the Speaker pro tem. appointed the following committee: Messrs. Dunlap, Wheat, Meyers, Miller, and Ames.

REPORTS OF SELECT COMMITTEES.

By Mr. Dixon:

MR SPEAKER The delegations from San Mateo and Alameda, to whom was referred Assembly Bill No. 380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda—have had the same under consideration, report it back, and recommend its passage.

J. P. AMES, }
M. W. DIXON, } For Delegations.

By Mr. Farnum.

MR. SPEAKER The delegation, to whom was referred Assembly Bill No. 450—An Act entitled an Act to authorize the appropriation of moneys by the Common Council of Oakland, out of the public funds of said city, for the use of certain benevolent societies thereof—report the same back with amendment, and recommend its passage as amended.

FARNUM, for Delegation.

By Mr. Meyers:

MR SPEAKER The San Joaquin delegation, to whom was referred Senate Bill No. 370—An Act to authorize and require the Board of Supervisors of San Joaquin County to allow a claim of S. G. S. Dunbar, and to authorize and require the Auditor of said county to draw a warrant therefor, and to authorize and require the Treasurer of said county to pay the same—have had the same under consideration, and beg leave to report it back, and recommend its passage.

MEYERS, for Delegation.

Assembly Bill No. 370, above reported, taken up, rules suspended, bill read third time, and passed.

Title approved.

By Mr. Broderick:

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 56—An Act to legalize and enforce the collection of district school tax, and to render lawful the acts of the Board of Trustees of North Butte School District, pursuant to an election held therein.

No. 240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four.

No 265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

No. 248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure

No. 303—An Act entitled an Act to amend an Act to separate the office of County Auditor from the office of County Recorder, and to regulate salaries, in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six

No. 308—An Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and relative to the road poll tax thereof.

No. 253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments.

No. 317—An Act supplemental and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six.

No 188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.

No. 250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

No. 273—An Act to change the name of a town in Amador County.

No. 357—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons

No. 243—An Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

No. 220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

And said bills were, on this, the sixteenth day of February, eighteen hundred and seventy-eight, at ten o'clock and forty minutes A. M., presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 16th, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 338—entitled an Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State—have had the same under consideration, and report it back, with recommendation that it pass as amended.

YOUNG, for Delegation.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No 139—entitled an Act to amend the Code of Civil Procedure, with respect to grand juries in the City and County of San Francisco—without my approval.

I pursue this course with respect to this bill at the request of the author The question involved in the bill is simply whether the number of grand juries in the City and County of San Francisco shall be reduced from six to four a year It is, therefore, a question not of principle at all, but simply one of convenience, or of the more or less harmonious working of the machinery of criminal justice. It is one which addresses itself chiefly to those charged with the administration of the criminal laws in San Francisco And as there is a difference of opinion among officers who have then respective duties to perform, in connection with the trial of criminals in that city, as to the propriety of the change contemplated by this bill, the author has concluded that it will probably be the part of wisdom to allow the law to remain as it is, at least, till the evils or inconveniences resulting from it shall produce more unanimity as to the necessity for a change.

Concurring with him on this point, I have cheerfully complied with his request.

WILLIAM IRWIN, Governor.

On motion of Mr. Backus, the consideration of the above message was made special order for Wednesday next, at one o'clock and thirty minutes P. M.

INTRODUCTION OF BILLS.

By Mr. Anderson—An Act to amend an Act entitled an Act to establish a Municipal Criminal Court in the City and County of San Francisco, approved March thirty-first, eighteen hundred and seventy-six.

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

By Mr. DeWitt—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure, relating to undertakings on attachments.

Also, an Act to add two sections to the Code of Civil Procedure, relating to bonds and undertakings.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Pauly, Assembly Bill No. 302—An Act to amend section one thousand seven hundred and twenty-five, in relation to renewal and revocation of teachers' certificates—was taken up.

Substitute recommended by the Committee on Education adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion, substitute for Assembly Bills Nos 34 and 52 was made special order for Tuesday next at one o'clock and thirty minutes P. M.

On motion of Mr. Whitlock, the vote by which Assembly Bill No. 147 was ordered engrossed was reconsidered, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Sherman, Assembly Joint Resolution No. 28—Relative to increased mail services in Santa Barbara County—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Dare, Senate Joint Resolution No 9—In relation to the stone dry dock at Mare Island—was taken up.

Read third time, and passed.

On motion of Mr. Johnson, Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto—was taken up.

Read third time, and passed.

Title approved.

On motion of Mr. Farnum, the usual number of copies of Assembly Bill No. 487 was ordered printed.

On motion of Mr. Johnson, Assembly Joint Resolution No. 23—Relative to passage of a bill by Congress levying a per capita tax on Chinese—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Backus, Senate Joint Resolution No. 20—Relative to streets adjoining the Point San José Reservation—was taken up.

Read third time, and passed.

On motion of Mr. Backus, Senate Joint Resolution No. 19—In reference to the Presidio Reservation—was taken up.

Read third time, and passed.

On motion of Mr. Allen, Assembly Bill No. 295—An Act to fix the amount of the bond of the Tax Collector of Marin County—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Haile, Senate Bill No. 91—An Act to authorize the Board of Supervisors of Solano County to erect a fireproof building for the protection of the records and papers in the offices of the County Clerk and County Recorder of said county—was taken up.

Read third time, and passed.

Title approved.

On motion of Mr. Waters, Senate Joint Resolution No. 18—Relative to desert lands—was taken up.

Read third time, and passed.

RESOLUTION.

By Mr. Dunlap:

Resolved, That the members of the Assembly, in respect to the memory of the late Honorable Robert Ludgate, wear the usual badge of mourning for thirty days; and, be it further

Resolved, That as a further mark of respect to the memory of the deceased the Assembly do now adjourn until Monday, at one o'clock P. M.

Mr. Dinniene moved to amend by inserting "Tuesday, at one P. M."

Withdrawn.

Mr. Dare moved to amend by inserting "Tuesday, at ten A. M."

Lost.

The original resolution was then adopted, and the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 18th, 1878.

House met pursuant to adjournment, and in the absence of the Speaker, Speaker pro tem., and Chief Clerk, the House was called to order by Assistant Clerk E. L. Crawford.

On motion of Mr. Johnson, Mr. Gildea was chosen temporary Speaker.

On motion of Mr. Tuttle, Mr. Johnson was appointed a committee of one to conduct Mr. Gildea to the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

On motion of Mr. Broderick, one day's leave of absence was granted to all absentees.

Journal of yesterday read and approved, and, on motion of Mr. Tuttle, the name of Mr. Ludgate was inserted in the resolution offered by Mr Dunlap on Saturday last, providing for the adjournment of the House out of respect for the memory of the deceased.

PETITIONS.

By Mr. Russ—From citizens of Humboldt County, relative to a change in the public school law.

Referred to the Committee on Education.

By Mr. McComas—From citizens of Santa Clara, relative to passage of Assembly Bill No. 322.

Also, a remonstrance from citizens of Santa Clara, against the passage of Assembly Bill No. 322.

Both of the above petitions laid on the table.

REPORTS OF STANDING COMMITTEES.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, February 18th, 1878.

MR SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos 147—An Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes.

295—An Act to fix the amount of the bond of the Tax Collector of Marin County.

470—An Act to provide for the payment of certain claims against the County of Santa Cruz.

302—An Act to amend certain sections of the Political Code, relating to the school law of California.

Also, Assembly Joint Resolution No 23—Relative to passage of a bill by Congress levying a per capita tax on Chinese.

Also, Assembly Joint Resolution No. 28—Relative to increased mail service in Santa Barbara County.

BROOKS, for Committee

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 18th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 159—An Act to amend sections one thousand and thirty-three and one thousand and thirty-five of the Penal Code, relative to the change of place of trial—report the same back, and recommend its passage

Also, Assembly Bill No. 160—An Act to amend section one thousand four hundred and thirty of the Penal Code, in reference to proceedings in Justices' and Police Courts—and recommend that the author be allowed to withdraw the same.

Also, Assembly Bill No. 189—An Act to amend section nine hundred and fifty-six of the Penal Code, in reference to injuries to person and property—report the same back with an amendment, and recommend passage as amended.

ANDERSON, Chairman.

By Mr. Mace:

MR SPEAKER: The Fresno and Tulare delegation, to whom was referred Assembly Bill No. 489—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four—have had the same under consideration, and report it back, and recommend its passage.

MACE,
ADAMS, } Delegation.

INTRODUCTION OF BILLS

By Mr. Waters—An Act to authorize the construction of a wagon road in the County of San Bernardino, and to provide for the payment of the costs of the same.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Brooks—An Act to provide for a new Great Register in the County of Butte, and re-register the voters thereof.

Read first and second times, and referred to the Butte delegation.

By Mr. Moffat—An Act to amend an Act entitled an Act to fix the

compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Inyo delegation.

Also, an Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said counties.

Read first and second times, and referred to the Inyo and Alpine delegations.

By Mr. DeWitt—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Yolo delegation, and the usual number of copies ordered printed.

By Mr. Johnson (for Mr. Coffey)—An Act to amend section one thousand three hundred and fifty-seven of the Political Code, in relation to primary elections.

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

By Mr. Johnson—An Act to amend section three hundred and twenty-two of the Civil Code, in reference to the liabilities of stockholders of corporations

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to provide for the better protection of depositors in savings banks.

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

Also, an Act to provide free bridges in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Welch—An Act to amend an Act entitled an Act concerning county officers in Lake County, and to regulate the fees and salaries thereof.

Read first and second times, and referred to the Lake delegation.

By Mr. Young—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, in relation to the attachment of real and personal property.

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

By Mr. Montague—An Act to amend an Act entitled an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County.

Read first and second times, and referred to the Shasta delegation.

By Mr. Cooley—An Act entitled an Act for the protection of sheep, lambs, Angora goats, and kids.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Mace—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.

Read first and second times, and referred to the Committee on Public Buildings.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 16th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Concurrent Resolution No. 49—Relative to the death of the Honorable Robert Ludgate—and adopted the following resolution

Resolved, That the Senate do now adjourn out of respect for the memory of Honorable Robert Ludgate, late member of the Assembly from Amador

The President appointed as a committee to attend the funeral, Senators Craig, Brown of El Dorado, Rogers, Brown of Amador, and Nunan.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 16th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth instant, under suspension of the rules, passed Senate Bill No. 82—An Act concerning the water front of the City and County of San Francisco

Also, on the fifteenth instant, amended and passed Assembly Bill No. 269—An Act to appropriate funds for the use of the County Clerk of San Diego County to pay deputies.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 18th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 60—An Act to provide for the payment of certain coupons upon the bonds issued by the Central Pacific Railroad Company, and known as State aid bonds

Senate Bill No. 263—An Act to provide for the appointment of a Reporter of the decisions of the Supreme Court.

Senate Bill No. 255—An Act to amend an Act entitled an Act to re-incorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Senate Bill No 144—An Act for the relief of Wells, Fargo & Co.

Senate Bill No. 268—An Act to amend section two of an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, approved April eighth, eighteen hundred and seventy-six.

Senate Bill No. 273—An Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco.

Senate Bill No 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Senate Bill No. 280—An Act to confer additional powers upon and to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.

Senate Bill No. 185—An Act for the relief of George C. Knox.

Senate Bill No 278—An Act to amend section nine hundred of the Penal Code, relating to challenges of individual grand jurors.

And, on the sixteenth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 375—An Act making an appropriation to pay the expenses of Presidential Electors—and ordered the same transmitted to the Assembly without engrossment

Also, Assembly Bill No 204—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy four, so far as the same relates to that portion of Modoc County known as Adin Township.

G SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 269, above reported, taken up, and Senate amendments concurred in.

Senate Bill No. 82, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 60, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 263, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 255, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 144, read first and second times, and referred to the Committee on Claims.

Senate Bill No 268, Senate Bill No. 273, Senate Bill No. 286, and Senate Bill No. 280, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 185, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 278, read first and second times, and referred to the Judiciary Committee.

Senate Bill No 275, taken up, rules suspended, and on motion of Mr. Johnston, considered in Committee of the Whole.

[Mr. Gildea in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Mr. Gildea in the chair.]

The report of the committee was adopted, bill read third time, and passed.

Title approved.

RESOLUTIONS.

By Mr. Brooks—Assembly Concurrent Resolution, relative to mail route from Oroville to Mooretown, in Butte County, California.

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

By Mr. Sherman—Assembly Concurrent Resolution. relative to the payment for the translation of the Governor's message into the Spanish language.

Referred to the Joint Committee on Printing.

On motion of Mr. Giffen, Assembly Bill No. 91 was taken from the file, and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Continued at the head of the file.

Assembly Bill No. 202—An Act to confer additional powers in certain cases on the municipal authorities in incorporated towns and cities in the State of California.

Referred to the Judiciary Committee.

Assembly Bill No. 339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivison thereto, relative to the depositions of material witnesses.

Ordered engrossed.

Senate Bill No 92—An Act for the relief of Cook Talcott and Andrew Onderdonk.

Passed on file.

Assembly Bill No. 241—An Act to regulate the rate of interest in the State of California.

Passed on file.

Assembly Bill No. 230—An Act to amend certain sections of the Political Code, relative to the salary of officers and employés of the Senate and Assembly.

Passed on file.

Assembly Bill No. 233—An Act to amend section one thousand seven hundred and fifty of the Political Code, in regard to the issuance of certificates without examination.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 264—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

Passed on file.

Assembly Bill No. 154—An Act for the payment of the claim of J. L. Howard.

Mr. Anderson moved that the bill be passed on file.

Lost

The bill was then ordered second on file for to-morrow.

Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortions from candidates for office.

Mr. Johnson moved to amend so as to make the bill applicable to the City and County of San Francisco.

[Speaker pro tem. in the chair.]

Mr. Anderson offered the following amendment to the amendment: Amend section seven so as to read as follows:

SECTION 7. Nothing in this Act contained shall apply to the Counties of Sacramento, Santa Barbara, or Ventura

Adopted.

Mr. Forsyth moved to amend by exempting San Francisco from the provisions of the bill.

Lost.

The question recurring upon the amendment, as offered by Mr. Johnson, it was adopted.

The rules were then suspended, the bill considered engrossed, read third time, and passed

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Long, Assembly Bill No. 264, passed on file this day, was taken up for consideration.

Assembly Bill No. 264—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

Rules suspended, read third time, and passed.

Title approved.

SENATE MESSAGES.

On motion of Mr. Gough, the following Senate messages were taken up:

SENATE CHAMBER,
SACRAMENTO, February 18th, 1878.

MR. SPEAKER: I have been directed to inform your honorable body that the Senate, on the thirteenth day of February, A. D. eighteen hundred and seventy-eight, refused to concur in Assembly amendment to Senate Bill No. 104, and the President of the Senate appointed Senators Rogers, J. C. Murphy, and Dean as a Committee on Free Conference.

P. H. DUNN, Assistant Secretary.

The Speaker appointed as a Committee on Free Conference on the part of the Assembly, Messrs Gough, Connolly, and Conroy.

SENATE CHAMBER,
SACRAMENTO, February 18th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Assembly Bill No. 428—An Act in relation to the Assessor of the County of Sacramento.

P. H. DUNN, Assistant Secretary.

GENERAL FILE RESUMED.

Senate Bill No. 138—An Act to amend section three thousand and sixty-one of the Political Code, relating to local Boards of Health.

Amendment adopted, and referred to the Judiciary Committee, with special instructions to report to-morrow.

Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

Mr. Johnson moved the indefinite postponement of the bill.

Withdrawn.

And, on motion of Mr. Johnson, the bill was referred to the Judiciary Committee.

Senate Bill No. 32—An Act to amend section six hundred and sixty-three of the Code of Civil Procedure.

Bill amended to correct clerical error.

Read third time, and passed.

Title approved.

Senate Bill No. 42—An Act to amend section one hundred and thirteen of the Code of Civil Procedure, so as to change the time for the election of Justices of the Peace.

Read third time, and passed.

Title approved.

Senate Bill No. 49—An Act to amend section sixteen hundred and twenty-four of the Civil Code.

Read third time, and passed.

Title approved.

RECESS.

At four o'clock and thirty-two minutes P. M. Mr. Young moved that the House take a recess till seven o'clock and thirty minutes P. M.

Mr Hart moved to amend by adjourning till to-morrow, at ten o'clock A. M.

Lost.

The question recurring upon Mr. Young's motion, it was adopted, and the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.
Roll called, and a quorum present.

SPECIAL FILE.

Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, California, to Eel River Valley, in said county.

Pending discussion of the bill, the previous question was moved by Messrs. Moffat, Gough, and Dinniene, but the House refused to order it.

[Mr. Sherman in the chair.]

Pending discussion of the bill, the previous question being moved by the requisite number, it was so ordered by the House.

[Speaker pro tem. in the chair.]

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Waters, Dinniene, and Haile.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Blake, Brooks, Byington, Connolly, Dinniene, Ewing, Farnum, Forsyth, Giffen, Gough, Hanna, Hart, Haworth, Holloway, Hugg, Long, May, McClure, Moffat, Montague, Murphy of Del Norte, Nealley, Pace, Pauly, Robertson, Russ, Sherman, Tobin, Welch, Whitlock, Wilson, and Young—33.

NOES—Messrs. Broderick, Dare, DeWitt, Haile, Hinshaw, Mace, McComas, Miller, Nott, Smyth, Swift, Thompson, Tuttle, and Waters—14.

PAIRED—Messrs. Blackwell, Cooley, Dixon, and Johnson—4

Title approved.

At nine o'clock and twenty minutes P. M. Mr. Nealley moved to adjourn.

Lost.

Assembly Bill No. 129—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley.

Ordered at the head of the special file for to-morrow night.

At nine o'clock and twenty-three minutes P. M., on motion of Mr. Hugg, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 19th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

One day's leave of absence was granted to Messrs. Routier, Dorsey, Wheat, Ames, and Abbott

Journal of yesterday read, and altered to make it appear that Mr. Blackwell was paired with Mr Griffith on the vote on the passage of Assembly Bill No. 177, Mr. Griffith's vote being "aye" and Mr. Blackwell's being "no" on the passage of the bill.

Journal approved.

After reading the Journal, motion to reconsider vote on Assembly Bill No. 146—An Act to amend the Political Code of this State.

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

Mr. Gildea moved to postpone the motion to reconsider until to-morrow, at one o'clock and thirty minutes P. M.

Withdrawn.

The question recurring upon the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs Swift, Anderson, and Conroy.

The roll was called, and the motion to indefinitely postpone carried by the following vote:

AYES—Messrs. Allen, Blackwell, Breen, Brooks, Byington, Cooley, Dare, DeWitt, Dixon, Ewing, Farnum, Garvey, Hanna, Hart, Hinshaw, Hugg, Johnson, Long, Mace, McClure, McComas, Miller, Montague, Murphy of Del Norte, Nott, Osborn, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Thompson, Welch, Wilson, Young, and Mr Speaker—37.

NOES—Messrs Adams, Anderson, Backus, Barstow, Blake, Broderick, Coffey, Connolly, Conroy, Dunnene, Ellis, Forsyth, Griffen, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Holloway, May, Moffat, Murphy of San Francisco, Nealley, Pace, Swift, Tuttle, Warden, and Waters—29.

Mr. Anderson submitted a protest, signed by members of the Assembly, against the passage of Assembly Bill No. 146.

Mr. Coffey moved that the usual number of copies of the protest be ordered printed.

Lost.

Mr. Tuttle asked to be recorded as protesting against the passage of the bill.

The following is the full text of the protest:

ASSEMBLY CHAMBER, February 19th, 1878.

MR SPEAKER The undersigned, members of the Assembly, availing themselves of the privilege accorded by Rule Seventy-five thereof, do herein respectfully protest against the action of the House in the passage of so much of Assembly Bill No. 146 as changes the existing law, and subjects to taxation the property of municipal corporations lying outside of the territorial limits of the municipality. This measure is in the nature of special legislation for a specific object. It is specially designed to affect the commercial metropolis of this State in the event that San Francisco should purchase the only existing available works supplying its inhabitants with water (an element essential to life), and to levy contribution upon the material and structures indispensible for conveying it for the uses of that city.

It is special, because for more than twenty (20) years of uniform legislation such property, in contemplation of law, has been excepted from taxation, as appears by reference to the revenue Acts of this State At the eighth session of its Legislature, held in eighteen hundred and fifty-seven, was passed the Revenue Act, section two of which, to be found on page three hundred and twenty-six of the session laws, reads as follows "Section two. All property of every kind and nature whatsoever, within this State, shall be subject to taxation, except, first, all lands and lots of ground, with buildings, improvements, and structures thereon, belonging to the State, or to any municipal corporation, or to any county, etc" This Act continued in force until eighteen hundred and sixty-one, when "An Act to provide revenue for the support of the government, etc.," was passed, which may be found on page eight hundred and seventy-five of Hittell's General Laws. This reenacts, substantially, the language of the Act of eighteen hundred and fifty seven, and exempts from taxation "all property belonging to the State, or any municipal corporation, or to any county, etc"

Upon the adoption of the Political Code, in eighteen hundred and seventy-two, the exemption of the property belonging to municipal corporations, in common with that of the United States, of the State, and of the counties, was reenacted, and it is to preserve this legislation so long established, and deemed by all preceding Legislatures just, and stands approved by the concurrent legislation of other States, that we feel impelled to present this protest against the passage of the bill before mentioned, and particularly to section one of said Act, wherein it subjects to taxation by the State, by counties, and by other cities and towns, all property of a municipal corporation, lying without the corporate limits of the municipality to which it may belong, and within the same or other county, city, and town, for it will be observed, that should the bill

become the law of the State, the property of a municipal government, lying outside the boundaries thereof, will be burdened with State and county taxes, and may also be compelled to pay taxes to every other city and town through which such property may extend.

We may be pardoned here for allusion to the fact that the exemption from taxation of the property of municipal corporations is not the invention of California. The early legislators of this State, with no perception of what community in the far future it might benefit or affect, *borrowed it from older States of the Union. It has remained upon our Statute Book for more* than twenty years, unchallenged, and it is only at this late day proposed to be abrogated—when it is seen that by possibility it may relieve from an onerous taxation the people of San Francisco, *should they acquire a title, at an expenditure of millions of dollars, to the water for the* supply of that city.

We do not believe that the State should depart from a long settled principle of taxation for so invidious a purpose as that apparent upon the face of the measure proposed, and in so doing, levy, and enable all the civil divisions of the State to levy, an excise and impost upon a God-given element, when conducted to the precincts of a community at the cost and expense of its own citizens.

W. F. ANDERSON,
JOHN F SWIFT,
B. F. TUTTLE,
J. V. COFFEY,
M. C CONROY,
JNO. A. HICKS,
J. H DINNIENE,
A J. GRIFFITH,
C. H. GOUGH,
CHAS. GILDEA,
J E CONNOLLY,
GEORGE BARSTOW,
S. B. BLAKE,
WILLIAM BRODERICK,
JAS. HAWORTH,
WM. B MAY,
W. K. FORSYTH,
R. W. MURPHY,
S. W. BACKUS.

PETITIONS.

By Mr. Miller—From citizens of El Dorado County, against the reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

By Mr. Montague—Relative to the issuance of bonds for a wagon road in Trinity County.

Referred to the Shasta and Trinity delegation.

By Mr. Swift—From sportsmen of California, protesting against a change in the existing game laws.

Referred to the Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 19th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No 398—An Act amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six—report the same back with an amendment, and recommend the passage thereof as amended

Also, Assembly Bill No. 352—An Act to prohibit and punish the sale of adulterated syrup—report the same back, and recommend its passage.

Also, Assembly Bill No 446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein—report the same back, and recommend its passage.

Also, Senate Bill No. 138—An Act to amend section three thousand and sixty-one of the Political Code, relating to local Boards of Health—report the same back with amendments, and recommend passage as amended.

ANDERSON, Chairman.

By Mr. Gough:

ASSEMBLY CHAMBER,
SACRAMENTO, February 15th, 1878.

MR. SPEAKER — Your Committee on Public Printing, to whom was referred Senate Concurrent Resolution No 36—In relation to printing the Statutes of this session—have had the same under consideration, and report it back, with the recommendation that it do pass.

C. H. GOUGH, Chairman.

On motion of Mr. Gough, the rules were suspended, and the resolution above reported was adopted.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, February 19th, 1878.

MR. SPEAKER — Your Committee on Claims, to whom was referred Assembly Bill No 278—An Act for the relief of Richard Dudding and Wm. Johnson—have had the same under consideration, and report it back, recommending its passage

Also, Assembly Bill No 324—An Act for the relief of W. S. Safford—have had the same under consideration, and report it back, with the recommendation that it do not pass.

OSTROM, Chairman.

On motion of Mr. Nealley, Assembly Bill No. 324, above reported, was referred to the Judiciary Committee.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 19th, 1878

MR. SPEAKER — Your Committee on Agriculture, to whom was referred Assembly Bill No. 466—An Act to provide for the inspection of steam-boilers in the County of Colusa—have had the same under consideration, and report it back, with the recommendation that it do not pass.

THOMPSON, Chairman.

By Mr. Cooley.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 474—An Act to provide for the construction and repair of bridges in the County of Mendocino—have had the same under consideration, and beg leave to report it back with amendments, and recommend its passage.

COOLEY, for Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Johnson.

SACRAMENTO, February 19th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 406—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Assembly Bill No. 406, above reported, was, on motion of Mr. Johnson, placed third on the special file for this evening.

By Mr. Moffat:

MR. SPEAKER — The Inyo delegation, to whom was referred Assembly Bill No 502—entitled an Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six—having considered the same, report it back, and recommend its passage.

MOFFAT, Delegation.

MR. SPEAKER — The Alpine and Mono delegations, to whom was referred Assembly Bill No. 503—entitled an Act to amend an Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said counties—having considered the same, report it back, and recommend its passage.

S. A NOTT, Alpine Delegation.
MOFFAT, Mono Delegation.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 18th, 1878.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bills No 56—An Act to legalize and enforce the collection of a district school tax, and to render lawful the acts of the Board of Trustees of North Butte School District, pursuant to an election held therein

No. 133—An Act to amend section two thousand eight hundred and seventy-two of the Civil Code.

No. 144—An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino.

No. 150—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

No. 277—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

No. 287—An Act to amend section one hundred and ninety-nine of the Political Code, concerning the legal distances of this State.

No. 293—An Act authorizing the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS.

By Mr. Holloway (by request)—An Act to appropriate money for the relief of Elizabeth J. Wimmer.

Read first and second times, and referred to the Committee on Claims.

By Mr. Barstow (by request)—An Act to amend an Act entitled an Act to preserve the name of a street in the City and County of San Francisco, approved January fifteenth, eighteen hundred and seventy-eight.

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

By Mr. Robertson—An Act to regulate fees of office and salaries of officers in Modoc County.

Read first and second times, and ordered on file.

By Mr Forsyth (by request)—An Act to create a Board of Health in each of the counties of this State.

Read first and second times, and referred to the Committee on Hospitals

By Mr. Russ—An Act to prevent certain kinds of stock from running at large in the County of Humboldt.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Montague—An Act to amend section three thousand eight hundred and sixteen of the Political Code, relative to Recorders.

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

By Mr. Johnson—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage, and to its permanent protection from overflow.

Also, an Act to organize Levee District Number One, of Sacramento County, and to provide for its government.

Each of the above bills read first and second times, and referred to the Sacramento delegation.

By Mr. Ellis—An Act making an appropriation for the benefit of the Southern California Horticultural Society.

Also, an Act making an appropriation for the support of the Ladies' Benevolent Society of the City of Los Angeles.

Each of the above bills read first and second times, and referred to the Committee on Agriculture.

By Mr. Routier—An Act to provide for the equal assessment of land in California.

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

By Mr. Miller—An Act to provide for the improvement and maintenance of public roads in the County of El Dorado.

Read first and second times, and referred to the El Dorado delegation.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 19th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 274—An Act to amend section one thousand one hundred and sixty of the Civil Code.

Senate Bill No. 277—An Act to amend sections three thousand eight hundred and fifty-seven and three thousand eight hundred and fifty-eight of the Political Code.

Senate Bill No. 282—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to proceedings to perpetuate testimony

Senate Bill No 239—An Act to consolidate certain funds and to create therefrom a permanent endowment for the University of California, of which the interest only shall be used by the Board of Regents to meet current expenses.

Senate Bill No. 281—An Act to add a new section to the Penal Code, in relation to the adulteration of candies.

Senate Bill No 89—An Act to amend section nine of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four.

Senate Bill No. 238—An Act to amend an Act entitled an Act to incorporate the City of Nevada, and all Acts supplementary thereto.

Senate Bill No 288—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Senate Bill No. 332—An Act legalizing the assessment book and delinquent list in Los Angeles County.

Also, on the eighteenth day of February, eighteen hundred and seventy-eight, passed Assembly Joint Resolution No. 40—Relative to establishing a mail route from Reno, in the State of Nevada, to Chico, in California

Amended and passed Assembly Joint Resolution No. 11—Relative to encouragement of rifle practice in the Army of the United States, and militia of the several States.

Amended and passed Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo.

Passed Assembly Bill No. 212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy.

Amended and passed Assembly Bill No. 336—An Act relative to the Assessor's office of El Dorado County

Passed Assembly Bill No. 203—An Act to amend an Act entitled an Act to provide for the Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine

Also, Assembly Bill No. 235—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Joint Resolution No. 11, above reported, taken up, and Senate amendment concurred in.

Assembly Bill No. 148, above reported, taken up, and Senate amendment concurred in.

Assembly Bill No. 336, above reported, taken up, and Senate amendment concurred in.

Senate Bills Nos. 274, 277, and 282, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No 329, read first and second times, and referred to the Committee on Education.

Senate Bill No. 281, read first and second times, and referred to the Committee on Hospitals.

Senate Bill No. 89, read first and second times, and referred to the Merced delegation.

Senate Bills Nos. 238 and 288, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 332, read first and second times, and, on motion of Mr. Ellis, the rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled

No. 269—Upon examination of above bill, we find that the engrossed bill has, in section two, a repetition of the word "of," which does not appear in the original bill. We, therefore, ask that the accompanying resolution be adopted.

BRODERICK, Chairman

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be authorized to make correction of a clerical error made in the engrossment of Assembly Bill No. 269, by striking out of line five of section two the word "of," where it first occurs, and insert instead the word "out," so as to conform with the original bill.

Adopted.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

No. 428—An Act in relation to the Assessor of Sacramento—and was, at ten o'clock and twenty minutes A. M., this nineteenth day of February, presented to the Governor for his approval.

BRODERICK, Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mace, Assembly Bill No. 513 was withdrawn from the Committee on Public Buildings, and referred to the Fresno delegation.

By Mr. Coffey:

Resolved, That two hundred and forty extra copies of author's substitute for Assembly Bill No. 183, referred to the San Francisco delegation, be printed

Adopted.

Mr. Ostrom moved that Senate Bill No. 92 and Assembly Bill No. 230 be placed second and third, respectively, on the general file for to-morrow.

So ordered.

On motion of Mr. Dinniene, the general file for to-day was altered so that substitute for Assembly Bills Nos. 34 and 52 come up at one o'clock P. M., instead of one o'clock and thirty minutes P. M.

By Mr. May (by permission)—From the Boys' and Girls' Aid Society of San Francisco, relative to an appropriation.

Referred to the Committee on Ways and Means.

On motion of Mr. DeWitt, the usual number of copies of the substitute for Senate Bill No 35 was ordered printed.

On motion of Mr. Pauly, Assembly Bill No. 398 was placed fourth on the special file.

GENERAL FILE.

Assembly Bill No. 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

The following amendment was offered by Mr. Murphy of DelNorte: Add as a new section, to be numbered section thirteen:

SECTION 13. The Bank Commissioners shall each receive a salary of five thousand dollars per year, to be audited by the State Controller, and paid by the State Treasurer, in the same manner as the other State officers.

Mr. Gildea moved to amend the amendment by striking out "five thousand dollars" and inserting "three thousand dollars."

Pending discussion of the amendment at the hour of recess, on motion of Mr. Murphy of Del Norte, the special order for this day was postponed until the bill under discussion had been disposed of.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORT.

By Mr. Murphy of Del Norte (by permission):

MR SPEAKER. Your Committee on Savings Banks have had under consideration Assembly Bill No 375—An Act to add a new section to the Political Code, relating to corporations, to be known as section three hundred—beg leave to report the same back with an amendment, and recommend its pas-age as amended.

J. E. MURPHY, Chairman.

House resumed consideration of Assembly Bill No. 433.

The question being upon the amendment to the amendment offered by Mr. Gildea to strike out "five thousand dollars" and insert "three thousand dollars."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Gildea, Dixon, and Ostrom.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Messrs. Barstow, Breen, Coffey, Conroy, DeWitt, Dixon, Farnum, Forsyth, Garver, Giffen, Gildea, Griffith, Hanna, Hart, Haworth, Hinshaw, Hugg, Kercheval, Long, McClure, McComas, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson,

Routier, Sherman, Smyth, Tobin, Tuttle, Warden, Waters, Welch, Whitlock, Young, and Mr. Speaker—40.

Noes—Messrs. Allen, Backus, Blake, Broderick, Brooks, Byington, Connolly, Cooley, Dare, Dimmene, Ewing, Haile, Hicks, Johnson, Mace, May, Moffat, Murphy of Del Norte, Nealley, Russ, Swift, and Wilson—22.

Mr. Murphy of Del Norte moved to amend the amendment as follows: Add the words "and necessary traveling expenses, not to exceed five hundred dollars for each Commissioner."

Adopted.

The question recurring upon the amendment as amended, it was adopted.

Mr. Farnum offered a substitute for the bill.

[Mr. Haile in the chair.]

Mr. Blackwell moved that the bill and substitute be referred to the Special Committee on Banks, and that Mr. Farnum be added to that committee.

Withdrawn.

The question recurring upon the substitute offered by Mr. Farnum, it was withdrawn.

The question now came upon the following amendment, offered by Mr Farnum on yesterday. Amend section one, lines seven and eight, by striking out the words "for the period of two years" and insert in lieu thereof the words "during the pleasure of the appointing power."

Lost.

The question now came upon the following amendment, offered by Mr. Farnum on yesterday: Amend by inserting after the word "qualified," in line nine, the following, "and no two Commissioners to be appointed under this Act shall be residents of the same county."

Adopted.

The question now came upon the following amendment, offered by Mr Haile on yesterday: Further amend section one by adding, after line nine, the following: "*Provided*, that the Governor shall have power to remove the said Commissioners for incompetency, dishonesty, or any other reasonable cause."

Lost.

The question now recurring upon the following amendment, offered on yesterday, it was adopted: Amend by inserting in section one, line four, after the word "or," and before the word "society," the word "banking," so as to read, "or banking society."

Mr. Farnum moved to amend as follows: Amend by inserting after the word "persons," and before the word "to," in section one, line three, the following words, "one of whom shall be an expert of accounts."

Adopted.

Mr. Gildea moved to amend as follows: Amend section one, line two—after the word "appoint" insert the words "by and with the consent of the Senate."

Lost.

Mr. Gildea further moved to amend as follows: Amend section one, line four, by striking out the word "two" and inserting "four."

Adopted.

Mr. May moved to amend section one by striking out the word "all" and inserting instead the words "any of."

Mr. Farnum moved to amend the amendment as follows: Insert after the word "examine," and before the word "under," the following words, "the President and Cashier, and such other;" and after the word "servants," and before the word "of," in line two, the following, "as they may deem necessary."

Lost.

The question recurring upon the amendment as offered by Mr. May, it was adopted.

Mr. Tuttle moved to amend as follows: Amend section six, line two of the printed bill, after the word "corporations," by inserting the word "now;" also, after the word "incorporated," same line, the words "or to be hereafter incorporated."

Adopted.

Mr. Tuttle moved to further amend as follows: Amend section eight by adding thereto the words: "*Provided*, that the term 'savings banks' shall not include commercial banks, which receive deposits for a stated time and pay interest thereon."

Lost.

Mr. Farnum moved to amend as follows: Amend section eight by adding: "*Provided*, this section shall not apply to commercial banks which have been, or may be, incorporated under the laws of this State as commercial banks."

Mr. Farnum also moved to amend by striking out in section nine, subdivision four, the words "nor buy or sell exchange for profit."

Lost.

Mr. Swift moved to amend as follows: Amend section nine by adding thereto the following: "It shall be unlawful for any savings and loan society, or savings bank, or bank using the word 'savings' in its name, to purchase or invest its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any President, or managing officer, who knowingly consents to a violation of the above provision shall be deemed guilty of a felony."

Adopted.

Mr. Farnum moved to amend as follows: Amend section nine by adding subdivision fifth:

Fifth—It shall not declare any dividend to its stockholders, on its capital stock, except upon the actual amount paid up.

Lost

Mr May moved to amend by striking out the word "twentieth," where it occurs in lines eleven and twelve, and inserting the word "thirtieth."

Adopted.

Mr. Pauly moved to amend as follows: Amend section ten, in line eleven of the printed bill, by striking out the word "state," at the end of the line, and inserting in lieu thereof the following: "Show the actual financial condition of the bank making such report, on the thirtieth day of June and the thirty-first day of December of each year, by stating."

Adopted.

Mr. Murphy of Del Norte moved to amend as follows. Strike out all of lines five, six, seven, and that part of line eight up to and including the word "month."

Adopted.

Mr. Farnum moved to amend as follows: Strike out all of section seventeen, and insert in lieu thereof the following:

SECTION 17. For each license issued by said Commissioners, under the provisions of this Act, there shall be paid to said Commissioners, in advance, the sum of one hundred dollars, in gold coin, by each savings bank, bank, or banking corporation entitled thereto. The Bank Commissioners shall also receive for furnishing copies of papers, statements, or reports filed in their office, twenty cents per folio of one hundred words, and for certifying copies, one dollar. They shall make a detailed statement of all moneys received by them under the provisions of this Act, and transmit the same to the State Treasurer, who shall keep said statement on file in his office. They shall pay to the State Treasurer, every month, all such amounts of money thus received (taking his receipt therefor), and the same shall be paid into the General Fund of the State. All necessary expenses incurred, other than is herein provided for, shall be paid out of the General Fund of the State.

Rejected.

Mr. Tuttle moved to amend as follows: Amend section sixteen, line two, by striking out "one hundred" and inserting "fifty."

Adopted.

Also, in line six, section sixteen of the printed bill, amend by striking out "four" and inserting "five."

Adopted.

Mr. Farnum moved to amend section sixteen, in lines nine and ten, by striking out "one hundred" and inserting "fifty."

Adopted.

Mr. Farnum moved to amend section sixteen, line fourteen, by striking out the words "twenty dollars."

Rejected.

Mr. Tuttle moved to amend section eight by inserting in the last line, after the word "on," the words "all of its," so as to read "all of its deposits."

Adopted.

Mr. Hanna moved to amend as follows: Insert section twenty-one before the repealing clause, viz.:

[SECTION 21.] The State shall pay depositors all sums by them deposited in banks supervised by the State Supervisors that fail to pay its depositors.

Lost.

On motion of Mr. Murphy of Del Norte, the rules were suspended, the bill considered engrossed, read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Farnum, Murphy of Del Norte, and Dare.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Backus, Barstow, Blackwell, Blake, Broderick, Brooks, Byington, Colley, Connolly, Cooley, Dare, Dunnene, Dixon, Ellis, Ewing, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Haworth, Holloway, Hugg, Kercheval, Long, Mace, May, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Sherman, Smyth, Swift, Thompson, Tobin, Walden, Waters, Welch, Wilson, Young, and Mr. Speaker—49.

NOES—Messrs. Breen, Conroy, Farnum, Hanna, Hart, Hinshaw, McClure, McComas, Nott, Ostrom, Russ, Tuttle, and Whitlock—14.

Title approved.

Mr. Farnum moved that the usual number of copies of the bill, as amended, be printed.

Lost.

Mr. Backus moved that the substitute for Assembly Bills Nos. 34 and 52 be made special order for to-morrow, at eleven o'clock A. M.

[Speaker in the chair.]

Mr. Dare moved that the House proceed to the consideration of Assembly Bill No. 23.

So ordered.

Assembly Bill No. 23—An Act to regulate the course of study, and the use of text-books, in the public schools.

Mr. Farnum moved the reference of the bill to the Committee on Education.

Withdrawn.

Mr. Haile moved the indefinite postponement of the bill.

Pending discussion of the motion to indefinitely postpone, on motion of Mr. Tuttle, the bill was made special order for to-morrow, immediately after the reading of the Journal.

On motion of Mr. Backus, the substitute for Assembly Bills Nos. 34 and 52 was made the special order for to-morrow, at eleven o'clock A. M.

RECESS.

At four o'clock and fifty-eight minutes P. M., on motion of Mr. Hart, the House took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Assembly Bill No. 129—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Mr. Coffey moved to suspend the rules for the purpose of taking up the order of Senate messages.

So ordered.

SENATE MESSAGE

The following Senate message was read:

SENATE CHAMBER,
SACRAMENTO, February 19th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 52—Relative to correcting error in Assembly Bill No. 269.

Also, amended and passed Assembly Bill No. 128, and ordered same to the Assembly forthwith.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 128, above reported, taken up, and Senate amendments concurred in.

SPECIAL FILE RESUMED.

Assembly Bill No. 249—An Act to provide a new Great Register for the County of Stanislaus, and re-register the voters thereof.

Ordered at the head of the special file for to-morrow.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 19th, 1878.

MR SPEAKER Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters

233—An Act to amend section one thousand seven hundred and fifty of the Political Code, in regard to the issuance of certificates without examination.

339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure by adding a new subdivision thereto, relative to depositions of material witnesses.

264—An Act to amend section one thousand seven hundred and thirteen of the Political Code.

YOUNG, Chairman.

SPECIAL FILE RESUMED.

Assembly Bill No. 406—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 287—An Act for the relief of Charles Dukes, J. D. Billingsley, D. Mallock, William Kincaid, Stacy Taylor, A. M. Abbey, and M. S. Merrill, all of the County of Tulare.

Read third time, and passed.

Title approved.

Assembly Bill No. 314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 398—An Act amendatory of an Act entitled an Act to protect agriculture and to prevent trespassing of animals upon private property in the County of Los Angeles, approved March twenty-fourth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No 252—An Act to prevent hogs from running at large in the towns of Lakeport and Lower Lake, in Lake County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 161—An Act regulating the powers of the Board of Supervisors of the County of Placer.

Read third time, and passed

Title approved.

Assembly Bill No. 292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 68—An Act to authorize the Board of Supervis-

ors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to Dexter's Wells, in said county and State.

Ordered to the same position on the special file for to-morrow evening.

Assembly Bill No. 376—An Act to provide for the improvement of the public roads in the County of Mono.

Ordered to the same position on the file for to-morrow evening.

Mr. Gildea moved that, in future, when a bill is passed on file it shall occupy the same position on the file the next day.

Lost.

Assembly Bill No 345—An Act to protect the Town of Fresno against fire.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 351—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County.

Mr. Johnson moved the reference of the bill to a special committee, composed of the Plumas and San Bernardino delegations.

Mr. Gildea moved the reference of the bill to the Judiciary Committee.

So ordered.

Assembly Bill No. 75—An Act to ascertain the amount, and to provide for the payment, of damages done to the St. Francis Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue, in said city and county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 261—An Act to ratify and confirm resolution number eleven thousand and nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 116—An Act relating to the Board of Education of the City and County of San Francisco.

Mr. Coffey moved the indefinite postponement of the bill.

Pending discussion of the motion to indefinitely postpone, the previous question being moved by the requisite number, it was so ordered by the House

Upon the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs Johnson, May, and Forsyth.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs Adams, Blackwell, Blake, Brooks, Byington, Coffey, Conroy, Cooley, Dare, DeWitt, Ewing, Garver, Gough, Haile, Hanna, Hart, Hinshaw, Hugg, Kercheval, Long, Mace, McComas, Montague, Murphy of San Francisco, Nott, Ostrom, Robertson, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Wilson, Young, and Mr. Speaker—36.

NOES—Messrs. Allen, Backus, Broderick, Connolly, Dinniene, Ellis, Forsyth, Gildea, Haworth, Hicks, Johnson, May, Meyers, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Sherman, Tobin, and Whitlock—21.

Assembly Bill No. 114—An Act to amend an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco.

Mr. Dinniene moved to amend as follows: Amend section two by adding, after the word "after," the following, "the first Monday in December, eighteen hundred and seventy-nine."

Mr. Backus moved the indefinite postponement of the bill.

[Speaker pro tem. in the chair.]

Pending discussion of the motion to indefinitely postpone, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs Backus, Johnson, and Dinniene.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Backus, Broderick, Brooks, Byington, Coffey, Dare, DeWitt, Dinniene, Griffith, Haile, Hanna, Hinshaw, Holloway, Hugg, Kercheval, Long, McComas, Montague, Murphy of San Francisco, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Tobin, Tuttle, Waters, and Mr Speaker—29.

NOES—Messrs. Allen, Anderson, Blackwell, Blake, Connolly, Cooley, Ellis, Farnum, Forsyth, Garvey, Gildea, Gough, Haworth, Hicks, Johnson, Mace, May, Meyers, Murphy of Del Norte, Pauly, Routier, Russ, Swift, Welch, Wheat, and Young—26.

At nine o'clock and fifty-eight minutes P. M. Mr. Holloway moved to adjourn.

Lost.

Assembly Bill No. 354—An Act for the relief of Joseph O'Neil.

Amendment adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

At ten o'clock and one minute P. M. Mr. Dinniene moved to adjourn.

Lost.

Senate Bill No. 172—An Act for the relief of Richard H. Stretch.

Indefinitely postponed.

At ten o'clock and two minutes P. M. Mr. Anderson moved to adjourn.

Lost.

Senate Bill No. 151—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read third time, and passed.

Title approved.

At ten o'clock and two and one-half minutes P. M. Mr. Sherman moved to adjourn.

Lost.

Senate Bill No. 229—An Act to establish the grade of Seventh Street, between Bryant and Brannan Streets, in the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 306—An Act to amend an Act entitled an Act to provide for the completion of the building, in the City and County of San Francisco, known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage.

Mr. Haile moved the indefinite postponement of the bill.

Pending the discussion of the motion to indefinitely postpone, the previous question being moved by the requisite number, it was so ordered by the House

Upon the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Dinniene, Coffey, and Hicks.

The roll was called, and the motion lost by the following vote.

AYES—Messrs Blake, Coffey, Garver, Haile, Hanna, Hicks, Hinshaw, Kercheval, McComas, Montague, Ostrom, Robertson, Waters, and Welch—14

NOES—Messrs Allen, Anderson, Backus, Broderick, Brooks, Byington, Connolly, Cooley Dare, DeWitt, Dunniene, Ellis, Farnum, Forsyth, Gildea, Gough, Griffith, Haworth, Hugg, Johnson, Mace, May, Meyers, Murphy of Del Norte, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Sherman, Thompson, Tobin, Tuttle, Wheat, and Young—35.

The question recurring upon the motion to suspend the rules, and place the bill upon its passage, it was adopted.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Coffey, Tobin, and Gough.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Anderson, Backus, Broderick, Brooks, Byington, Connolly, Cooley, Dare, DeWitt, Dunniene, Ellis, Farnum, Gildea, Gough, Haworth, Hugg, Johnson, Mace, May, Meyers, Murphy of Del Norte, Pace, Pauly, Routier, Russ, Sherman, Thompson, Tobin, Waters, and Wheat—31.

NOES—Messrs. Blake, Coffey, Forsyth, Garver, Haile, Hanna, Hicks, Hinshaw, Kercheval, McComas, Montague, Ostrom, Robertson, Tuttle, Welch, and Young—16.

Title approved.

Mr. Waters gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

At ten o'clock and twenty-six minutes P. M. Mr. Brooks moved to adjourn.

Lost

Assembly Bill No. 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one.

Pending discussion of the bill, Mr. Dare moved a call of the House.

So ordered.

Mr. Tuttle moved to dispense with further proceedings under call of the House.

Lost.

The roll was called, and the following members answered to their names:

AYES—Messrs. Allen, Backus, Blake, Broderick, Brooks, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dunniene, Ellis, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, McComas, Meyers, Montague, Murphy of Del Norte, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sherman, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Whitlock, and Young—46.

A quorum being found present, Mr. Hugg moved to dispense with further proceedings under the call of the House.

Lost.

The doors were accordingly locked, and the Sergeant-at-Arms instructed to arrest the absentees.

At eleven o'clock Messrs. Breen and Warden were brought to the bar of the House, and, having given acceptable excuses, were excused.

At eleven o'clock and fifteen minutes P M., Messrs. Abbott and Giffen were brought to the bar of the House, their excuses received, and excused.

Mr. Broderick having given an acceptable excuse for the absence of Mr. Asmussen, that gentleman was excused.

Mr. Tuttle moved that further proceedings under the call of the House be dispensed with.

Lost.

At eleven o'clock and thirty minutes Mr. Swift was brought to the bar of the House, his excuse received, and the gentleman excused.

A. J. Dobbins was authorized to Act as Assistant Sergeant-at-Arms, to assist in bringing in the absentees.

At eleven o'clock and thirty-five minutes Messrs. Dixon and McClure were brought to the bar of the House, and excused.

Mr. Swift moved that further proceedings under the call of the House be dispened with, and on this motion the ayes and noes were demanded by Messrs. Swift, Tuttle, and Forsyth.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Allen, Backus, Blake, Breen, Conroy, Forsyth, Haile, May, McClure, McThomas, Montague, Pace, Tuttle, and Wheat—15.

NOES—Messrs Broderick, Byington, Coffey, Connolly, Cooley, Dare, DeWitt, Dinniene, Dixon, Ellis, Farnum, Giffen, Gildea, Gough, Griffith, Hicks, Hugg, Johnson, Kercheval, Mace, Meyers, Murphy of Del Norte, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Thompson, Tobin, Warden, Waters, Whitlock, and Young—34.

EXCUSED—Messrs. Hanna and Haworth—2

At ten minutes to twelve Mr. Anderson was brought to the bar of the House, and, on motion of Mr. Gildea, he was excused.

On motion of Mr. Conroy, Mr. Swift was excused from further attendance to-day

On motion of Mr Farnum, Messrs. Anderson, Breen, Dixon, and McClure, were excused from further attendance this day.

At twelve o'clock and five minutes A. M. Messrs Dorsey and Nealley were brought before the bar of the House, and excused.

Mr. Dorsey moved that further proceedings under the call of the House be dispensed with.

Lost.

The Chief Clerk, R. C Page, was duly authorized, by vote of the House, to act as Assistant Sergeant-at-Arms, and to assist in bringing in the absentees.

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

Lost

A motion to excuse Mr. Backus was lost.

On motion of Mr. Gough, Mr. Dorsey was excused from further attendance this day.

RESOLUTION.

Mr. Nealley offered the following resolution:

Resolved, That all members now present are hereby excused from further services on this day.

Laid on the table.

The Day Watchman was authorized to act as Assistant Sergeant-at-Arms in bringing in absentees.

On motion of Mr. Dare, the Pages were excused from further attendance this day.

At twelve o'clock and forty-five minutes A. M, Mr Nott was brought to the bar of the House and interrogated as to his excuse for absence.

Mr. Ostrom moved to excuse Mr. Nott. On this motion the ayes and noes were demanded by Messrs. Farnum, Ostrom, and Gildea.

The roll was called, and motion prevailed by the following vote:

AYES—Messrs. Abbott, Allen, Backus, Blake, Broderick, Brooks, Byington, Conroy, Cooley, Farnum, Giffen, Griffith, Haile, Johnson, Mace, May, McComas, Meyers, Montague, Ostrom, Pace, Pauly, Routier, Russ, Thompson, Tobin, Tuttle, Wheat, and Whitlock—29.

NOES—Messrs Coffey, Connolly, Dale, DeWitt, Dinmene, Forsyth, Gildea, Gough, Hicks, Hugg, Ketcheval, Murphy of Del Norte, Nealley, Robertson, Sherman, Warden, Waters, and Young—18.

At twelve o'clock and fifty-five minutes A M. Mr. Berry was brought to the bar of the House and interrogated as to his excuse for absence from his place, and, on motion of Mr. Ostrom, he was excused.

Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

So ordered.

ADJOURNMENT.

At one o'clock and twenty minutes A. M., on motion of Mr. Gildea, the House adjourned to meet at eleven o'clock to-day, the twentieth of February, eighteen hundred and seventy-eight.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 20th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Three days' leave of absence was granted to Mr. Dunlap, and indefinite leave to Mr. Thompson.

SPECIAL ORDERS.

Assembly Bill No. 23—An Act to regulate the course of study, and the use of text-books, in the public schools.

Mr. Backus moved that the bill be made the special order for Tuesday next, immediately after the reading of the Journal.

So ordered.

Substitute for Assembly Bill No. 34—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs; and Assembly Bill No. 52—An Act to amend sections one thousand nine hundred and thirty-six and two thousand and ninety-four of the Political Code.

Mr. Backus moved that the substitute be adopted.

Mr Mace moved that the consideration of the substitute be made the special order for Saturday next, at one o'clock and thirty minutes P. M.

Lost

On motion of Mr. Nott, the time for taking recess was extended till twelve o'clock and thirty minutes P. M.

The question recurring upon the motion by Mr. Backus to adopt the substitute, Mr. Tobin moved to amend as follows: Amend section thirty-three by adding, "while acting on duty under orders from general or brigade headquarters."

Adopted.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Miller, leave of absence was granted to the State Prison Committee for this evening.

House resumed consideration of substitute for Assembly Bills Nos. 34 and 52, the question being upon the adoption of the substitute.

On motion of Mr. Backus, the substitute was adopted, the rules were suspended, the bill read third time, and passed.

Title approved.

Mr. Waters moved to reconsider the vote by which Assembly Bill No. 306 was passed, and moved that the motion to reconsider be made the special order for to-morrow, at one o'clock and thirty minutes P. M.

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

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Waters, Smyth, and Ostrom.

The roll was called, and the motion to indefinitely postpone carried by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Backus, Barstow, Broderick, Byington, Connolly, Cooley, Dare, DeWitt, Dinmene, Dixon, Ellis, Ewing, Farnum, Gildea, Gough, Griffith, Hanna, Hart, Haworth, Holloway, Johnson, Long, Mace, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sherman, Warden, Welch, Whitlock, and Wilson—44.

NOES—Messrs. Asmussen, Blackwell, Blake, Coffey, Conrov, Forsyth, Garver, Giffen, Haile, Hicks, Hinshaw, Hugg, Kercheval, McComas, Montague, Nott, Ostrom, Pace, Smyth, Swift, Tuttle, Waters, Wheat, and Mr. Speaker—24.

EXCUSED—Messrs. Dorsey and Miller—2.

Mr. Swift moved that the House take up for consideration Assembly Bill No. 436.

Mr. Murphy of Del Norte moved to amend by making the bill the special order for to-morrow, immediately after the reading of the Journal.

So ordered.

Mr. Kercheval was granted indefinite leave of absence.

RESOLUTION.

By Mr. Sherman (by permission):

Resolved, That the Chairman of the Committee on Assessments be empowered to administer oaths to witnesses before said committee, and that the committee be authorized to employ a

short-hand reporter to take testimony, at a cost not to exceed twenty-five dollars in full for said service, the same to be paid out of the Contingent Fund of this Assembly.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Wilson—An Act to consolidate a portion of Magnolia School District, Nevada County, into Lone Star School District, in the County of Placer.

Read first and second times, and referred to the Nevada and Placer delegations.

On motion of Mr. Robertson, Assembly Bill No. 516 was placed on the special file.

REPORTS OF STANDING COMMITTEES.

By Mr. Broderick:

MR SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 204—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township.

No. 269—An Act to appropriate funds for the use of the County Clerk of San Diego County to pay deputies.

No 203—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine.

No. 235—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six.

No. 212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March sixth, eighteen hundred and seventy

Assembly Joint Resolution No. 40—Relative to establishing a mail route from Reno, in the State of Nevada, to Chico, in California.

Assembly Bill No. 148—An Act fixing the salary of the County Treasurer of the County of Inyo

No. 191—An Act relative to certain duties of Constables in the several townships of the County of Alameda

No. 67—An Act for the relief of Julius Blume.

No. 184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts amendatory thereof and supplementary thereto, and substitute this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

No 98—An Act making appropriations for deficiences in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.

No 336—An Act relative to the Assessor's office of El Dorado County.

And said bills, at eleven o'clock and forty minutes A. M., February twentieth, eighteen hundred and seventy-eight, were presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Haile:

SACRAMENTO, February 20th, 1878.

MR. SPEAKER Your Committee on Education, to whom was referred Senate Bill No 182—An Act to fix the salary of the Superintendent of Public Schools in the County of Calaveras—have had the same under consideration, and hereby report it back, with a recommendation that it be passed.

Also, Assembly Bill No. 396—An Act to authorize the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same—have had the same under consideration, and report it back with amendments, and recommend that it be passed as amended.

Also, Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes—hereby report a substitute in accordance with the instructions of the House.

HAILE, Chairman.

INTRODUCTION OF BILLS.

By Mr. Pauly (by permission)—An Act to fund certain indebtedness of San Diego County.

Also, an Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

Each of the above bills read first and second times, and referred to the Committee on Ways and Means

On motion of Mr. Barstow, Assembly Joint Resolution No. 3 was ordered at the head of the file for to-morrow.

On motion of Mr. Tuttle, the House took up veto message of Governor of Assembly Bill No. 139—An Act to amend the Code of Civil Procedure, with respect to grand juries in the City and County of San Francisco.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the veto sustained by the following vote:

AYES—Messrs. Backus, Hart, Johnson, Pauly, and Routier—5

NOES—Messrs. Abbott, Adams, Allen, Anderson, Barstow, Blackwell, Blake, Breen, Broderick, Byington, Coffey, Connolly, Conroy, Cooley, Dale, DeWitt, Dinmene, Dixon, Dorsey, Ellis, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Himshaw, Holloway, Hugg, Ketchcval, Mace, May, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Robertson, Russ, Sherman, Smyth, Swift, Tobin, Tuttle, Walden, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—61.

REPORT.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles—report the same back, with a substitute therefor, entitled "An Act to amend sections forty-five and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court," and recommend the passage of the substitute.

Also, Senate Bill No. 108—An Act to amend section forty of the Civil Code—report the same back with an amendment, and recommend its passage as amended.

ANDERSON, Chairman.

Mr. Anderson moved that the substitute, above reported, be made the special order for Tuesday next, at one o'clock and thirty minutes P. M., and that the usual number of copies be ordered printed.

So ordered.

PETITIONS.

By Mr. May—From residents of the City of San Francisco, and Directors of the Young Women's Christian Association, relative to an appropriation.

Referred to the Committee on Ways and Means.

By Mr Hart—A remonstrance from citizens of Colusa County, against the passage of a bill reducing the charges on telegraph lines in this State.

Referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Mace (by permission)—An Act to provide for the main-

tenance and construction of roads and highways in the County of Fresno.

Read first and second times, and referred to the Committee on Roads and Highways.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

YOUNG, Chairman.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Dorsey—An Act to amend the Civil Code of the State of California, by adding three new sections thereto, to be numbered two thousand nine hundred and seventy-two, two thousand nine hundred and seventy-three, and two thousand nine hundred and seventy-four, in reference to mortgages on growing crops.

Read first and second times, and referred to the Committee on Agriculture.

Also, an Act authorizing the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.

Read first and second times, and referred to the Stanislaus delegation.

By Mr. Abbott—An Act for the relief of J. B. Scott.

Read first and second times, and referred to the Committee on Public Expenditures and Accounts.

Mr. Dare was granted one day's leave of absence.

By Mr. Swift (by request)—An Act to amend section three hundred and ninety of the Code of Civil Procedure of the State of California.

Also (by request), an Act to add a new section to the Penal Code, in relation to the adulteration of candies.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Ellis—An Act to regulate the per diem and mileage of jurors and witnesses in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

REPORTS.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, also, Assembly Bill No 501—An Act to provide a new Great Register for the County of Butte, and re-register the voters thereof—have had the same under consideration, and report them back, with recommendation that they may pass.

BROOKS, for Delegation.

By Mr. Ames:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878

MR SPEAKER: Your delegation, to whom was referred Assembly Bill No. 492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six—have had the same under consideration, and report it back, and recommend its passage.

AMES, for Delegation.

INTRODUCTION OF BILLS.

By Mr. Ames (by permission)—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers in San Mateo County, to authorize the issuance of bonds for road purposes, and other matters relating thereto, approved March twenty-eighth, eighteen hundred and seventy-four.

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

REPORT.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 390—An Act to amend sections one thousand and ninety-eight, one thousand one hundred, and one thousand one hundred and one of the Political Code of California, in relation to the registration of voters—report the same back, and recommend that it do pass. Eighteen members present and voting.

Also, Assembly Bill No. 318—An Act amendatory of and supplemental to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six—report the same back with amendments, and recommend its passage as amended. Thirteen members present and voting.

Also, Senate Bill No. 113—An Act to amend section three of an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two—report the same back, and recommend that it be indefinitely postponed. Thirteen members present and voting.

J. V. COFFEY, Chairman.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Johnson—An Act continuing the appropriation for the relief of J. W. Marshall.

Read first and second times, and referred to the Committee on Public Expenditures.

Also, an Act to protect the rights of stockholders in mining corporations by causing the tailings of the mines to be worked for the benefit of stockholders.

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

By Mr. Blackwell—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

REPORT.

By Mr. Mace:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California—have had the same under consideration, and report it back, with a recommendation that it pass.

R. P. MACE, Delegation.

Mr. Miller submitted a report from State Prison Committee, which was ordered printed.

INTRODUCTION OF BILLS.

By Mr. Long—An Act to amend section one thousand seven hundred and fifty-five of the Political Code.

Read first and second times, and referred to the Committee on Education.

REPORT.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 524—An Act making an appropriation for the support of the Ladies' Benevolent Society of the City of Los Angeles—report the same back, and respectfully recommend that it be referred to the Committee on Ways and Means.

R. C. HAILE, Chairman pro tem.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution authorizing the employment of an Assistant Minute Clerk, would respectfully present that they have amended said resolution so as to read as follows

"*Resolved*, That the Minute Clerk of this House be and he is hereby authorized to appoint an Assistant, at a per diem not exceeding five dollars, payable out of the Contingent Fund of this Assembly."

And your committee would recommend the adoption of the resolution as amended.

DIXON, Chairman.

Resolution above reported was adopted.

RESOLUTION.

By Mr. Sherman:

Resolved, That the Committee on Public Printing be and they are hereby directed and authorized to investigate the method of printing the Assembly bills and documents, and generally the management of the State Printing Office, with power to send for papers and persons.

Adopted.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 21st, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

RESOLUTION.

By Mr. Tuttle (by permission):

Resolved by the Assembly, the Senate concurring, That when the Senate and Assembly adjourn this day, they adjourn to meet at eight o'clock P. M., on Monday, February twenty-fifth, eighteen hundred and seventy-eight.

Mr. Ostrom moved to amend by making the resolution read "Saturday, the twenty-eighth, at ten o'clock A. M."

Upon which motion, the ayes and noes were demanded by Messrs. Ostrom, Byington, and Smyth.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Allen, Blackwell, Blake, Byington, Coffey, Dorsey, Ewing, Forsyth, Haile, Hanna, Hart, Hinshaw, Mace, McComas, Miller, Murphy of Del Norte, Ostrom, Pauly, Robertson, Sherman, Smyth, Swift, Welch, Wheat, Young, and Mr. Speaker—26.

NOES—Messrs Abbott, Adams, Ames, Anderson, Asmussen, Barstow, Connolly, Conroy, Cooley, Dare, DeWitt, Dixon, Farnum, Garver, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Holloway, Hugg, Johnson, Long, May, McClure, Meyers, Moffat, Montague, Murphy of San Francisco, Nott, Pace, Routier, Russ, Tobin, Tuttle, Warden, Waters, Whitlock, and Wilson—40.

Mr. Haile moved to amend by inserting "ten o'clock A. M.," instead of "three o'clock P. M., on Monday."

Carried.

Mr Johnson moved to further amend by striking out "ten o'clock A. M.," and inserting "one o'clock P. M."

Adopted.

The question recurring upon the adoption of the resolution as amended, it was adopted.

SPECIAL ORDER.

Assembly Bill No. 436—An Act to provide for a Convention to frame a new Constitution for the State of California.

Mr. Haile moved to amend section one by striking out the word "June" and inserting the word "May" instead.

Mr. Abbott moved to amend the amendment by striking out "May" and inserting "July."

Lost.

Mr. Nott moved to amend the amendment by striking out "May" and inserting "August."

Lost.

The question recurring upon the adoption of the amendment, the ayes and noes were demanded by Messrs Johnson, Smyth, and Dixon.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Brooks, Byington, Connolly, Cooley, Dare, Dixon, Ewing, Forsyth, Garver, Haile, Hugg, Long, Mace, McComas, Meyers, Moffat, Murphy of Del Norte, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Tobin, Welch, Wheat, Young, and Mr. Speaker—31.

NOES—Messrs Abbott, Adams, Allen, Ames, Anderson, Barstow, Blackwell, Blake, Broderick, Coffey, Conroy, DeWitt, Dorsey, Ellis, Farnum, Giffen, Gildea, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Johnson, May, McClure, Miller, Montague, Murphy of San Francisco, Nott, Swift, Tuttle, Warden, Waters, and Whitlock—37.

Mr. Tuttle moved to amend by striking out the words "third Wednesday in June" and inserting the words "first Wednesday in September."

Lost.

Mr. Waters moved to amend by striking out the word "fifty," in line two, and insert "twenty" instead; and also, strike out the last line of the section, as follows: "and thirty Delegates shall be elected by the State at large."

Mr. Murphy of Del Norte offered the following substitute for the amendment: Strike out the word "fifty," in line two, of section two, of the printed bill, and insert instead "seventy-two," and insert after the words "as follows," in line two, the following: "Each county in the State shall elect one Delegate by virtue of its county organization, and in addition;" and further, strike out the last line of section two, providing for thirty Delegates at large.

Upon the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Swift, Johnson, and Murphy of Del Norte.

The roll was called, and the amendment to the amendment rejected by the following vote:

AYES—Messrs. Johnson, Mace, Moffat, Montague, Murphy of Del Norte, Robertson, Routier, Sherman, Smyth, Tuttle, Welch, and Wheat—12.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Barstow, Blackwell, Blake, Broderick, Brooks, Byington, Coffey, Conroy, Cooley, Dale, DeWitt, Dixon, Dorsey, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Long, May, McClure, McComas, Meyers, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Russ, Swift, Tobin, Warden, Waters, Whitlock, Wilson, Young, and Mr. Speaker—54.

Mr. Holloway moved to amend the amendment as follows: Amend section two, line two, of the printed bill, by striking out the word "fifty" and inserting "twenty-two."

REPORT.

By Mr. Dinniene (privileged report from Committee on Engrossment):

ASSEMBLY CHAMBER,
SACRAMENTO, February 21st, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 261—An Act to ratify and confirm resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco.

354—An Act for the relief of Joseph O'Neil.

345—An Act to protect the Town of Fresno against fire.

75—An Act to ascertain the amount, and provide for the payment, of damages done to St. Francis Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue in said city and county.

252—An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake, in Lake County.

292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba.

406—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

398—An Act amendatory of an Act entitled an Act to protect agriculture and to prevent trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.

129—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley.

314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.

Also, substitute for Assembly Bills Nos. 34 and 52—An Act to amend the Political Code of the State of California, and other Acts concerning the National Guard.

306—An Act to amend an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

DINNIENE, for Committee.

Pending discussion of the amendment to the amendment offered by Mr. Holloway, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

RESOLUTION.

By Mr. Haworth (by permission):

Resolved, That the Committee on Commerce and Navigation be allowed to visit San Francisco to hold a meeting to hear the testimony of the Harbor Commissioners and property holders in relation to Senate Bill No 82—An Act concerning the water front of the City and County of San Francisco.

Adopted.

Mr. Anderson moved that Assembly Bills Nos. 225, 226, and 227 be made the special order for Wednesday next, at one o'clock and thirty minutes P. M.

Mr. Waters moved to amend by making the bills special order for Wednesday next, immediately after the reading of the Journal.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Hart (by permission)—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, and to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon.

Read first and second times, and made special order for Wednesday next, immediately after the reading of the Journal, and five hundred copies ordered printed.

REPORT.

By Mr. Hugg (by permission):

SACRAMENTO CITY, February 20th, 1878.

MR SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 87—Relating to Road Overseer, and road poll tax, in the County of Yuba—have had the same under consideration, and recommend its passage as amended by the delegation.

B P. HUGG, for the Delegation.

Assembly Bill No. 87, above reported, taken up, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Anderson, from the Judiciary Committee, reported back Assembly Bills Nos. 325, 407, and 374, recommending their reference to the Committee on Corporations.

So ordered.

Mr. Dorsey moved to suspend the rules for the purpose of introducing two bills.

Lost.

House resumed consideration of Assembly Bill No 436, pending

discussion of which the House took a recess this day, the question being upon the amendment to the amendment as offered by Mr. Holloway.

Lost.

The question recurring upon the amendment as offered by Mr. Waters, as follows: To amend section two by striking out, in line two, of section two, the word "fifty," and to insert "twenty;" and to strike out the last line of section two, which reads as follows, "and thirty Delegates shall be elected by the State at large."

Mr. Gildea demanded a division vote on the amendment.

[Speaker pro tem. in the chair.]

One day's leave of absence was granted to Mr. Whitlock.

Mr. Griffith moved that the further consideration of the bill be made the special order for Monday next, immediately after the reading of the Journal.

Lost.

Pending discussion of the motion, at three o'clock P. M., Mr. Griffith moved to adjourn.

Lost.

Mr. Gildea moved to amend the amendment by striking out "twenty" and inserting "forty-five"

Lost.

The question recurring upon the amendment as offered by Mr. Waters, upon which a division vote was demanded by Mr. Gildea, the ayes and noes on that part of the amendment to strike out "fifty" and insert "twenty," was demanded by Messrs. Waters, Ostrom, and Berry.

The roll was called, and the first part of the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Blackwell, Broderick, Byington, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gough, Haile, Hanna, Hart, Hinshaw, Holloway, Hugg, Johnson, Long, Mace, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Tobin, Tuttle, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—54.

NOES—Messrs. Anderson, Asmussen, Backus, Barstow, Blake, Coffey, Connolly, Conroy, Gildea, Griffith, Haworth, Hicks, May, Murphy of Del Norte, and Swift—15.

The question recurring upon the part of the amendment relating to striking out the last line of section two, it was adopted.

Mr. Dinniene moved to amend as follows: Amend section two, lines twenty-eight and twenty-nine, by striking out the words "at large thirty Delegates" and insert "six from each Senatorial District."

Pending discussion of the amendment, at three o'clock and ten minutes P. M., Mr. Backus moved to adjourn.

Lost.

Mr. Waters moved that the further consideration of the bill be made special order for Monday next, immediately after the reading of the Journal.

Lost.

The question recurring upon the adoption of the amendment as offered by Mr. Dinniene, Mr. Backus moved to amend it as follows: Strike out "thirty Delegates at large" and insert "fifteen Delegates at large, and three from each Senatorial District."

Lost.

The question recurring upon the adoption of the amendment as offered by Mr. Dinniene, it was lost.

One day's leave of absence was granted to Messrs. Dinniene, Backus, and May.

Mr. Hart moved to amend as follows: Amend section two, in line seventy-eight of the printed bill, to make it read as follows: "The Counties of Colusa and Tehama shall each elect one Delegate."

Lost.

On motion of Mr. Swift, the bill was amended by striking out the word "Klamath," wherever it occurs in the bill.

Indefinite leave of absence was granted to Mr. Tuttle, and one day's leave of absence to Mr. Gough.

Mr. Ostrom moved to amend by striking out the second subdivision of section four.

Adopted.

Mr. Johnson moved to further amend by striking out the third subdivision of section four, and to renumber the remaining subdivisions to correspond.

Adopted.

Mr. Waters moved to amend subdivision five, of section four, by striking out, in lines fifty-one and fifty-two, of the printed bill, the words "Delegates at large and district Delegates."

Adopted.

Mr. Pauly moved to amend by striking out, in line forty-five, of section four, of the printed bill, the word "first" and inserting "second."

Adopted.

Mr. Dare moved to amend section five, as follows: Strike out all in lines four, five, and six of the printed bill, after the word "President," up to and including the word "Assistants," and insert in lieu thereof the following: "and such Secretaries and other officers as they may deem necessary."

Adopted.

Mr. Johnson moved to amend by striking out, in section five, line four, of the printed bill, the word "ballot," and inserting "by vote *viva voce*, and the vote shall be entered on the Journal."

Adopted.

Mr. Farnum moved to amend by striking out, in lines seven and eight, in section five, of the printed bill, the words "in said City of Sacramento"

Lost.

Mr. Johnson moved to amend by inserting, after the word "Chamber," in line eight, of the printed bill, the words "and all committee rooms of the State Capitol building shall be under the control of said Convention."

Adopted.

Mr. Johnson moved to amend, by striking out, in section five, line ten, of the printed bill, the words "not exceeding two."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Haile Wilson, and Mace.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Blackwell, Broderick, Coffey, Cooley, Dare, DeWitt, Dixon, Dorsey, Ewing, Farnum, Forsyth, Garvey, Griffin, Gildea, Haile, Hanna, Hart, Holloway, Hugg, Johnson, Mace, McClure, Miller, Montague, Murphy of Del Norte, Murphy,

of San Francisco, Ostrom, Pauly, Robertson, Routier, Russ, Warden, Waters, Welch, Wilson, and Young—41.

NOES—Messrs. Anderson, Asmussen, Byington, McComas, Meyers, Nott, Smyth, Swift, Wheat, and Mr. Speaker—10.

Mr. Waters moved to amend section five, in line thirteen, by striking out "five" and inserting "eight."

Mr. Johnson moved to amend the amendment by striking out "eight" and inserting "ten."

Upon the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Hart, Hinshaw, and Ostrom.

The roll was called, and the amendment to the amendment rejected by the following vote:

AYES—Messrs. Adams, Allen, Ames, Blackwell, Connolly, Dare, DeWitt, Dorsey, Farnum, Giffen, Gildea, Hart, Holloway, Hugg, Johnson, Mace, Murphy of Del Norte, Routier, and Waters—19.

NOES—Messrs. Anderson, Asmussen, Broderick, Byington, Coffey, Cooley, Dixon, Ewing, Forsyth, Garver, Haile, Hanna, Hinshaw, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Warden, Welch, Wheat, Wilson, Young, and Mr. Speaker—34

Mr. Berry moved to amend the amendment as follows: Strike out all after the word "Assistant," in line twelve of the printed bill, down to and including the word "thereof," in line thirteen, and insert the following: "The Delegates shall receive the same per diem and mileage as members of the Legislature."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Nott, Berry, and Hugg.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Blackwell, Connolly, Cooley, Dare, DeWitt, Dixon, Dorsey, Ewing, Farnum, Forsyth, Garver, Giffen, Haile, Hart, Hinshaw, Holloway, Johnson, McClure, Montague, Murphy of Del Norte, Murphy of San Francisco, Robertson, Routier, Sherman, Smyth, Waters, Wheat, Young, and Mr. Speaker—33.

NOES—Messrs. Asmussen, Broderick, Byington, Coffey, Gildea, Hanna, Hugg, McComas, Meyers, Miller, Moffat, Nott, Ostrom, Pauly, Russ, Swift, Warden, Welch, and Wilson—19.

The question recurring upon the adoption of the amendment as amended, the Speaker pro tem. announced that the proceedings were out of order, as the bill involved an appropriation, and should be considered in Committee of the Whole.

The House then went into Committee of the Whole for the purpose of considering Assembly Bill No. 436.

[Mr. Johnson in the chair]

The Committee arose and reported the bill back with amendments, recommending its passage as amended.

IN ASSEMBLY.

[Speaker pro tem. in the chair]

Mr. Nott moved to amend an amendment to section five, recommended by the committee, as follows: Amend by striking out the words, "the same pay as is now allowed to members of the Legislature," and insert "eight dollars per diem."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Nott, Johnson, and Ostrom.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Asmussen, Broderick, Byington, Coffey, Ewing, Hanna, Hugg, Mace, McComas, Meyers, Miller, Nott, Ostrom, Pauly, Russ, Warden, and Wilson—17.

NOES—Messrs Abbott, Adams, Allen, Anderson, Blackwell, Connolly, Cooley, Dare, DeWitt, Dixon, Dorsey, Farnum, Forsyth Garvey, Griffin, Gildea, Haile, Hart, Hinshaw, Holloway, Johnson, Montague, Murphy of Del Norte, Robertson, Routier, Sherman, Smyth, Swift, Waters, Wheat, Young, and Mr. Speaker—32.

Upon the adoption of the amendments as recommended by the Committee of the Whole, the ayes and noes were demanded by Messrs. Gildea, Hugg, and DeWitt.

The roll was called, and the amendments adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Asmussen, Blackwell, Connolly, Cooley, Dare, DeWitt, Dixon, Farnum, Forsyth, Garvey, Griffin, Haile, Hart, Hinshaw, Holloway, Johnson, Mace, McComas, Meyers, Montague, Murphy of Del Norte, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Warden, Waters, Wheat, Young, and Mr. Speaker—36.

NOES—Messrs. Broderick, Byington, Coffey, Ewing, Gildea, Hanna, Hugg, Miller, Nott, Ostrom, Swift, and Wilson—12.

The rules were then suspended, the bill considered engrossed, read third time, and passed.

Title approved.

At five o'clock and thirty-six minutes P. M. Mr. Hart moved to adjourn

Lost.

RECESS.

At five o'clock and thirty-eight minutes P. M., on motion of Mr. Johnson, the House took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and no quorum appearing, the roll was recalled and a quorum found to be present.

Leave of absence was granted to Messsrs. Warden, Hugg, Wilson, Ewing, and to the San Francisco delegation.

REPORT.

By Mr. Broderick:

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No 192—An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda.

And the same at two o'clock and five minutes P. M., February twenty-first, eighteen hundred and seventy-eight, was presented to the Governor for his approval.

Also, No. 128—An Act to regulate the quality and standard illuminating power and price of gas in all cities within the State of California having a population of one hundred thousand.

Assembly Joint Resolution No 11—Relative to encouragement of rifle practice in the Army of the United States and militia of the several States

And were, at ten o'clock and forty minutes A. M., February twenty-first, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, February 21st, 1878.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 344—An Act to amend section one thousand seven hundred and seventy-five of the Political Code,

relative to the County Board of Examiners—have had the same under consideration, and report it back, with the recommendation that the author have leave to withdraw it.

Also, Senate Bill No. 114—An Act to amend section seventeen hundred and forty-six of the Political Code.

Also, Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections of the same.

Also, Assembly Bill No. 438—An Act to amend section one thousand five hundred and seventeen of the Political Code, in relation to the State Board of Education—have had the same under consideration, and report them back with amendments, and recommend that they pass as amended.

HAILE, Chairman.

RESOLUTION.

By Mr. Dare (by permission)—Relative to the appointment of a committee to investigate the condition of the State University.

Referred to Committee on Education.

REPORTS.

By Mr. Hart:

MR. SPEAKER. Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 62—An Act to amend section three thousand four hundred and eighty-one of the Political Code—have had the same under consideration, and report the same back, with a recommendation that it do pass.

Also, Assembly Bill No. 143—An Act to authorize payment for work done in Swamp Land District Number Two—with amendment, and recommend that the same do pass as amended.

Also, Assembly Bill No. 482—An Act concerning Swamp Land District Number Thirty-eight—with recommendation that it do pass.

HART, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER, February 21st, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 325—An Act to provide for the registration of policies of life insurance—have considered the same, find no legal objection to its passage, but recommend its reference to the Committee on Corporations.

Also, Assembly Bill No 407—An Act to amend section six hundred and two of the Political Code, in relation to insurance—and also recommend its reference to the Committee on Corporations.

Also, Senate Bill No. 263—An Act to provide for the appointment of a Reporter of the decisions of the Supreme Court—and recommend its passage.

Also, Assembly Bill No. 374—An Act to prevent extortion by gas companies in the State of California—and recommend reference to the Committee on Corporations.

Also, Assembly Bill No. 88—An Act to amend section three hundred and seven of the Civil Code—with substitute from Committee on Corporations, and recommend passage of the substitute.

Also, Assembly Bill No 385—An Act to amend section three thousand six hundred and seventy-four of the Political Code, concerning equalization of assessments—report the same back with a substitute, and recommend passage of the substitute.

Also, Assembly Bill No. 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties—and report the same back without recommendation.

Also, Assembly Bill No. 232—An Act to amend an Act entitled an Act to authorize the husband or wife, or next of kin, of a deceased person to collect and receive of any savings bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars, approved February eighteenth, eighteen hundred and seventy-four—and recommend the passage thereof.

Also, Assembly Bill No. 328—An Act to relieve the estates of deceased persons from costs of Probate Court when below the value of fifteen hundred dollars—report the same back with a substitute, and recommend passage of the substitute.

Also, Assembly Bill No 310—An Act to authorize the guardian of Lizzie Welch, William H. Welch, and Samuel D Welch, minor heirs of Samuel T. Welch, deceased, to mortgage certain real estate in the County of Yolo, State of California—report the same back, and recommend that the author be allowed to withdraw it

Also, Assembly Bill No 311—An Act to amend Article VII, Chapter III, Title VII, of the Political Code, by adding thereto a section, to be numbered section four thousand two hundred and fifty-nine, fixing the qualifications of District Attorneys—report the same back with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 363—An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services—and recommend the passage thereof.

ANDERSON, Chairman.

By Mr. Wheat:

MR SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same—have had the same under consideration, report it back, and recommend its passage

WHEAT, Chairman.

On motion of Mr. Johnson, Assembly Bill No. 88 was placed second on file for Monday next.

SPECIAL FILE.

Assembly Bill No. 249—An Act to provide a new Great Register for the County of Stanislaus, and re-register the voters thereof.

Passed on file

Assembly Bill No. 68—An Act to authorize the Board of Supervisors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to Dexter's Wells, in said county and State.

Mr. Nott moved the reference of the bill to the Committee on Ways and Means.

Lost.

The substitute recommended by the Mono delegation was read, and Mr. Murphy of San Francisco moved to amend section eleven by adding the words: "*Provided*, that no Chinese labor be employed in the construction of the road"

Adopted.

The question recurring upon the adoption of the substitute, Mr. Hinshaw moved that the bill and substitute be referred to the Committee on Roads and Highways.

Mr. Waters moved to amend by instructing the committee to so amend the bill as to submit the proposition to a vote of the citizens of Mono County, and with further instructions that the committee report the bill back on Monday next.

Adopted.

The question recurring upon the adoption of the motion as amended.

Pending discussion of the motion to refer, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the motion to refer to the Committee on Roads and Highways, it was lost.

The question recurring upon the adoption of the substitute, it was adopted.

The question now recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Nott, Johnson, and Ostrom.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Blackwell, Broderick, Connolly, Dorsey, Ellis, Forsyth, Griffin, Hanna, Hart, Holloway, Johnson, Mace, McClure, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Swift, Warden, Welch, Wheat, and Young—34.

NOES—Messrs. Byington, Coffey, Cooley, Dixon, Garver, Haile, Hinshaw, Meyers, Nott, Ostrom, Waters, and Mr. Speaker—12.

On motion of Mr. Robertson, Assembly Bill No. 516—An Act to regulate fees of office and salaries of officers in Modoc County—was taken up.

On motion of Mr. Hart, the reading of the bill was dispensed with.

The rules were suspended, bill considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Waters, Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the costs of the same—was taken up.

Mr. Welch moved that the bill be referred to a special committee of one, consisting of Mr. Murphy of San Francisco, with instructions to report it back on Tuesday next.

So ordered.

Assembly Bill No. 376—An Act to provide for the improvement of the public roads in the County of Mono.

Referred to the Committee on Roads and Highways.

Assembly Bill No. 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

[Mr. Coffey in the chair.]

Assembly Bill No 322—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof.

Mr. McComas offered the following amendment. Amend section two, line nine, by striking out "sixteen thousand dollars" and inserting "twenty thousand dollars."

Adopted.

Mr. Ostrom moved to refer the bill to a special committee of one, consisting of Mr. Murphy of San Francisco, with special instructions to report it back on Tuesday next.

Lost.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

[Speaker in the chair.]

Mr. Dixon moved to take up the order of Senate messages.

So ordered.

SENATE MESSAGES.

The following Senate messages were received:

SENATE CHAMBER,
SACRAMENTO, February 21st, 1878.

MR SPEAKER. I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 53—Relative to adjournment over on the twenty-second day of February.

Also, passed Senate Bill No. 409—An Act conferring additional powers upon the Board of Supervisors of Alameda County.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 21st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twentieth

day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 270—An Act to authorize certain payments by the Board of State Harbor Commissioners.

Also, Senate Bill No. 299—An Act to amend section seven hundred and ninety-one of the Political Code.

Also, amended and passed Assembly Bill No. 237—An Act to protect agriculture, and to provide for the distraining of trespassing animals in the County of Los Angeles.

Also, passed Assembly Bill No. 295—An Act to fix the amount of the bond of the Tax Collector of Marin County.

Also, on the thirteenth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 349—An Act in relation to the public printing in the Town of Alameda.

And, on the fourteenth day of February, eighteen hundred and seventy-eight, passed Senate Joint Resolution No. 35—In reference to appropriation for arming and equipping the militia.

And, on the fifteenth of February, eighteen hundred and seventy-eight, passed Senate Bill No. 366—An Act to change the corporate name of the "Mission Street Methodist Episcopal Church," in the City and County of San Francisco.

Also, Senate Bill No. 141—An Act to amend section two thousand five hundred and fifty-two of an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto, approved February twenty-eighth, eighteen hundred and seventy-six.

Also, substitute for Senate Bill No. 209—An Act amendatory to an Act to provide for the maintenance and construction of roads and highways in the County of Mariposa, approved March thirty-first, eighteen hundred and seventy-six.

And, on the nineteenth day of February, eighteen hundred and seventy-eight, passed Assembly Bill No. 191—An Act relative to certain duties of Constables in the several townships of the County of Alameda.

Also, Assembly Bill No. 192—An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda.

Also, Assembly Bill No. 67—An Act for the relief of Julius Blume.

Also, Assembly Bill No. 109—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Assembly Bill No 98—An Act making appropriations for deficiencies in the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 367—An Act to ratify and confirm the acts of the Mayor and Common Council of the City of San José.

Also, this day passed Senate Concurrent Resolution No. 40—Relative to the correction of an error in Senate Bill No 151.

Also, Senate Concurrent Resolution No. 39—Relative to the pay of the committee appointed last session to take testimony upon the evils of Chinese immigration.

Also, on the eighteenth of February, eighteen hundred and seventy-eight, passed Senate Bill No. 1—An Act to establish and maintain free public libraries and reading-rooms.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 409, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Concurrent Resolution No. 40, above reported, referred to the Committee on Federal Relations.

Assembly Bill No. 237, above reported, taken up, and amendments concurred in.

Senate Bill No. 1, read first and second times, and referred to Committee on Education.

Senate Bill No. 367, read first and second times, and referred to Santa Clara delegation.

Senate Joint Resolution No. 35, read first and second times, and referred to Committee on Federal Relations.

Senate Bill No. 366, read first and second times, and referred to the Judiciary Committee, with accompanying communication.

Substitute for Senate Bill No. 209, read first and second times, and referred to Mariposa delegation.

Senate Bill No. 349, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 141, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 270, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 299, read first and second times, and referred to the Judiciary Committee.

SPECIAL FILE RESUMED.

On motion of Mr. Pauly, Assembly Bill No. 439—An Act amending an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six, in relation to County Assessor—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Young moved to suspend the rules to introduce a bill.

Lost.

ADJOURNMENT.

At ten o'clock and thirteen minutes P. M., on motion of Mr. Murphy of San Francisco, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 25th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and a quorum present.

On motion of Mr. Dinniene, one day's leave of absence was granted to all absentees.

Prayer by the Rev. Mr. Rankin.

Journal of Thursday, February twenty-first, read and approved.

On motion of Mr. Hart, the rules were suspended for the purpose of introducing a bill.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to repeal an Act to authorize the Board of Supervisors of the County of Colusa to approve official bonds of county and township officers of said county, approved February eighteenth, eighteen hundred and seventy-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and ordered transmitted to the Senate forthwith.

PETITIONS.

By Mr. Allen—From managers of St. Vincent's Orphan Asylum, relative to an appropriation.

Referred to the Committee on Hospitals.

By Mr. Smyth—From citizens of Tuolumne County, protesting against the passage of a bill reducing charges on telegraph lines in this State.

Referred to the Judiciary Committee.

By Mr. May—From managers of the Pacific Dispensary for Women and Children, relative to an appropriation.

Referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 87—An Act in relation to Road Overseers and road poll taxes in the County of Yuba.

436—An Act to provide for a Convention to frame a new Constitution for the State of California.

68—An Act to authorize the Board of Supervisors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to Dexter Wells, in said county and State.

516—An Act to regulate fees of office and salaries of officers in Modoc County.

245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claims of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and seventy-one.

332—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof.

439—An Act amending an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six, in relation to County Assessor.

JOHN T. DARE, for the Committee.

By Mr. Haworth:

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State—have had the same under consideration, and report it back, and recommend its passage.

JAS. HAWORTH, Chairman.

By Mr. Tobin:

ASSEMBLY CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bills Nos. 304 and 451—An Act to amend section two thousand two hundred and ninety-six of the Political Code, and an Act to amend section two thousand two hundred and ninety-five of the Political Code—have had the same under consideration, and report them back, and recommend their passage.

J. J. TOBIN, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration Assembly Bill No. 91—An Act to provide for the payment of certain outstanding bonds of the State of California—report the same back without recommendation

Also, substitute for Senate Bill No. 35—An Act to confirm certain letters patent of the State of California to W. F. Montgomery et. al., the substitute being entitled "An Act to provide for determining the rights of parties in certain swamp and overflowed lands in Fresno and Kern Counties"—and recommend the passage of said substitute

Also, Assembly Bill No. 42—An Act to amend section three thousand four hundred and seventy-one of the Political Code—report the same with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 130—An Act for the relief of Amelia C. Cowne, by authorizing the issuance to her of a patent for survey number six hundred and one of the swamp and overflowed lands in Sacramento County—and recommend the passage thereof

Also, Assembly Bill No. 417—An Act for securing liens of laborers and others in Humboldt County—and recommend its passage.

Also, Assembly Bill No 441—An Act to add two new sections to the Code of Civil Procedure, relating to compromises—and recommend passage.

Also, Assembly Bill No. 442—An Act to add a new section to the Code of Civil Procedure, relating to witnesses—and recommend the passage thereof.

Also, Assembly Bill No. 445—An Act to add a new section to the Code of Civil Procedure, relating to pleadings—and recommend that it do not pass

Also, Assembly Bill No. 402—An Act for the relief of W J. Johnson, W. H. Perdue, John Cheney, Wm. L. Tomlin, and M. V. Dixon—and recommend the passage thereof.

ANDERSON, Chairman.

Mr. Anderson also submitted a special report from the Judiciary Committee, as follows:

ASSEMBLY CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: Your Judiciary Committee ask leave to make a special report on Assembly Bills Nos 158, 174, 213, 267, 315, 426, and 505, all of which propose amendments to the election laws of this State. The subject is one which is recognized as being entitled to early, grave, and mature consideration. Owing to the large number of other bills, more strictly within our province, which have been referred to us and press upon our attention, we have been unable to devote to these bills the consideration which is demanded by the importance of the subject to which they relate, and in view of the near approach of the end of the session, and the constant increase of other bills demanding our consideration, it seems quite improbable that we will be able to give these measures the attention to which they are entitled, without neglecting others which may be equally meritorious.

Therefore, your committee beg leave to report these bills back without consideration, recommending the adoption of the accompanying resolution, and their reference in accordance therewith.

ANDERSON, Chairman.

Resolution relative to the appointment of a joint committee, to whom shall be referred all bills proposing amendments to the election laws of this State, was adopted.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 464—An Act to add a new section to the Political Code, to be known as section three thousand eight hundred and seventeen, to provide for the redemption by delinquent owners of property sold to the State—have had the same under consideration, and report it back, with a recommendation that it pass.

WELCH, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Ewing.

ASSEMBLY CHAMBER,
SACRAMENTO, February 20th, 1878.

MR SPEAKER The delegation, to whom was referred Senate Bill No. 89—entitled an Act to amend section nine of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk and regulate the salaries of certain officers of the County of Merced, approved March twenty-sixth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, with recommendation that it pass.

EWING, Delegation.

Senate Bill No. 89, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER The Sacramento delegation, having had under consideration Assembly Bill No. 430—An Act to provide for the appointment of a City Attorney for the City of Sacra-

mento, and Assembly Bill No. 481—An Act providing for the election of an Attorney in and for the City of Sacramento—report the same back with a substitute for both bills, and recommend the passage of the substitute.

JOHNSON, Chairman Delegation.

On motion of Mr. Johnson, the substitute for Assembly Bills Nos. 430 and 481, above reported, was ordered second on the special file for this evening.

By Mr. Blackwell:

MR. SPEAKER The Nevada delegation, to whom was referred Senate Bill No 288—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada—beg leave to report that they have had the same under consideration, and report the said bill back with a substitute, and recommend the adoption and passage of such substitute.

Also, that they have had under consideration Senate Bill No. 238—entitled an Act to amend an Act to incorporate the City of Nevada, and all Acts supplementary thereto—and report the same back, and recommend that it pass.

S. S. BLACKWELL,
M. GARVER,
G. W. GIFFEN.

Substitute for Senate Bill No. 288, above reported, was taken up, rules suspended, substitute adopted, read third time, and passed.

Title approved.

Senate Bill No. 238, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Wilson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 21st, 1878.

MR. SPEAKER The Nevada and Placer delegations, to whom was referred Assembly Bill No. 528—An Act to consolidate a portion of Magnolia District, in Nevada County, into Lone Star School District, in the County of Placer—have had the same under consideration, and report it back, with recommendation that it do pass.

M. W. WILSON, Placer Delegation.
S. L. BLACKWELL,
R. GARVER,
G. W. GIFFEN, } Nevada Delegation.

Mr. Wilson moved to suspend the rules for the purpose of considering Assembly Bill No. 528, above reported.

Upon which motion, the ayes and noes were demanded by Messrs. Dinniene, Haile, and Forsyth.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Adams, Allen, Ames Anderson, Blackwell, Blake, Breen, Brooks, Byington, Connolly, DeWitt, Dinniene, Dorsey, Ewing, Forsyth, Garver, Hart, Haworth, Hugg, Johnson, Mace, May, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Swift, Tobin, Warden, Waters, Welch, and Wilson—37.

NOES—Messrs. Dare, Haile, Hanna, Hicks, Hinshaw, Nott, Ostrom, Robertson, Sherman, Smyth, Wheat, and Mr. Speaker—12.

The bill was then read, the rules further suspended, the bill considered engrossed, read third time, and passed.

Title approved.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 19th, 1878.

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof—have had the same under consideration, and report it back with amendments, and recommend that it pass as amended.

WELCH, for Delegation.

By Mr. Dorsey:

MR. SPEAKER The delegation to whom Assembly Bill No. 531 was referred, has had the same under consideration, and report the same back, and recommend its passage.

CALEB DORSEY, Delegation.

INTRODUCTION OF BILLS.

By Mr. Dare—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Agriculture.

[Speaker pro tem. in the chair.]

By Mr. Dinniene—An Act to amend the Civil Code of the State of California, in relation to common carriers.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwest line of Mission Street, and to condemn property for the roadway of said street.

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

By Mr. Murphy of San Francisco—An Act concerning unlawful holding over of dwelling houses, tenement houses, shops, and stores in the City and County of San Francisco.

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

By Mr. Forsyth—An Act to provide for the construction and maintenance of municipal gas-works in the City and County of San Francisco.

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

By Mr. Dorsey—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.

Also, an Act to amend section three thousand eight hundred and sixteen of the Political Code, in relation to the collection and distribution of taxes.

Each of the above bills read first and second times, and referred to the Committee on Ways and Means.

Also, an Act to amend section three thousand seven hundred and eighty of the Political Code, in relation to the redemption of property sold for taxes.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Johnson—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications, and to prohibit certain publications.

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

Also, an Act to pay the claim of Michael Essinger.

Read first and second times, and referred to the Committee on Claims.

Also, an Act amendatory of an Act to regulate the fees of office, and to fix the compensation of county officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Allen—An Act for the relief of Frederick Kuhnle.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pauly—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.

Read first and second times, and referred to the Committee on Mileage.

Also, an Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

Read first and second times, and ordered to the special file.

By Mr. Routier—An Act for the relief of Mrs. T. M. Logan.

Referred to the Committee on Claims.

Also, an Act to provide for the payment of certain outstanding road warrants of Sacramento County.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Brooks—An Act to provide for the payment of interest upon certain warrants of Butte County.

Read first and second times, and referred to the Butte delegation.

Also, an Act to authorize Dockery School District to issue bonds for building purposes.

Read first and second times, and referred to the Committee on Education.

By Mr. Swift—An Act to regulate certain corporations in this State by compelling the publication of statements of unclaimed accounts and dividends.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Warden—An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo

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

By Mr. Hanna—An Act relative to social drinking.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. DeWitt—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in regard to the title conveyed by deed to purchasers of lands sold for delinquent taxes, and the entry of State lands sold at a delinquent sale.

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

By Mr. Montague—An Act to pay the claim of P. K. Stockton, due for services as Short-hand Reporter on the State Land Commission.

Read first and second times, and referred to the Committee on Claims.

By Mr. Russ—An Act to amend an Act entitled an Act to prevent the propagation of the Scotch or Canada thistle in the Counties of Humboldt, Siskiyou, Del Norte, and Alameda, approved March second, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Agriculture.

Also, an Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Nott—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States for the twenty-fourth and twenty-fifth fiscal years.

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

By Mr. Ewing—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, an Act to grant to George E. Isaacs, and his assigns, the right to supply the inhabitants of the Town of Merced with fresh water.

Each of the above bills read first and second times, and referred to the Merced delegation.

By Mr. Berry—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of the State Land Office, and also certain Controller's warrants.

Read first and second times, and referred to the Committee on Ways and Means.

Also, an Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.

Referred to the Committee on Swamp and Overflowed Lands.

By Mr. Whitlock—An Act in relation to certain offices in Plumas County, and fix the compensation thereof.

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

COMMUNICATION.

Mr. Nealley submitted the following communication:

To the Honorable, the Members of the Assembly of the State of California, greeting.

We, the Supreme Encampment of the Order of Caucasians, now assembled in this city, most respectfully tender the thanks of the Encampment to your honorable body for the good judgment manifested in the passage of Assembly Bill No. 30, and known as the "Opium Bill"

Respectfully submitted,

JOHN GREENWELL,
Supreme Chief O. of C.
H. H McWILLIAMS,
Supreme Chief Councilor O. of C.

Attest: W. B. G. KELLER, Supreme Secretary O. of C.

SENATE MESSAGES.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, eighteen hundred and seventy-eight, passed Senate Resolution No. 37—in regard to a cemetery for San Francisco.

Also, substitute for Senate Bill No. 58—An Act to fix the fees of Justices of the Peace in and for the County of Contra Costa

Substitute for Senate Bill No. 142—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-five, three hundred and ninety-six, and three hundred and ninety-seven of the Code of Civil Procedure.

Senate Bill No. 276—An Act to protect canals, ditches, flumes, and reservoirs.

Substitute for Senate Bill No. 236—An Act to add a section to the Penal Code, to be known as section three hundred and eighteen.

Senate Bill No. 115—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor.

Senate Bill No 129—An Act to add a new section to the Political Code, to be known as section one thousand nine hundred and forty-one

Senate Bill No. 285—An Act to amend section one thousand seven hundred and seventy of the Political Code, relative to County Boards of Education.

Senate Bill No. 304—An Act legalizing the State and county tax and assessments in the County of Nevada in eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Senate Bill No. 314—An Act to amend the Code of Civil Procedure, in relation to attachments.

Senate Bill No. 318—An Act to amend section three hundred and seventy-two of the Code of Civil Procedure.

Senate Bill No. 335—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure.

Senate Bill No. 336—An Act to amend section one thousand seven hundred and nine of the Code of Civil Procedure.

Senate Bill No. 342—An Act to legalize a tax for building a school house in the New York School District, in Contra Costa County.

Senate Bill No. 330—An Act amendatory to an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April sixteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four, approved March twenty-fourth, eighteen hundred and seventy-six.

Senate Bill No. 315—An Act to incorporate the Town of Etna, Siskiyou County, California

Senate Bill No. 339—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-six.

Senate Bill No. 344—An Act to amend an Act entitled an Act authorizing the Trustees of San Buenaventura School District, Ventura County, to issue bonds for said district, for the sum of ten thousand dollars, approved March sixteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 354—An Act making the Sheriff of Butte County the Collector of license therein, and fixing his salary therefor.

And, on the twenty-first day of February, eighteen hundred and seventy-eight, passed Assembly Bill No. 470—An Act to provide for the payment of certain claims against the County of Santa Cruz.

Also, Senate Bill No. 390—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Red Bluff, Tehama County, California, approved March thirty-first, eighteen hundred and seventy-six.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Joint Resolution No. 37, read and referred to the San Francisco delegation.

Substitute for Senate Bill No. 58, read first and second times, and referred to the Contra Costa, Lassen, and Butte delegations.

Substitute for Senate Bill No. 142, Senate Bill No. 276, substitute for Senate Bill 236, Senate Bills Nos. 129, 314, 318, 335, and 336, each read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 115, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 285, read first and second times, and referred to the Committee on Education.

Senate Bills Nos. 304 and 330, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 342, read first and second times, and referred to the Contra Costa delegation.

Senate Bill No. 315, read first and second times, and referred to the Siskiyou and Modoc delegations.

Senate Bill No. 339, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 344, read first and second times, and referred to the Santa Barbara delegation.

Senate Bill No. 354, read first and second times, and referred to the Butte delegation.

Senate Bill No. 390, read first and second times, rules suspended, read third time, and passed.

Title approved.

RESOLUTION.

By Mr. Haile—A resolution relative to mileage due to the Committee on Education.

Referred to the Committee on Public Expenditures and Accounts.

GENERAL FILE.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations.

Adopted.

Assembly Bill No. 88—An Act to confer additional powers upon corporations in California.

Substitute adopted, read third time, and passed.

Title approved.

Assembly Bill No. 339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto, relative to depositions of material witnesses.

Read third time, and passed.

Title approved.

Assembly Bill No. 154—An Act for the payment of the claim of J. L. Howard.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back, recommending its indefinite postponement.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

On the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Hart, Nott, and Ostrom. The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Blake, Byington, Dare, Dinniene, Dixon, Dorsey, Garver, Giffen, Haile, Hanna, Hinshaw, Hugg, Mace, May, McComas, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Waters, Welch, Wheat, Wilson, and Mr. Speaker—34.

NOES—Messrs Adams, Ames, Backus, Brooks, Connolly, DeWitt, Ewing, Forsyth, Griffith, Hart, Haworth, Holloway, Johnson, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Warden, and Whitlock—21.

Senate Bill No. 92—An Act for the relief of Cook Talcott and Andrew Onderdonk.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was received, and the question being on the adoption of the amendment to section one, recommended by the Committee on Claims, the ayes and noes were demanded by Messrs. Hart, Nott, and Hugg.

The roll was called, and the amendment rejected by the following vote.

AYES—Messrs Abbott, Allen, Ames, Connolly, Dixon, Hart, Hugg, Miller, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Russ, Sargent, Smyth, Welch, and Wheat—17.

NOES—Messrs. Adams, Anderson, Asmussen, Blake, Brooks, Byington, Conroy, Dare, DeWitt, Dinniene, Dorsey, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Johnson, Mace, May, McComas, Meyers, Montague, Ostrom, Pace, Pauly, Robertson, Routier, Swift, Thompson, Tobin, Warden, Waters, Whitlock, Wilson, and Mr. Speaker—42.

The bill was then read third time, and passed.

Title approved.

Assembly Bill No. 230—An Act to amend certain sections of the Political Code, relative to the salary of officers and employés of the Senate and Assembly.

On motion of Mr. Ames, made the special order for Friday next, at one o'clock P. M.

Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys and counselors at law.

Mr. Anderson moved the indefinite postponement of the bill.

[Speaker in the chair.]

Upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Murphy of San Francisco, Dare, and Haworth.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Anderson, Brooks, Byington, Coffey, DeWitt, Dinniene, Dixon, Dorsey, Giffen, Griffith, Haile, Hart, Haworth, Hinshaw, Hugg, Mace, Miller, Montague, Nealley, Nott, Ostrom, Robertson, Smyth, Swift, Thompson, Waters, Welch, Whitlock, and Mr. Speaker—29.

NOES—Messrs. Abbott, Allen, Ames, Asmussen, Backus, Blake, Breen, Connolly, Conroy, Dare, Ewing, Farnum, Forsyth, Garver, Gough, Hanna, Hicks, Johnson, May, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Sargent, Sherman, Tobin, Warden, Wheat, and Wilson—34.

The bill was then read a third time, and on its passage the ayes and noes were demanded by Messrs. Haile, Waters, and Hart.

Pending discussion, the previous question was moved by Messrs. Murphy of Del Norte, Forsyth, and Welch, and so ordered by the House.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Backus, Blake, Breen, Connolly, Conroy, Dare, Ewing, Farnum, Forsyth, Garver, Gough, Hanna, Hicks, Johnson, May, McComas, Meyers, Moffat, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Sherman, Tobin, Warden, and Wilson—30.

NOES—Messrs. Anderson, Asmussen, Brooks, Byington, Coffey, DeWitt, Dinniene, Dixon, Dorsey, Giffen, Griffith, Haile, Hart, Haworth, Hinshaw, Holloway, Hugg, Mace, Miller, Mon-

tague, Murphy of Del Norte, Nealley, Nott, Ostrom, Robertson, Smyth, Swift, Thompson, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—33.

RECESS.

At five o'clock and ten minutes P. M., on motion of Mr. Murphy of Del Norte, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Leave of absence for this evening was granted to the State Prison Committee, and to Messrs. Coffey, Tobin, and Ellis.

Mr. Mace moved to suspend the rules for the purpose of introducing a resolution.

Lost.

Mr. Allen moved to take up Assembly Bill No. 312 out of order.

Lost.

SPECIAL FILE.

Assembly Bill No. 330—An Act to incorporate the Town of Downey, Los Angeles County, California.

Indefinitely postponed.

Substitute for Assembly Bills Nos. 430 and 481—Providing for the election of an Attorney for the City of Sacramento.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 260—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

Amendments adopted, rules suspended, read third time, and passed.

Title approved.

On motion of Mr. Anderson, the rules were suspended, and Mr. Anderson made a verbal report from the Judiciary Committee, reporting back Senate Bill No. 141, and recommending its reference to the Committee on Corporations.

The bill was so referred.

Assembly Bill No. 383—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, as amended by Act approved March twenty-ninth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 205—An Act to incorporate the Town of Anaheim.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Murphy of Del Norte gave notice that he would move a reconsideration of the vote by which the House refused to pass Senate Bill No. 66 this day.

Mr. Dare was granted leave of absence for this evening.

Assembly Bill No. 346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 189—An Act to amend an Act entitled an Act to widen English Street, in the City of Petaluma, and to take private lands therefor, approved March twenty-fifth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Assembly Bill No. 111—An Act to prevent and restrict sheep and goats from being herded or running at large in certain portions of Lake County.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County to and from the State treasury, and for the payment of the necessary expenses thereby incurred.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 236—An Act restricting the herding of sheep to certain pastures in the County of Modoc.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

Amendments adopted, rules suspended, bill read third time, and passed.

Title approved.

Assembly Bill No. 200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino.

[Speaker pro tem. in the chair.]

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in Los Angeles.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for the payment of the costs of the same.

Passed on file.

Assembly Bill No. 312—An Act to authorize the Board of Supervisors of Marin County to levy a tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 404—An Act concerning the office of Superintendent of Schools of Mendocino County.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 215—An Act supplemental to an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Read third time, and passed.

Title approved.

Assembly Bill No. 181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 427—An Act to amend an Act entitled an Act to authorize the Board of Trustees of Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-ninth, eighteen hundred and seventy-six.

Mr. Berry offered a substitute for the above bill—entitled an Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Sutter—which was adopted.

The rules were then suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 422—An Act to create an additional Contingent Fund for Trinity County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 421—An Act to amend an Act to extend 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, approved April eighth, eighteen hundred and fifty-nine.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 254—An Act to ratify and confirm ordinance number sixty-four, passed by the City Council of the City of Stockton, and approved by the Acting Mayor of said city on the eighth day of December, eighteen hundred and seventy-seven.

Read third time, and passed.

Title approved.

Assembly Bill No. 429—An Act to amend an Act entitled an Act

for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 237—An Act to create a Board of Fire and Police Commissioners of the City of Oakland.

Ordered at the head of the special file for to-morrow evening.

Assembly Bill No 331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 465—An Act concerning road poll tax and hospital poll tax for Tehama County.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom, approved March eighteenth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 449—An Act to regulate the salary of the Road Overseers of Brooklyn Road District, Alameda County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 448—An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 487—An Act in relation to the collection of licenses in Alameda County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 186—An Act in relation to the office of Sheriff of the City and County of San Francisco.

Mr. Coffey moved to amend by striking out section three of the bill, upon which motion the ayes and noes were demanded by Messrs. Johnson, Haworth, and Mace.

Pending discussion of the amendment, on motion of Mr. Swift, the bill was ordered second on file for to-morrow evening.

Senate Bill No. 252—An Act to provide for the payment of the expenses of the Seventh Street Commission, in and for the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.

Amendment adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 265—An Act to amend sections one and three of an Act entitled an Act to authorize the Assessor of the City and County of San Francisco to appoint deputies, approved January twenty-fifth, eighteen hundred and seventy.

Read third time, and passed.

Title approved.

Assembly Bill No. 286—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved

Assembly Bill No. 397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 472—An Act to regulate the salaries and fix the compensation of the county officers of the County of Calaveras.

Mr. Wheat moved to amend by inserting in line nine, section two, after the word "thousand" the words, "and six hundred."

Adopted.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

At nine o'clock and thirty-six minutes P. M. Mr. DeWitt moved to adjourn.

Lost.

Assembly Bill No. 332—An Act to amend an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two, approved March thirty-first, eighteen hundred and seventy-six.

Ordered at the head of the general file for to-morrow.

Assembly Bill No. 461—An Act to provide for transcribing certain records in the County of Yuba.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 444—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 459—An Act to amend an Act entitled an Act to

regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Passed on file.

Assembly Bill No. 468—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 484—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa.

Mr. Hart moved to amend as follows: Strike out, in line twelve, section three, the word "fifty" and insert in lieu thereof "twenty."

Adopted.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

At ten o'clock and three minutes P. M. Mr. Holloway moved to adjourn.

Lost.

Assembly Bill No. 380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 450—An Act relative to the appropriation of moneys by the Common Council of the City of Oakland, to certain benevolent societies, out of the public funds of said city.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

At ten o'clock and ten minutes P. M. Mr. Dinniene moved to adjourn.

Lost.

Assembly Bill No. 489—An Act to amend an Act entitled "An Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties," approved March third, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 466—An Act to provide for the inspection of steam-boilers in the County of Colusa.

Indefinitely postponed.

Mr. Johnson was granted leave of absence for the evening.

At ten o'clock and fifteen minutes Mr. Holloway moved to adjourn.

Lost.

Mr. May was granted leave of absence for the evening.

At ten o'clock and sixteen and one-half minutes Mr. Welch moved to adjourn.

Lost.

Assembly Bill No. 474—An Act to provide for the construction and repair of bridges in the County of Mendocino.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 502—An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six.

Passed on file.

Assembly Bill No. 503—An Act to amend an Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said counties.

Passed on file.

Senate Bill No. 182—An Act to fix the salary of the Superintendent of Public Schools in the County of Calaveras.

Read third time, and passed.

Title approved.

Assembly Bill No. 396—An Act to authorize the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 501—An Act to provide a new Great Register for the County of Butte, and re-register the voters thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 318—An Act amendatory of and supplementary to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 113—An Act to amend section three of an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts

amendatory thereof and supplementary thereof, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Indefinitely postponed.

Assembly Bill No. 513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 186, was, on motion of Mr. Griffith, placed at the head of the special file for Wednesday.

Assembly Bill No. 249—An Act to provide a new Great Register for the County of Stanislaus, and re-register the voters thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Mr. Griffith, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 26th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence was granted to Messrs. Miller, Blackwell, and Ellis, two days' leave to Mr. Anderson, and indefinite leave to Mr. Barstow.

Journal of yesterday read and approved.

The Speaker announced as a committee on the part of the Assembly, in accordance with a resolution adopted on yesterday, providing for a joint committee to whom shall be referred all bills proposing amendments to the election laws of this State, Messrs. Hinshaw, Waters, and Conroy.

On motion of Mr. Tuttle, Assembly Bills Nos. 158, 174, 213, 267, 315, 505, and 426, were referred to the above-mentioned committee.

On motion of Mr. Swift, Assembly Bill No. 23—An Act to regulate the course of study and the use of text-books in the public schools—special order for this day, was made special order for March fifth, immediately after the reading of the Journal.

REPORT.

In accordance with previous instructions, Mr. Murphy of San Francisco submitted the following report:

MR SPEAKER: Your special committee, to whom was referred Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino,

and to provide for the payment of the cost of the same—has had the same under consideration, and begs leave to report the same back, and recommends its passage, with the following amendments.

R. W. MURPHY.

SPECIAL ORDERS.

Assembly Bill No. 61—An Act to amend the Civil Code, with respect to water rights and the appropriation of waters.

Mr. Whitlock moved to refer the bill to the Committee on Mines and Mining Interests.

Mr. DeWitt moved to amend by referring to the Judiciary Committee.

[Mr. Haile in the chair.]

Mr. Tuttle moved to amend by referring the bill to the Committee of the Whole.

So ordered.

Bill considered in Committee of the Whole.

[Mr. Haile in the chair.]

The committee arose, and reported the bill back, with the recommendation that it be referred to the Judiciary Committee.

IN ASSEMBLY.

[Mr. Haile in the chair.]

The report of the committee was received, and on the question of reference the ayes and noes were demanded by Messrs. Swift, Haworth, and Dinniene.

The roll was called, and the bill referred by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Brooks, Byington, Coffey, Cooley, Dare, DeWitt, Dixon, Ewing, Fairnum, Garver, Giffen, Griffith, Haile, Hanna, Hart, Haworth, Hinshaw, Hugg, Johnson, Long, Mace, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Sherman, Smyth, Thompson, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—49.

NOES—Messrs. Blake, Broderick, Conroy, Dinniene, Dorsey, Forsyth, Gough, Holloway, Kercheval, May, Routier, Swift, Tobin, and Whitlock—14.

On motion of Mr. Holloway, the Engrossing Clerk was authorized to insert the enacting clause in Assembly Bill No. 205—An Act to incorporate the town of Anaheim.

PETITIONS.

By Mr. Tuttle—Two petitions from the managers of St. Vincent's Orphan Asylum, relative to an appropriation.

Referred to the Committee on Ways and Means.

Also, from citizens of Sonoma County, relative to a bridge across Gualala River.

Referred to the Sonoma and Mendocino delegations.

REPORTS OF STANDING COMMITTEES.

By. Mr. Waters:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration Assembly Bill No. 36—An Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure—report the same with a substitute, amendatory of sections one thousand two hun-

dred and fifty-four and one thousand two hundred and fifty-seven of said Code, and recommend the passage of the substitute.

WATERS, for Judiciary Committee.

By Mr. Haworth:

SACRAMENTO, February 26th, 1878.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 141—An Act to amend section twenty-five hundred and fifty-two of an Act entitled an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto, approved February twenty-eighth, eighteen hundred and seventy-six—report the same back with an amendment, and recommend that it pass as amended.

JAMES HAWORTH, Chairman.

By Mr. Gough:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Concurrent Resolution No. 51—Relative to paying for translating the Governor's message into Spanish—have had the same under consideration, and report it back, with the recommendation that it pass.

GOUGH, Chairman.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

SPECIAL ORDER—TUESDAY, FEBRUARY TWENTY-SIXTH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AT ONE O'CLOCK P. M.

Assembly Bill No. 180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles.

Made the special order for Thursday next, at one o'clock and thirty minutes P. M.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Haile.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 560—An Act to authorize Dockery School District, in Butte County, to issue bonds for building purposes—have had the same under consideration, and report it back, and recommend that a few clerical errors, marked by the committee, be corrected by the Chief Clerk, and that it be passed.

Also, Assembly Bill No. 432—An Act to legalize a certain debt of Fairfield School District, in Solano County—have considered the same, and report it back with a substitute, and recommend the passage of the substitute

HAILE, Chairman.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 517—An Act to create a Board of Health in each of the counties of this State—have had the same under consideration, and report it back, with the recommendation that the same be indefinitely postponed.

J. C. MONTAGUE, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 281—An Act to add a new section to the Penal Code, in relation to the adulteration of candies—

have had the same under consideration, and report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

By Mr Ostrom:

ASSEMBLY CHAMBER, February 26th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 514—An Act to appropriate money for the relief of Elizabeth J Wimmer—have had the same under consideration, and report the same back, recommending that it do not pass.

Also, Senate Bill No. 185—An Act for the relief of George C. Knox.

Also, Senate Bill No. 144—An Act for the relief of Wells, Fargo & Co—have had the same under consideration, and report them back, recommending their passage.

OSTROM, Chairman.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER. Your Committee on Elections, to whom was referred Assembly Bill No. 194—An Act relative to elections—have had the same under consideration, and report it back without recommendation

Also, Assembly Bill No. 419—An Act to amend certain sections of the Political and Penal Codes—have had the same under consideration, and report it back without recommendation.

NEALLEY, Chairman.

Bills above reported were referred to the Joint Committee on Election Laws.

By Mr. Hinshaw:

MR SPEAKER Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 332, having had the same under consideration, ask leave to report it back, and recommend its passage.

HINSHAW, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Warden:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No 562—An Act fixing the fees and compensations of the District Attorney of the County of San Luis Obispo—have had the same under consideration, and report it back, with recommendation that it do pass.

LEW. M. WARDEN, Delegation.

By Mr. Giffen:

MR. SPEAKER The Nevada delegation, to whom was referred Senate Bill No. 330—An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four, approved March twenty-fourth, eighteen hundred and sixty-six—have considered the same, and report it back, with a recommendation that it pass.

Also, Senate Bill No. 304—An Act legalizing the State and county tax and assessments in the County of Nevada, in eighteen hundred and seventy-seven and eighteen hundred and seventy-eight—has been considered, and its passage is hereby recommended.

GIFFEN, Chairman.

By Mr. Robertson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR SPEAKER The Modoc and Siskiyou delegation, to whom was referred Senate Bill No. 315—An Act to incorporate the Town of Etna, Siskiyou County, California—have had the same under consideration, and report it back, with recommendation that it pass.

ROBERTSON, for Delegation.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No 559—An Act to provide for the payment of interest upon certain warrants of Butte County—have had the same under consideration, and report it back, with recommendation that it pass.

BROOKS, for Delegation.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR SPEAKER: Your Committee, composed of the Solano, Napa, and Lake delegations, to whom was referred Assembly Bill No. 382—An Act to provide for a narrow gauge railroad in the County of Napa—have had the same under consideration, and report it back with a substitute, without recommendation.

S. K. WELCH,
JOHN T. DARE,
R. C. HAILE

By Mr. McComas:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 367, have had the same under consideration, and respectfully ask leave to report it back, and recommend that it pass.

McCOMAS, for Delegation.

By Mr. Sargent:

MR. SPEAKER: The San Joaquin delegation, to whom was referred Senate Bill No. 275—An Act to ratify the contract between the Stockton Gas Company and the City of Stockton to supply gas to said city and its inhabitants, approved by the Acting Mayor of said City on the eighteenth day of December, eighteen hundred and seventy-seven—have had the same under consideration, and report it back, and recommend its passage.

SARGENT, for Delegation

By Mr. Brown:

SACRAMENTO, February 26th, 1878.

MR. SPEAKER The San Benito delegation, to whom was referred Senate Bill No. 163—An Act concerning roads and highways in San Benito County—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

BREEN, San Benito Delegation.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: The Merced delegation, to whom was referred the substitute for Senate Bill No. 209—An Act amendatory of an Act to provide for the maintenance and construction of roads and highways in the County of Mariposa, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, and recommend its passage.

EWING, Chairman.

INTRODUCTION OF BILLS.

By Mr. Dixon (by request)—An Act making an appropriation for deficiencies for the support of the Napa State Asylum for the Insane, for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Murphy of Del Norte—An Act in relation to road, poll, and property tax in the Town of Crescent City, in Del Norte County.

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

Title approved, and ordered transmitted to the Senate forthwith.

By Mr. Tuttle—An Act to amend sections six hundred and eighty and six hundred and eighty-one of the Political Code, relating to the purchase of bonds for the State School Fund.

Read first and second times, and ordered on file.

By Mr. Abbott—An Act in relation to the county officers of Monterey County, their fees and salaries.

Read first and second times, and ordered number seven on file.

By Mr. Dare—An Act to reorganize and simplify the school system and public education of the State of California.

Read first and second times, and referred to the Committee on Education, with accompanying petitions.

By Mr. Long—An Act to provide for the location, construction, and maintenance of public roads in the County of Mendocino.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Pace—An Act prescribing the duties and fixing the salaries of the Supervisors of the County of Santa Cruz.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed, and ordered transmitted to the Senate forthwith without engrossment.

By Mr. Johnson—An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties.

Read first and second times, and referred to delegations named in bill, and double the usual number of copies ordered printed.

By Mr. Broderick—An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a drawbridge over Channel Street, at the intersection of Sixth Street.

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

By Mr. Tobin—An Act to add a new section to the Political Code, to be known as section three thousand three hundred and eighty-eight, and relating to the issue of licenses for vehicles.

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

By Mr. Giffen—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate fares and freights thereon.

Read first and second times, and referred to Committee on Corporations.

By Mr. Warden—An Act supplementary to an Act fixing the salaries and compensations of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Read first and second times, and referred to San Luis Obispo delegation, and the usual number of copies ordered printed.

By Mr. Holloway—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, relative to eminent domain.

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

By Mr. Pace—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March ——, eighteen hundred and seventy-six.

Read first and second times, and referred to Committee on Corporations.

By Mr. Moffat—An Act to amend section one thousand four hundred and ten of the Civil Code, in relation to water rights.

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

By Mr. Farnum—An Act to provide for a law library of the corporation known as the Oakland Law Library Association, and to secure the use of the same to the Courts held at Oakland, Alameda County, the bar, the City of Oakland, the county government, the law students of the University, and the people of the City of Oakland, and the Courts of Alameda

Read first and second times, and ordered on file.

By Mr. Meyers—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

Read first and second times, and ordered on special file.

By Mr. Montague—An Act to regulate and provide for the payment of the fees of medical experts as witnesses in civil and criminal actions in the Courts.

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

By Mr. Cooley—An Act to provide for the payment of taxes, licenses, salaries, fees, debts, and liabilities, in any lawful money of the United States, whether gold, silver, or legal tender paper.

Read first and second times, and referred to Committee on Ways and Means.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, February 25th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 204—An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, substitute for Senate Bills Nos 416 and 417—An Act for the relief of sufferers by the late storm and flood.

Also, under suspension of the rules, passed Senate Bill No. 401—entitled an Act to legalize the assessment and levy of taxes in the County of Santa Cruz

Also, Senate Concurrent Resolution No. 41—That the Assembly be respectfully requested to return Senate Bill No. 290 to the Senate for correction.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth day of February, eighteen hundred and seventy-eight, passed Senate substitute for Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

And, on the eighteenth day of February, eighteen hundred and seventy-eight, passed Senate Bill No 319—An Act to provide for the building of bridges across South and Middle Eel River, in Mendocino County.

Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the costs of certain criminal actions.

Senate Bill No. 260—An Act to amend certain sections, numbers one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-eight, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine, of the Code of Civil Procedure.

Senate Bill No. 310—An Act to increase the appropriations for the support of the Hospital and Alms-house of the City and County of San Francisco

Senate Bill No 382—An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two, and the Acts supplementary thereto and amendatory thereof.

Senate Joint Resolution No. 27—Relative to transcontinental railroads.

And, on the twentieth day of February, eighteen hundred and seventy-eight, passed substitute for Senate Bill No. 180—An Act for the relief of John Hoagland and others.

Substitute for Senate Bill No. 201—An Act to fix the compensation of the Under Sheriff, Deputy Sheriff, and County Jailers of Alameda County.

Senate Bill No. 279—An Act to amend section three hundred and fifty-seven of the Penal Code.

Senate Bill No. 327—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses.

Senate Bill No. 284—An Act to amend section two thousand two hundred and seventy-four of the Civil Code.

Senate Bill No. 290—An Act to amend section three thousand four hundred and forty-three of the Political Code.

Senate Bill No. 306—An Act to amend section four hundred and eighty-seven of the Penal Code, in relation to the crime of grand larceny.

Senate Bill No. 317—An Act to confirm the title to certain property on the water front in the City and County of San Francisco.

Senate Bill No. 329—An Act to add a new section to the Penal Code, to be known as section one hundred and seventy-eight, in relation to obtaining divorces.

And, on the twenty-fifth of February, eighteen hundred and seventy-eight, passed Senate Bill No. 262—An Act to authorize the Board of Supervisors of the City and County of San Francisco to audit and pay a certain claim.

Assembly Concurrent Resolution No. 54—Relative to a Joint Committee on Election Laws.

Assembly Bill No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon road in said county.

Assembly Bill No. 147—An Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes.

And Assembly Bill No. 542—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Colusa County to approve official bonds of county and township officers of said county, approved February eighteenth, eighteen hundred and seventy-eight.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 26th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first instant, passed, under suspension of the rules, Senate Bill No. 353—An Act for the encouragement of agriculture and other industries.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 401, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 417, read first and second times, and considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Mr. Dare moved to amend by inserting the name of W. H. Belton.

Lost.

Mr. Murphy of San Francisco moved to amend by requiring the report made to the Governor to be made under oath.

Lost.

The bill was then read third time, and passed.

Title approved.

Senate substitute for Assembly Bill No. 41, read first and second times, and returned to the Senate for a correction of its history.

Senate Joint Resolution No. 27, read first and second times, and referred to Committee on Corporations.

Senate Bill No. 306, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 319, read first and second times, and referred to Mendocino delegation.

Senate Bill No. 382, read first and second times, and referred to Sonoma delegation.

Senate Bill No. 310, read first and second times, and referred to San Francisco delegation.

Senate Bill No. 290, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 284, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 317, read first and second times, and referred to Committee on Commerce and Navigation.

Senate Bill No. 329, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 327, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 279, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 262, read first and second times, and referred to San Francisco delegation.

Senate Bill No. 260, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 244, read first and second times, and referred to Committee on Ways and Means.

Senate Bill No. 204, read first and second times, and referred to Committee on Claims.

Substitute for Senate Bill No. 201, read first and second times, and referred to Alameda delegation.

Substitute for Senate Bill No. 180, read first and second times, and referred to Committee on Claims.

Substitute for Senate Bill No. 353, read first and second times, and referred to Committee on Agriculture.

RESOLUTIONS.

By Mr. Mace—Assembly Concurrent Resolution, relative to a mail route from Centreville to Visalia.

Referred to the Committee on Federal Relations.

By Mr. Warden—Assembly Concurrent Resolution, relative to the Atlantic and Pacific land grant.

Referred to the Committee on Federal Relations.

On motion of Mr. Waters, the usual number of copies of Assembly Bill No. 36 was ordered printed.

By Mr. Gough—A resolution relative to a Clerk for the Committee on Public Printing.

Referred to the Committee on Attachés and Employés.

By Mr. Moffat—Assembly Concurrent Resolution, relative to the site of Camp Independence, in Inyo County.

Referred to the Committee on Federal Relations.

By Mr. Ostrom—Resolution relative to an appropriation for the payment of Edward Lande.

Referred to the Committee on Contingent Expenses.

By Mr. Dixon—A resolution relative to restricting the time of speaking by members of this House.

Laid over for one day.

By Mr. Hart:

Resolved, That a committee of three be appointed by the Speaker to inquire and report to the Assembly the costs to the State of the Board of Transportation Commissioners, created under and by virtue of an Act of the Legislature, approved April third, eighteen hundred and seventy-six.

Adopted.

In accordance with the above resolution the Speaker appointed Messrs. Hart, Nott, and Cooley.

By Mr. McComas—A resolution relative to mileage for members who have been appointed to attend funerals of deceased members of the Legislature.

Referred to the Committee on Mileage.

REPORT.

By Mr. Broderick:

MR SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 109—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

No. 470—An Act to provide for the payment of certain claims against the County of Santa Cruz

No. 295—An Act to fix the amount of the bond of the Tax Collector of Marin County.

And the same were, at twelve o'clock and fifty-five minutes P. M., this day, February twenty-sixth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

GENERAL FILE.

[Mr. Dare in the chair.]

Senate Bill No. 87—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

Read third time, and passed.

Title approved.

Senate Bill No. 112—An Act to amend section one thousand one hundred and sixty-six of the Code of Civil Procedure, relating to forcible and unlawful detainer.

Read third time, and passed.

Title approved.

Senate Bill No. 118—An Act to amend section eight hundred and ninety-five of the Code of Civil Procedure.

Read third time, and passed.

Title approved.

Senate Bill No. 160—An Act to amend section one thousand three hundred and eighty-six of the Penal Code.

Indefinitely postponed.

Senate Bill No. 193—An Act to amend section two thousand one hundred and eighty of the Civil Code.

Read third time, and passed.

Title approved.

Assembly Bill No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Substitute for Assembly Bill No. 341—An Act to amend section

four thousand three hundred and twenty-nine of the Political Code of the State of California, with respect to the salaries of judicial officers.

Referred to the Committee on Public Expenditures and Accounts.

Assembly Bill No. 340—An Act entitled an Act to amend section nine hundred and eighty-seven of the Penal Code, concerning the power of the Court to appoint counsel in criminal cases.

Passed on file.

Assembly Bill No. 178—An Act to amend subdivision two, section six hundred and ninety, Title X, Chapter I, of the Code of Civil Procedure, to exempt certain property from execution.

Substitute amended, and adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Pursuant to notice, Mr. Johnson moved to reconsider the vote by which the House refused to pass Assembly Bill No. 66, and the motion to reconsider was made the special order for Tuesday next, at one o'clock P. M.

Assembly Bill No. 340, passed on file this day, was, on motion of Mr. Hart, taken up for consideration.

Indefinitely postponed.

Assembly Bill No. 384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 337—An Act to prevent buck goats from running at large.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 343—An Act to prevent the sale of oleomargarine under the name and pretense that said commodity is butter.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 216—An Act to repeal an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Made the special order for March sixth, at one o'clock P. M.

[Speaker in the chair.]

Assembly Bill No. 165—An Act to protect public health from infection from the bodies or remains of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed previous to being moved or transported in or from this State, and to provide penalties for any violations of the provisions thereof.

Made the special order for March seventh, at one o'clock P. M.

Assembly Bill No. 386—An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful separation or proceedings for divorce.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 288—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section, to be numbered section five hundred and sixty-eight.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 393—An Act to provide for the payment of unused and uncanceled stamps of the State of California, heretofore sold.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported the bill back, with the recommendation that it pass.

IN ASSEMBLY.

[Speaker in the chair.]

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 217—An Act for the relief of R. M. Wilson.

Passed on file.

Assembly Bill No. 157—An Act to provide for the payment of certain outstanding Indian war bonds, issued by the State of California, under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Passed on file.

Assembly Bill No. 283—An Act relating to the civil government of military companies.

Mr. Backus moved to amend section one by striking out the word "Captain" and inserting the words "Company Commander."

Adopted.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 216—An Act to amend section three hundred and seventy-six of the Penal Code.

Read third time, and passed.

Title approved.

ADJOURNMENT.

At four o'clock and thirty-two minutes P. M., on motion of Mr. Haile, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 27th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Mr. McComas of Santa Clara announced the presence in this Chamber of J. E. Clark, member elect from Santa Clara County to fill the vacancy caused by the death of the late Honorable C. W. Upton.

Mr. Clark then came forward, the oath of office was administered by the Speaker, to which he subscribed, and took his seat.

Journal of yesterday read and approved.

On motion of Mr. Whitlock, the usual number of copies of Assembly Concurrent Resolution No. 40 was ordered printed.

SPECIAL ORDERS.

Assembly Bill No. 225—An Act amendatory and supplementary to an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 226—An Act for the prevention of unjust discrimination, and the equalization of freights and fares on railroads in this State.

Assembly Bill No. 227—An Act in relation to railroads.

Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transportation of passengers and freights on certain railroads in this State, and to prevent extortion and unjust discrimination thereon.

Mr. Murphy of Del Norte moved that the above bills be considered in Committee of the Whole, upon which motion the ayes and noes were demanded by Messrs. Haile, Ostrom, and Smyth.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hugg, Johnson, Mace, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Sherman, Tobin, Warden, Welch, and Whitlock—36.

NOES—Messrs Blake, Breen, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Dunlap, Haile, Hanna, Hicks, Hinshaw, Holloway, Kercheval, Long, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Wilson, Young, and Mr. Speaker—36.

Indefinite leave of absence was granted to Mr. Ellis, and one day's leave to Mr. Asmussen.

House took up Assembly Bill No 225—An Act amendatory and supplementary to an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

[Mr. Haile in the chair.]

During the reading of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORTS.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 27th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 528—An Act to consolidate a portion of Magnolia School District, Nevada County, into Lone Star School District, in the County of Placer.

88—An Act to amend section three hundred and seven of the Civil Code.

430—A substitute for Assembly Bills Nos. 430 and 481—An Act providing for the election of an Attorney in and for the City of Sacramento.

YOUNG, Chairman.

By Mr. Broderick:

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No. 237—An Act to protect agriculture, and to provide for the distraining of trespassing animals in the County of Los Angeles.

No. 147—An Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes.

No. 542—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Colusa County to approve official bonds of county and township officers of said county, approved February eighteenth, eighteen hundred and seventy-eight

No. 40—An Act to legalize the acts of the Board of Supervisors of Lake County in the matter of the survey and construction of the Kelley Cañon road, in said county.

And the same were, at eleven o'clock A. M., this day, February twenty-seventh, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

RESOLUTION.

By Mr. Ostrom (by permission):

Resolved, That the Engrossing Clerk be authorized to insert the enacting clause in Assembly Bill No. 461.

Adopted.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Gough—An Act to authorize the widening of Washington Street, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation, and the usual number of copies ordered printed.

By Mr. Murphy of San Francisco—An Act to establish and maintain a Free Dispensary in the City and County of San Francisco.

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

Mr. Wheat moved a suspension of the rules for the purpose of submitting a report.

Lost.

House resumed consideration of Assembly Bill No. 225, pending discussion of which the House took a recess this day.

[Mr. Haile in the chair.]

[Speaker in the chair.]

Mr. Hart moved that the House resolve itself into Committee of the Whole for the purpose of considering Assembly Bills Nos. 225, 226, 227, and 541.

Upon which motion the ayes and noes were demanded by Messrs. Haile, Hart, and Ostrom.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Connolly, Conroy, Dare, DeWitt, Dunniene, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Mace, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Sherman, Tobin, Tuttle, Warden, Welch, Whitlock, and Wilson—40.

NOES—Messrs Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Haile, Hanna, Hinshaw, Holloway, Kercheval, Long, McComas, Meyers, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Thompson, Waters, Wheat, Young, and Mr. Speaker—31.

Assembly Bills Nos. 225, 226, 227, and 541 considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported progress, and asked leave to sit again, at eleven o'clock A. M. to-morrow, to consider the bills.

IN ASSEMBLY.

[Speaker in the chair.]

The report was received and adopted.

REPORT OF STANDING COMMITTEE.

By Mr. Tuttle:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 374—An Act to prevent extortion by gas companies in the State of California—have had the same under consideration, and hereby report it back, and recommend its passage.

Also, Assembly Bill No. 294—An Act to amend section two hundred and eighty-seven of the Civil Code, in reference to the formation of corporations—and recommend that it do not pass.

Also, Assembly Bill No. 179—An Act to regulate street railroads in the City and County of San Francisco—and recommend that it do not pass.

Also, Assembly Bill No. 353—An Act to protect stockholders and persons dealing with corporations in this State—and recommend its passage.

Also, Assembly Bill No. 372—An Act regulating the issuance and transfer of stock or certificates thereof in incorporated companies in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 486—An Act concerning gas companies—and recommend its passage.

Also, Assembly Bill No. 506—An Act to amend section three hundred and twenty-two of the Civil Code, in reference to the liability of stockholders of corporations—and recommend that it do not pass.

Also, Senate Bill No. 255—An Act to amend an Act entitled an Act to re-incorporate the City of Stockton, approved March 27th, 1872—and recommend its passage.

TUTTLE, Chairman.

REPORT OF SELECT COMMITTEE.

MR. SPEAKER: The delegation from Sonoma have considered Assembly Bill No. 266—An Act to amend an Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and supplemental thereto—report the same back with a substitute, and recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 414—An Act to authorize the City of Petaluma to provide and maintain public water-works for said city, and to purchase and condemn private property for that purpose—report the same back with amendments, recommend the adoption of the amendments, and passage of the bill as amended.

TUTTLE, for Delegation.

REPORTS OF STANDING COMMITTEES.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 27th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 523—An Act making appropriation for the benefit of the Southern California Horticultural Society—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 409—An Act to amend section three thousand three hundred and eighty-five of the Political Code, in relation to animals kept for propagation—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 224—An Act to amend section three thousand three hundred and eighty-two of the Political Code, by removing taxation from the manufactured products of wheat—report it back, recommending that it do not pass.

Also, substitute for Senate Bill No. 353—An Act for the encouragement of agriculture and other industries—have had the same under consideration, and report it back without recommendation.

Also, Assembly Bill No 476—An Act to amend section six hundred and ninety of the Code of Civil Procedure, so far as to exempt fifty hives of bees from execution—report it back, recommending that the author be allowed to withdraw the same.

THOMPSON, Chairman.

By Mr. Coffey:

SACRAMENTO, February 27th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 183—An Act to regulate the registration of voters, and to secure the purity of elections, in the City and County of San Francisco—report the author's substitute therefor, and recommend that the substitute do pass. Eighteen members present and voting.

J. V. COFFEY, Chairman Delegation.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno—beg leave to report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 376—An Act to provide for the improvement of the public roads in the County of Mono—report it back with amendments, and recommend its passage as amended.

WHEAT, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, February 27th, 1878

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three; and Assembly Bill No. 508—An Act to provide free bridges in the County of Sacramento; and Senate Bill No. 11—An Act to amend an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four—report the same back, and recommend their passage.

And report Assembly Bill No. 208—An Act regarding the Fire Department of the City of Sacramento and its officers—back, and recommend that it do not pass.

JOHNSON, Chairman Delegation.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, February 27th, 1878.

MR SPEAKER The Merced delegation, to whom was referred Assembly Bill No. 569—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four; also, Assembly Bill No 573—An Act to grant to George E. Isaacs and his assigns the right to supply the inhabitants of the Town of Merced with fresh water—have had the same under consideration, and report them back, with the recommendation that they pass.

EWING, Delegation.

Mr. Gildea submitted a verbal report from the Committee on Federal Relations, recommending the passage of Assembly Joint Resolution No. 43—Relative to the import duty on mohair.

Rules suspended, considered engrossed, read third time, and passed. Title approved.

INTRODUCTION OF BILLS.

By Mr. Nott (by permission)—An Act to amend section four thousand two hundred and seventeen of the Political Code, in relation to the duties of County Recorders.

Read first and second times, and referred to the Committee on Ways and Means.

ADJOURNMENT.

At four o'clock and eight minutes P M., on motion of Mr. Holloway, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 28th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No 174—An Act to ratify and validate a certain contract of the City and County of San Francisco—report the same back, and recommend that it pass. The delegation further request that the rules be suspended for the purpose of consider ng the bill at once. Seventeen members present and voting.

J. V. COFFEY, Chairman.

Rules suspended for the purpose of considering Senate Bill No. 174, above reported.
Bill read third time, and passed.
Title approved.
By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 26—Memorializing Congress to abolish the duty on grain bags, burlaps, and the material of which grain bags are made—have had the same under consideration, and report it back, and recommend its passage.

Also, Assembly Joint Resolution No. 45—Relative to soldiers in California before gold was discovered—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Joint Resolution No 44—Relative to the establishing of friendly relations with, and the recognition of, the Diaz Government in Mexico—have had the same under consideration, report it back, and recommend its passage

GILDEA, Chairman.

Rules suspended, on motion of Mr. Gildea, for the purpose of considering Assembly Joint Resolution No. 45—Relative to soldiers in California before gold was discovered.
Assembly Joint Resolution No. 45 taken up, rules suspended, considered engrossed, read third time, and passed.
Title approved.
Assembly Joint Resolution No. 44—Relative to recognition of the Diaz Government in Mexico—taken up, rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Joint Resolution No. 26—Relative to the duty on grain bags—was taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 1—An Act to establish and maintain free public libraries and reading-rooms—have had the same under consideration, and report it back, with a recommendation that it pass.

Also, Senate Bill No. 239, which they report back with an amendment, with a recommendation that it pass as amended.

Also, Assembly Resolution—In relation to the management of the domain of the State University—report it back, and a majority of the committee recommend that it be referred to the Judiciary Committee.

HAILE, Chairman.

Mr. Haile moved the reference of the resolution relative to the appointment of a committee to investigate the affairs of the State University, above reported, to the Judiciary Committee.

Lost.

On motion of Mr. Johnson, the preamble of the resolution was stricken out, and the resolution, as amended, was adopted.

In accordance with the resolution, the Speaker appointed, as a committee, Messrs. Dare, Smyth, and Meyers.

By Mr. Holloway:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No 350—An Act to add a new section to the Penal Code, to prevent impositions from being practiced on settlers by fraudulent publications—report the same back with an amendment, and recommend the passage thereof as amended.

Also, Assembly Bill No. 572—An Act in relation to officers in Plumas County, and fix the compensation thereof—and recommend the reference thereof to the Plumas delegation.

Also, Senate Bill No. 233—An Act to amend an Act entitled an Act to create the Twenty-first Judicial District, approved February fifteenth, eighteen hundred and seventy-six, by changing the dates of holding terms of Courts in said district—report the same back, and recommend its passage.

Also, Assembly Bill No. 242—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for the collection of taxes—report the same with an amendment, and recommend passage as amended.

HOLLOWAY, for Committee.

By Mr. Pace:

MR. SPEAKER. The majority of the Committee on County and County Boundaries have had under consideration Assembly Bill No. 199, and report the same back with amendments, and recommend its passage as amended.

GEORGE PACE, Chairman,
WILLIAM HANNA,
JOSEPH RUSS,
J. H. WHITLOCK.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 473—An Act to provide for the payment of a claim for collecting delinquent purchases of school lands—have had the same under consideration, and report it back, with the recommendation that it do pass.

D. A. OSTROM, Chairman.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 434—An Act to add a new section to the Civil Code—have had the same under consideration, and report it back, with a recommendation that it be referred to the Committee on Mines and Mining Interests

EWING, Chairman.

PETITION.

By Mr. Conroy (by permission)—From sportsmen, protesting against a change in the existing game laws.

Referred to the Committee on Fish and Game.

REPORT.

By Mr. Haworth:

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 82—An Act concerning the water front of the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended.

JAS. HAWORTH, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, February 21st, 1878.

MR. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 520—An Act to provide for the improvement and maintenance of public roads in the County of El Dorado—have had the same under consideration, and report it back, with a recommendation that it pass.

MILLER,
NOTT, } Committee.

ASSEMBLY CHAMBER, February 28th, 1878.

MR. SPEAKER: The El Dorado delegation, to whom was referred Senate Bill No. 339—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-six—have considered the same, and report the same back, and recommend its passage.

MILLER,
NOTT, } Delegation.

Assembly Bill No. 520 and Senate Bill No. 339, above reported, ordered on the special file.

By Mr. Sherman:

MR. SPEAKER: Your delegation, to whom was referred Senate Bill No. 344, have had the same under consideration, and respectfully beg leave to report the same back, and recommend its passage.

SHERMAN, for Delegation.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, February 27th, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Senate Bill No. 342—entitled an Act to legalize a tax for building a school house in the New York School District, in Contra Costa County—have had the same under consideration, and report it back, with the recommendation that it pass.

YOUNG, for Delegation.

RESOLUTION.

By Mr. Sherman (by permission)—Relative to an appropriation of one hundred and fifty-three dollars, mileage, for the payment of R. R. Donnell for attendance on the Committee on Assessments as a witness.

Referred to Committee on Contingent Expenses.

REPORT.

By Mr. Farnum:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 389—An Act entitled an Act to incorporate the Town of Berkeley, in Alameda County—have had the same under

consideration, and respectfully report it back with amendments, and recommend its passage as amended.

FARNUM, for the Delegation.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Holloway—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment.

Read first and second times, and ordered on special file.

By Mr. Gough—An Act to provide and pay for the construction of a bulkhead or wharf along a portion of the water front of the northern part of the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. May (for Mr. Barstow)—An Act to segregate certain lands from the Laurel Hill Cemetery, to authorize streets through the same, and the use of said lands for other purposes.

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

By Mr. Swift (by request)—An Act for the protection of fish and game.

Read first and second times, and referred to the Committee on Fish and Game.

Also, an Act to protect stockholders in corporations in this State by stopping their officers from depositing the corporation funds in banks to their individual credit.

Read first and second times, and referred to the Committee on Corporations.

By Mr. DeWitt—An Act to authorize the Surveyor-General to collect from the United States money that may become due to the State of California on account of sales of lands in this State.

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

By Mr. Miller—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Read first and second times, and ordered on special file.

SPECIAL ORDERS.

Assembly Bill No. 225—An Act amendatory and supplementary to an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 226—An Act for the prevention of unjust discrimination, and the equalization of freights and fares on railroads in this State.

Assembly Bill No. 227—An Act in relation to railroads.

Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transportation of passengers and freights on certain railroads in this State, and to prevent extortion and unjust discrimination thereon.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported progress, and asked leave to sit again at one o'clock P. M. to consider the bills.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received and adopted.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Holloway, Assembly Bill No. 180, special order for this day, was made special order for Monday next, at one o'clock P. M.

The Speaker announced the appointment of Mr. Clark to the following committees: Public Buildings, Public Printing, Retrenchment, and Roads and Highways.

SENATE MESSAGES.

On motion of Mr. Gough, Senate messages were taken up as follows:

SENATE CHAMBER,
SACRAMENTO, February 27th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of February, eighteen hundred and seventy-eight, passed Senate Bill No. 97—An Act to create a new Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco.

Senate Bill No. 403—An Act to confer further powers on the Board of Directors of the California Institution for the Education of the Deaf, the Dumb, and the Blind.

Senate Bill No. 405—An Act to amend an Act entitled an Act to incorporate the Town of Alameda, approved February twenty-first, eighteen hundred and seventy-eight.

Senate Bill No. 343—An Act to fund certain indebtedness of Solano County.

Senate Bill No. 428—An Act respecting the Hospital of the County of Placer.

Assembly Bill No. 107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.

Assembly Bill No. 124—An Act for the relief of John Reardon, B. H. Kenney, Patrick Donahue, and W B Jourden.

Assembly Bill No 71—An Act to provide for the payment of the claim of Harrison Roberts, Luis Ruggio, and C. S. Colvig, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.

Assembly Bill No. 334—An Act to authorize a tax for the payment of grand and trial jurors in the County of Alpine.

Amended and passed Assembly Bill No. 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one.

Also, passed Assembly Bill No. 439—An Act amending an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six, in relation to County Assessor.

Assembly Bill No. 516—An Act to regulate fees of office and salaries of officers in Modoc County.

And indefinitely postponed Assembly Bill No. 187—An Act to amend section four hundred and ninety-seven of the Civil Code of the State of California.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth instant, passed Senate Bill No. 346—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, passed substitute for Senate Bill No. 136—An Act to fund certain indebtedness of Tulare County.

Also, passed, on the twenty-sixth instant, Senate Bill No. 217—An Act to amend the Political Code, respecting the health and quarantine regulations of the City and County of San Francisco.

Also, on the twenty-seventh, passed Assembly Bill No. 75—An Act to ascertain the amount and provide for the payment of damages done to St. Francis' Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue, in said city and county

Also, on February twenty-first, passed Senate Bill No. 162—An Act concerning licenses in the County of San Benito.

Also, passed substitute for Senate Bill No. 202—An Act for the relief of Edward C. Kirby and John Burke.

Also, passed Senate Bill No. 256—An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco.

Also, passed Senate Bill No. 393—An Act to authorize the Board of Supervisors of the County of Santa Clara to issue bonds in payment of certain indebtedness

Also, passed Senate Bill No. 378—An Act to amend an Act entitled an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Also, passed Senate Bill No. 379—An Act to amend an Act entitled an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 380—An Act concerning the Santa Clara Avenue, and certain public lands of the City of San José, in the County of Santa Clara.

Also, on the twenty-fifth instant, passed, under the suspension of the rules, Senate Bill No. 404—An Act to amend an Act entitled an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Also, passed Senate Bill No. 411—An Act to authorize the Trustees of the I. O. O F., of the City of San Francisco, to lease the lot of land in the City of San Francisco held by said Trustees for the I. O. O. F. of said city.

Also, passed Senate Bill No. 356—An Act to amend sections three thousand and seventy-four, three thousand and seventy-seven, three thousand and seventy-nine, and three thousand and eighty-one of the Political Code, and to add a new section thereto, to be numbered section three thousand and eighty-three, relative to the registry of births, marriages, and deaths.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 245, taken up, and Senate amendment concurred in.

Senate Bills Nos. 297, 411, 256, 217, and 346, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 428, read first and second times, and referred to the Placer delegation.

Senate Bill No. 343, read first and second times, and referred to the Solano delegation.

Senate Bill No. 405, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 403, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 356, read first and second times, and referred to the Committee on Hospitals.

Senate Bill No. 404, read first and second times, and referred to the San Luis Obispo delegation.

Senate Bills Nos 380, 379, 378, and 393, read first and second times, and referred to the Santa Clara delegation.

Substitute for Senate Bill No. 202, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 162, read first and second times, and referred to the San Benito delegation.

Substitute for Senate Bill No. 136, read first and second times, and referred to the Tulare delegation.

On motion of Mr. Murphy of Del Norte, the House went into Committee of the Whole, for the purpose of considering Assembly Bills Nos. 225, 226, 227, and 541.

Bills considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, reported progress, and asked leave to sit again to-morrow at eleven o'clock A. M.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received and adopted.

GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 26th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 67—An Act for the relief of Julius Blume.

98—An Act making appropriations for deficiencies for the twenty-seventh, twenty-eighth, and twenty-ninth fiscal years.

188—An Act to amend section five hundred and eighty-one of the Code of Civil Procedure, in reference to when cases in Court may be dismissed or nonsuit entered.

191—An Act relative to certain duties of Constables in the several townships of the County of Alameda.

192—An Act relative to executions from Courts of Justices of the Peace of the several townships of the County of Alameda.

203—An Act to amend an Act entitled an Act to provide for a Police Contingent Fund, approved February twenty-eighth, eighteen hundred and fifty-nine.

204—An Act repealing section four of an Act extending the provisions of an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, to Modoc County, approved March twenty-third, eighteen hundred and seventy-four, so far as the same relates to that portion of Modoc County known as Adin Township.

220—An Act to amend section one thousand two hundred and ninety-one of the Penal Code, in reference to what Magistrate may admit prisoners to bail.

240—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Merced.

248—An Act to add section nine hundred and twenty-six to the Code of Civil Procedure.

250—An Act to repeal an Act entitled an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district, approved March twenty-seventh, eighteen hundred and seventy-six.

253—An Act to amend section three thousand four hundred and sixty-five of the Civil Code, relative to the omission to record certain assignments

265—An Act to amend sections one thousand two hundred and twenty-seven, one thousand two hundred and thirty, one thousand two hundred and thirty-two, and one thousand two hundred and thirty-three of the Code of Civil Procedure, relative to the voluntary dissolution of corporations.

269—An Act to appropriate funds to the use of the County Clerk of San Diego County to pay deputies.

273—An Act to change the name of a town in Amador County.

303—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries, in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six

308—An Act to fix the compensation of Road Overseers of the Counties of Alameda and San Mateo, and in relation to the road poll tax thereof

336—An Act relating to the Assessor's office of El Dorado County.

357—An Act to authorize the Board of Supervisors of Nevada County to remove the bodies of certain deceased persons.

428—An Act in relation to the Assessor of Sacramento County.

WILLIAM IRWIN, Governor.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No. 124—An Act for the relief of John Rierdon, B H. Kenney, Patrick Donahue, and W. B. Jourden

No 334—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.

No. 439—An Act amending an Act entitled an Act to regulate fees of office and salaries of office in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six, in relation to County Assessor.

No. 107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.

No. 71—An Act to provide for the payment of the claim of Harrison Roberts, Luis Ruggio, and C. S. Colvig, for services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez.

And the same were, at eleven o'clock and thirty minutes A. M., this day, February twenty-eighth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

[Mr. Tuttle in the chair.]

By Mr. Gildea (by permission):

MR SPEAKER. Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 50—Relative to the establishment of a mail route in Butte County—have had the same under consideration, and report it back, and recommend its passage.

GILDEA, Chairman.

INTRODUCTION OF BILLS.

By Mr. Kercheval—An Act for the relief of Edward Christy.

By Mr. Mace—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno.

Each of the above bills read first and second times, and referred to the Committee on Claims.

By Mr. Blackwell—An Act restraining the State Board of Education from making certain contracts, and to provide a system for textbooks for use in the public schools in the several counties of this State.

Read first and second times, and referred to the Committee on Education.

By Mr. Johnson—An Act for the relief of the Sacramento Protestant [Orphan] Asylum.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Russ—An Act to amend section three thousand eight hundred and sixty-nine of the Political Code, concerning the collection of poll taxes.

By Mr. Anderson—An Act to amend section four hundred and eighty-six of the Code of Civil Procedure, relative to discharge from arrest in civil actions.

Also, an Act to regulate the collection of assessments.

By Mr. Coffey—An Act to add section one thousand and thirty-three to the Political Code, in relation to the perpetuation of evidence by State and county officers.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Asmussen—An Act for the protection of the rights of draymen and others in the City and County of San Francisco.

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

By Mr. Dorsey (by request)—An Act to create an irrigation district, to be called the Modesto Irrigation District.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Routier—An Act in relation to public roads in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

SENATE MESSAGE.

The following message was received from the Senate.

SENATE CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, amended and passed substitute for Assembly Bill No. 94—An Act to regulate fees of office and salaries of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto.

Also, passed Assembly Joint Resolution No. 28—Relative to increased mail service in Santa Barbara County.

Substitute for Senate Joint Resolution No. 34—Relating to viniculture—and ordered sent to the Assembly without engrossment.

Senate Joint Resolution No. 29—Relating to United States revenue laws—and ordered sent to Assembly without engrossment.

Substitute for Senate Bill No. 365—An Act to provide for the payment of certain outstanding bonds of the County of Alameda—and ordered sent to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Assembly Bill No. 94, taken up, and Senate amendments concurred in, and bill ordered enrolled out of its order.

Substitute for Senate Bill No 365, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 29, read first and second times, and referred to the Committee on Federal Relations.

Substitute for Senate Joint Resolution No. 34, read first and second times, and referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Haworth—Relative to a Clerk for the Committee on Commerce and Navigation.

Referred to the Committee on Attachés and Employés.

Also, a resolution relative to mileage to be allowed to members of the Committee on Commerce and Navigation.

Referred to the Committee on Mileage.

RECESS.

At three o'clock and forty-six minutes P. M., on motion of Mr. Robertson, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Leave of absence for this evening was granted to Messrs. Young, Dare, and Miller.

SPECIAL FILE.

Senate Bill No. 237—An Act to create a Board of Fire and Police Commissioners of the City of Oakland.

Mr. Dixon moved to amend by striking out section three of the bill, and inserting in lieu thereof the following:

[SECTION 3] The seventh ward of said city shall, at the municipal election to be held in said city in the year A D. eighteen hundred and seventy-nine, and at the municipal election to be held every two years thereafter, elect a Commissioner to succeed the Commissioner appointed or elected from said ward. The fifth and sixth wards of said city shall each, at the municipal election to be held in the year A D eighteen hundred and eighty, and at the municipal elections every two years thereafter, elect a Commissioner to succeed those appointed or elected from said wards. The third and fourth wards of said city shall each, at the municipal election to be held in the year A. D. eighteen hundred and eighty-one, and at the municipal election every two years thereafter, elect a Commissioner to succeed those appointed or elected from said wards. And the first and second wards shall each, at the municipal election to be held in the year A. D. eighteen hundred and eighty-two, and at the municipal election every two years thereafter, elect a Commissioner to succeed those appointed or elected from said wards. Said Commissioners shall hold office for two years from and after the first Monday of April next succeeding their election, and until their successors are elected and qualified.

Adopted.

Mr. Dixon moved to amend section twenty-three as follows: Amend by striking out, in line three, the word "audit," and insert in lieu thereof the word "examine;" and strike out, in line five, the word "Treasurer," and insert in lieu thereof the word "Council."

Adopted.

Also, amend section twenty-four, as follows: Strike out, in line three, the word "audit," and insert in lieu thereof the word "examine;" and in line five strike out the word "Treasurer," and insert in lieu thereof the word "Council."

Adopted.

Mr. Farnum moved to amend as follows: Amend by adding to section one the following, "subject to the control of the City Council of said city."

Lost.

Mr. Farnum further moved to amend as follows: Amend section two by striking out all between the word "be," in line two, and the word "and," in line five, and insert in lieu thereof the words "elected by the qualified electors of said city, at the municipal election to be held in March, eighteen hundred and seventy-eight;" also, by striking out the word "appointment," in line seven, and insert in lieu thereof the word "election;" also, by inserting between the word "therein" and the word "shall," in line twelve, the words "shall file an official bond in the penal sum of five thousand dollars, to be approved by the Mayor, and in accordance with the law regulating the official bonds of public officers, and."

[Speaker pro tem. in the chair.]

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Farnum, Gildea, and McClure.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Allen, Backus, Blake, Breen, Brooks, Clark, Coffey, Farnum, Forsyth, Garver, Haile, Hanna, Hinshaw, Johnson, Kercheval, May, McClure, McComas, Meyers, Montague, Murphy of San Francisco, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Swift, Thompson, Tuttle, Waters, Welch, Whitlock, and Wilson—35.

NOES—Messrs. Adams, Anderson, Asmussen, Broderick, Byington, Connolly, Dare, DeWitt, Dixon, Dorsey, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Holloway, Hugg, Long, Mace, Moffat, Murphy of Del Norte, Nealley, Noti, Pace, Sherman, Smyth, Tobin, and Warden—30.

PAIRED—Messrs Conroy, Cooley, Dunnene, and Young—4.

Mr. Sargent was granted leave of absence for the evening.

Mr. Anderson offered the following amendment: Amend section three so as to read as follows:

[SECTION 3.] The fifth, sixth, and seventh wards of said city shall, at the election to be held in the year eighteen hundred and seventy-nine, and at the election to be held every two years thereafter, elect a Commissioner for each, to succeed those appointed or elected from said wards. The first, second, third, and fourth wards shall, at the election to be held in the year eighteen hundred and eighty, and at the election to be held every two years thereafter, elect a Commissioner for each, to succeed those appointed or elected from said wards. Said Commissioners shall hold office for two years from and after the first Monday of April succeeding their election.

Adopted.

Bill read third time, and passed.

Title approved.

ADJOURNMENT.

At ten o'clock at thirty-five minutes P. M., on motion of Mr. Nealley, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 1st, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Adams.

PETITIONS.

By Mr. Johnson—From manager of the Women's Home for the Sick, relative to an appropr ation.

Referred to the Committee on Ways and Means.

By Mr. Welch—From residents in Napa County, relative to the passage of the Napa railroad bill.

Referred to the Napa, Solano, and Lake delegations.

By Mr. Ostrom—From sportsmen of this State, protesting against a change in existing game laws.

Referred to the Committee on Fish and Game.

By Mr. Warden—From citizens of San Luis Obispo County, relative to increased mail facilities in said county.

Referred to the Committee on Commerce and Navigation.

By Mr. Sherman—From citizens of Santa Barbara County, against the reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Ostrom :

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 565—*An Act to pay the claim of P K. Stockton, due for services as short-hand reporting on the State* Land Commission—have had the same under consideration, and report it back, with the recommendation that it pass.

OSTROM, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 172—An Act to prevent conflagrations in the City and County of San Francisco, by limiting the height of wooden buildings and structures of wood therein—report the same back with amendments, and recommend that it pass as amended. Sixteen members present and voting

Also, Senate Bill No. 115—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Army Street, and the condemnation of private property therefor—report the same back with amendments, and recommend that it pass as amended The delegation further ask that the rules be suspended for the purpose of considering the bill at once. Sixteen members present and voting.

Also, Assembly Bill No. 437—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street, in said city and county—report the same back, and recommend that it pass. Fifteen members present and voting.

J. V. COFFEY, Chairman.

On motion of Mr. Coffey, the rules were suspended for the purpose of considering Assembly Bill No. 183.

The substitute was adopted, and Mr. Swift moved to amend as follows: Amend section thirty-one of the bill, by adding thereto the following: "The Board is also empowered to provide for and regulate all special elections occurring before the making of the first set of precinct registers under this Act, and for such elections the ward register shall be used in the precincts, subject to such rules and regulations as the Board of Election Commissioners shall establish.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom has been referred certain claims against the Contingent Fund of this Assembly, beg leave to report that we have carefully examined and investigated the same, and would respectfully present the following as the amounts which we consider to be justly due, and which, in the opinion of your committee, should be paid

NEWSPAPER SUBSCRIPTIONS.

1.	Dewey & Co., Rural and Scientific Press	$24 00
2	W B Parsons, Pacific Methodist	1 25
3.	Petaluma Weekly Courier	3 00
4.	P. N Megerle, Weekly San Francisco Mail	10 00
5.	Addington & Green, Colusa Sun	38 00
6.	Geo. O. Ford, Truckee Republican	6 00
7.	Frederick Hess & Co., California Demokrat	3 00
8.	Gilroy Advocate	2 00

9.	Los Angeles Daily Express	$4 00
10.	Vaughn & Downer, Mountain Messenger	2 00
11.	Chas. H. Holton, Alta California	48 00
12.	W. A. Selkirk, Mountain Democrat	20 00
13.	J. McClatchey & Co., Daily Sacramento Bee	12 00
14.	J. J. Owen, Daily and Weekly Mercury	4 00
15.	C. W. Craig, Trinity Journal	2 00
16.	B. S Burns, Argonaut	48 00
17.	P. N. Megerle, Daily San Francisco Mail	21 60
18.	Geo. H. Holton, Daily Sacramento Bee	51 00
19.	Chas H. Holton, Daily Chronicle	204 99
20.	R. M. & A. C Folger, Alpine Chronicle	2 00
21.	Jos. D. Lynch, Los Angeles Herald	3 00
22	The Pacific Life Printing Company	6 00
23.	E. R. Painter, Santa Clara Echo	1 00
24.	Daily Evening Democrat (Oakland)	4 00
25.	San José Daily Herald	8 00
26.	Spirit of the Times (San Francisco)	177 75
27.	B. S. Burns, San Francisco Wasp	108 00
28.	Dixon Tribune	2 00
29.	San Diego Daily and Weekly News	12 00
30.	Geo I. Lytle, San Francisco Bulletin (daily)	150 50
	Geo. I Lytle, Weekly Bulletin	38 50
	Geo. I. Lytle, Daily Examiner	159 10
	Geo I. Lytle, Weekly Examiner	46 00
	Geo. I. Lytle, Daily Post	20 70
	Geo. I. Lytle, Weekly Post	18 00
31.	C E. Spencer, Daily Record-Union	312 00
32.	San Francisco News Letter	162 00
33.	Sacramento Record Union Publishing Company (semi-weekly)	55 00
34.	Sonoma Democrat	41 00
35.	W Frank Leavitt, Calaveras Citizen	4 00
36.	N M. Orr, Stockton Independent	12 00
37.	A. P. Murgotleir, The Pioneer	2 00
38.	Chas. H. Holton, Weekly Alta	4 00
39.	Johnson & Wyman, Oakland Daily Times	3 80
40.	John McGonigle, Hollister Enterprise	12 00
41.	Chas. H. Holton, Weekly Chronicle	6 00
42.	P. N. Megerle, Daily Call	73 48
	P. N. Megerle, Weekly Call	2 00
43.	The Postice	4 00
44.	Fitzgerald's *Home* Newspaper	12 00
45.	Lower Lake Bulletin	2 00
46.	St. Helena Star	1 00
47.	Mission Mirror	1 50
48.	Belle Lynch, Democratic Dispatch	4 00
49.	Riverside News	1 50
50.	Randall & Roberts, Union Democrat	12 00
51.	Patrick & Majors, Weekly Courier	10 00
52.	Mulgrew Bros., Healdsburg Enterprise	1 00
53.	Chas H. Mitchell, Grass Valley Daily Union	8 00
54	D. W. Hubbell, Guadalupe Telegraph	4 50
55.	Wm. Sharkey, Butte County Register	2 00
56.	Chalfant & Parker, Invo Independent	6 00
57.	Silas White, Crescent City Courier	4 00
58.	The Monitor	74 00

MISCELLANEOUS ACCOUNTS.

59.	*Mr. Wittcker, chlor. lime*	*50*
60	J. M. Farrelly, stamps for Committee on Corporations	5 00
61.	Byers & Fritz, funeral decorations	20 50
62	Jacob Hoehn, ice	39 70
63	John Voorhees, repairing Clerk's desk	18 50
64.	D. S. Jackson, carrying mail	12 00

And your committee herewith presents the vouchers for each of the claims above reported, said vouchers being numbered to correspond with the original numbers in this report. Wherefore, your committee would respectfully recommend the adoption of the following resolution

Resolved, That the Controller of State be and he is hereby directed to draw warrants in favor of the several persons whose claims are audited in the above report, and for the several amounts set opposite their respective names, and the State Treasurer is hereby directed to pay the same out of the Contingent Fund of this Assembly.

HINSHAW, Chairman.

Above resolution adopted.

By Mr. Haworth:

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 317—An Act to confirm the title to certain property on the water front in the City and County of San Francisco—report the same back with an amendment, and recommend that it pass as amended.

JAS. HAWORTH, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Warden:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 404—An Act to amend an Act entitled an Act fixing the salaries and compensations of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with the recommendation that it do pass.

WARDEN, Delegation.

Senate Bill No. 404, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr Tuttle:

MR. SPEAKER The Committee on Corporations report Assembly Bill No 259—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State—without recommendation.

TUTTLE, for Committee.

Assembly Bill No. 259, above reported, made special order for eleven o'clock A. M. to-day.

By Mr. Whitlock:

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER The delegation, to whom was referred Assembly Bill No. 572—An Act in relation to certain offices in Plumas County, and to fix the compensation thereof—have had the same under consideration, and report it back, with a recommendation that it do pass.

J. H. WHITLOCK, Delegation.

Assembly Bill No. 572, above reported, ordered at the head of the special file for Monday next.

By Mr. McComas:

MR SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 380—An Act concerning the Santa Clara Avenue and certain lands of the City of San José, in the County of Santa Clara—would respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 379—An Act to amend an Act entitled an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four—would report the same back, and recommend its passage.

Also, Senate Bill No. 378—An Act to amend an Act entitled an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six—would report the same back, and recommend its passage.

Also, Senate Bill No. 393—An Act to authorize the Board of Supervisors of the County of Santa Clara to issue bonds in payment of certain indebtedness—would report the same back, and recommend its passage.

McCOMAS, for the Delegation.

By Mr. Mace (for Mr. Adams):

MR SPEAKER The Tulare delegation, to whom was referred substitute for Senate Bill No. 136—An Act to fund certain indebtedness of Tulare County—have had the same under consideration, and report it back, and recommend its passage.

ADAMS, Delegation.

Senate Bill No. 136, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Hicks:

MR. SPEAKER: Your Committee on Mileage, to whom was referred a resolution authorizing allowance of mileage to committees appointed to attend funerals of deceased members, beg leave to report that the following members are entitled to the amounts hereinafter set forth: Abbott, Tuttle, McClure, Farnum, Dixon, Gildea, and Swift, twenty-five dollars and twenty cents each; Hanna, Dunniene, Pace, Backus and McComas, thirty-eight dollars and forty cents each, Sherman, Hanna, and Haile, forty-seven dollars and forty cents each, Ames, Wheat, Meyers, Dorsey, and Dunlap, fifteen dollars and ninety cents each.

HICKS, for Committee.

RESOLUTION.

By Mr. Broderick (by permission)—Assembly Concurrent Resolution, relative to authorizing the correction of clerical error in Assembly Bill No. 94.

Adopted.

By Mr. Breen:

MR. SPEAKER: The San Benito delegation to whom was referred Senate Bill No. 162—An Act concerning licenses in the County of San Benito—has considered the same, and report it back, and recommend its passage.

BREEN, San Benito Delegation.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 574—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 548—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco, in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.

Also, Assembly Bill No 570—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of the State Land Office, and also certain Controller's warrants

Also, Assembly Bill No 527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

Also, Assembly Bill No. 595—An Act to amend section four thousand two hundred and seventeen of the Political Code, in relation to the duties of County Auditors.

Also, Senate Bill No. 60—An Act to provide for the payment of certain coupons upon bonds issued by the Central Pacific Railroad Company, and known as "State aid bonds."

Have had the same under consideration, and report them back, recommending that they do pass.

NOTT, Chairman.

INTRODUCTION OF BILLS.

By Mr. Abbott—An Act entitled an Act to amend an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes, approved March third, eighteen hundred and seventy-six.

Read first and second times, and referred to delegation.

Also, an Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

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

By Mr. Hart—An Act to authorize and empower the Sheriff of Colusa County to appoint a Jailer.

Read first and second times, and ordered on special file.

By Mr. Dare—An Act concerning Tax Collectors and Administrators of intestate estates, and providing for the disposition of public moneys collected by them.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Johnson—An Act to provide for the payment of certain Controller's warrants drawn upon the State Treasurer.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Also, an Act to authorize the Counties of Sacramento and Yolo, or either of them, to establish a free bridge between the City of Sacramento and the Town of Washington.

Also, an Act to authorize certain persons named therein to keep and maintain a free bridge across the Sacramento River, between the City of Sacramento and the Town of Washington.

Each of the above bills read first and second times, and referred to Sacramento and Yolo delegations, and usual number of copies ordered printed.

By Mr. Robertson—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor.

Also, an Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Each of the above bills read first and second times, and referred to Committee on Judiciary.

By Mr. Hart—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and providing public and private roads in Colusa County, approved March twenty-sixth, eighteen hundred and seventy-four.

Read first and second times, and ordered on special file.

By Mr. Warden—An Act to amend sections three thousand four hundred and forty-three and three thousand four hundred and forty-five of the Political Code, in relation to sale of tide lands.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Young—An Act to add another section to the Penal Code, relating to misdemeanor.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Swift (by request)—An Act to reimburse taxpayers, and to make taxation equal and uniform throughout.

Read first and second times, and referred to Committee on Ways and Means, with accompanying petition.

By Mr. Breen (by request)—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-one of the Code of Civil Procedure.

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

On motion of Mr. Giffen, the usual number of copies of Assembly Bill No. 584 was ordered printed.

REPORT.

By Mr. Dorsey (by permission):

MR. SPEAKER: Your Committee on Military Affairs, to whom Assembly Bills Nos. 485 and 494 were referred, have had the same under consideration, and recommend their passage as amended.

CALEB DORSEY, Chairman.

SPECIAL ORDERS.

Assembly Bill No. 225—An Act amendatory and supplementary to an Act entitled an Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 226—An Act for the prevention of unjust discrimination, and the equalization of freights and fares on railroads in this State.

Assembly Bill No. 227—An Act in relation to railroads.

Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transportation of passengers and freights on certain railroads in this State, and to prevent extortion and unjust discrimination thereon.

Assembly Bill No. 259—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Considered in Committee of the Whole.

[Speaker in the chair]

The committee arose and reported progress, and asked leave to sit again at one o'clock P. M.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received and adopted, and the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORT.

By Mr. Haile (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 343—An Act to fund certain indebtedness of Solano County—have had the same under consideration, and report it back, with recommendation that it pass.

R. E. HAILE, for Delegation.

Senate Bill No. 343, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Dare (by permission):

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No 369—An Act for the preservation of fish in the waters of Lake Tahoe—have had the same under consideration, and report it back, with a recommendation that it pass.

Dated March 1st, 1878. JOHN T. DARE, Chairman.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 516—An Act to regulate fees of office and salaries of officers in Modoc County

No. 75—An Act to ascertain the amount, and provide for the payment, of damages done to St. Francis Church property, in the City and County of San Francisco, by changing the grade of Montgomery Avenue in said city and county.

Substitute for Assembly Bill No. 94—An Act to regulate fees of office and salaries of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto.

And the same were, at eleven o'clock and thirty minutes A. M., March first, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

On motion of Mr. Sherman, the rules were suspended, and Assembly Concurrent Resolution No. 51 was taken up and adopted.

PETITION.

By Mr. Broderick (by permission)—From store-keepers and retail dealers of the City of San Francisco, relative to the passage of an Act to facilitate and equalize the collection of licenses in the City of San Francisco.

Referred to the San Francisco delegation.

INTRODUCTION OF BILLS.

By Mr. Gough (by permission)—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Baker Street graded.

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

SPECIAL ORDER.

On motion of Mr. Murphy of Del Norte, the House went into Committee of the Whole to consider Assembly Bills Nos. 225, 226, 227, 541, and 259.

Bills considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bills back without recommendation.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received and adopted.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

260—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

383—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, as amended by Act approved March twenty-ninth, eighteen hundred and seventy-six.

205—An Act to incorporate the Town of Anaheim.

346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds

111—An Act to prevent and restrict sheep and goats from being herded and running at large in certain portions of Lake County.

360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County to and from the State treasury, and for the payment of the necessary expenses thereby incurred.

236—An Act restricting the herding of sheep to certain pastures in the County of Modoc.

373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County.

399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles.

312—An Act to authorize the Board of Supervisors of Marin County to levy a special tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

404—An Act concerning the office of Superintendent of Schools of Mendocino County.

181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo.

427—An Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Sutter

422—An Act to create an additional Contingent Fund for Trinity County.

421—An Act to amend an Act to extend 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, approved April eighth, eighteen hundred and fifty-nine.

429—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

465—An Act concerning road poll tax and hospital poll tax for Tehama County.

403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.

462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same and the use of the funds arising therefrom, approved May eighteenth, eighteen hundred and seventy-six.

449—An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.

448—An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County.

487—An Act in relation to the collection of licenses in Alameda County.

193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.

286—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Treasurer and Auditor thereof

397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county

461—An Act to provide for the transcribing certain records in the County of Yuba.

472—An Act to regulate the salaries and fix the compensations of the county officers of the County of Calaveras.

444—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county

468—An Act to amend an Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

484—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County

258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River at the Town of Colusa.

380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda

450—An Act relative to the appropriation of moneys by the Common Council of the City of Oakland to certain benevolent societies out of the public funds of said city.

489—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four.

446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein.

474—An Act to provide for the construction and repair of bridges in the County of Mendocino

396—An Act authorizing the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

501—An Act to provide a new Great Register for the County of Butte, and re-register the voters thereof.

492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six.

318—An Act amendatory of and supplemental to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, and to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six.

513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.

249—An Act to provide a new Great Register for the County of Stanislaus, and re-register the voters thereof.

384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.

201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

288—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section, to be numbered section five hundred and sixty-eight.

343—An Act to prevent the sale of oleomargarine, under the name and pretense that said commodity is butter.

386—An Act to amend sections one hundred and thirty-seven and one hundred and forty-two of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce

393—An Act to provide for the payment of unused and uncanceled stamps of the State of California heretofore sold

337—An Act to prevent buck goats running at large

178—An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale.

283—An Act relating to the civil government of military companies.

Also, Assembly Joint Resolutions Nos. 43—Relative to the import duty on mohair.

45—Relative to soldiers in California before gold was discovered.

44—Relative to the recognition of the Diaz Government of Mexico.

50—Relative to a mail route in Butte County.

YOUNG, Chairman.

Mr. Murphy of Del Norte moved to take up for consideration Assembly Bill No. 541.

Mr. Waters moved to amend the motion by taking up Assembly Bill No. 225.

Withdrawn.

Mr. Dare moved that the House do now proceed to the consideration of Assembly Bills Nos. 225, 226, 227, 259, and 541.

Ruled out of order.

Mr. Waters renewed his motion to take up Assembly Bill No. 225.

Mr. Haile moved that Assembly Bills Nos. 225, 226, 227, 259, and 541 be made special order for to-morrow at eleven oclock A. M.

So ordered.

[Mr. Tuttle in the chair.]

RESOLUTIONS (BY PERMISSION).

By Mr. Miller—Relative to a Clerk for the State Prison Committee.

Rules suspended, and the resolution adopted.

On motion of Mr. Swift, Assembly Bill No. 179 was recommitted to the Committee on Corporations.

By Mr. Farnum—Assembly Joint Resolution, relative to the manufacture of beet sugar.

Referred to the Committee on Agriculture.

By Mr. Hugg—Assembly Concurrent Resolution, relative to the printing of Statutes.

Adopted.

By Mr. Hicks—Relative to the payment of mileage to members who have been appointed to attend funerals of deceased members.

Adopted.

SENATE MESSAGES.

On motion of Mr. Kercheval, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Assembly Bill No. 406—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

Also, amended and passed substitute for Assembly Bills Nos. 430 and 481—An Act providing for the election of an Attorney in and for the City and County of Sacramento.

Also, Senate Bill No. 445—An Act to provide for the election of a County Auditor in the County of Solano, and to repeal an Act entitled an Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his salary, approved January twenty-eighth, eighteen hundred and seventy-six.

Also, Senate Bill No. 449—An Act to amend an Act entitled an Act to incorporate the Town of Martinez, and to provide for the government thereof, approved April first, eighteen hundred and seventy-six.

And ordered the same sent to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February twelfth, passed Senate substitute for Assembly Bill No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

Also, on February twenty-eighth, passed Assembly Bill No. 87—An Act in relation to Road Overseers and road poll taxes in the County of Yuba.

Also, passed Assembly Bill No. 182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters.

Also, passed Assembly Bill No. 329—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 416—An Act to regulate the terms of the County Court of San Joaquin County.

Also, passed Assembly Bill No. 580—An Act prescribing the duties and fixing the salaries of the Supervisors of the County of Santa Cruz.

Also, on this day, passed, under suspension of the rules, Senate substitute for Senate Bill No. 438—An Act to create Hastings' College of the Law in the University of the State of California.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 182, taken up, and Senate amendment concurred in.

Assembly Bill No. 41, taken up, and Senate substitute therefor adopted.

Senate Bill No. 445, read first and second times, and referred to the Solano delegation.

Substitute of Assembly Bills Nos. 430 and 481, referred to Sacramento delegation.

Senate Bill No. 449, read first and second times, and referred to the Contra Costa delegation.

Substitute for Senate Bill No. 438, read first and second times, and referred to the Committee on Education.

REPORT.

By Mr. Haile (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 410—An Act to provide for the distribution of school moneys in certain counties—have had the same under consideration, and report it back, with the recommendation that it pass.

HAILE, Chairman.

RESOLUTIONS (BY PERMISSION).

By Mr. Dinniene—A resolution for the payment of P. J. Walsh.
Referred to the Committee on Expenditures and Accounts.
By Mr. Tobin—A resolution relative to the mileage due to the members of the various traveling committees.
Adopted.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Welch—An Act to amend an Act entitled an Act concerning roads and highways in Lake County, approved March twenty-first, eighteen hundred and seventy-six.
Read first and second times, and referred to the Lake delegation.
By Mr. Smyth—An Act to amend sections three thousand seven hundred and sixty-five and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists.
Read first and second times, and referred to the Judiciary Committee.

REPORT.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, February 28th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred substitute for Senate Bill No. 212—An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco—have amended the same, and report it back, recommending its passage as amended.

Also, Assembly Bill No. 29—An Act to give relief to the unemployed workingmen of California—have reconsidered the same, and the substitute therefor, and report it back, recommending that it do not pass.

Also, Assembly Bill No. 549—An Act to amend section three thousand eight hundred and sixteen of the Political Code, in relation to the collection and distribution of taxes—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 592—An Act to provide for the payment of taxes, licenses, salaries, fees, debts, and liabilities, in any lawful money of the United States, whether gold, silver, or legal tender—have had the same under consideration, and report it back, recommending that it do not pass.

Also, Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the cost of certain criminals—report the same back, and recommend that it do not pass.

NOTT, Chairman.

By Mr. Wilson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 1st, 1878.

MR. SPEAKER: The Placer delegation, to whom was referred Senate Bill No. 428—An Act respecting the Hospital of the County of Placer—have had the same under consideration, and report it back, with the recommendation that it pass as amended.

WILSON, Delegation.

RESOLUTION.

By Mr. McComas (by permission):

Resolved, That the Sergeant-at-Arms be authorized to furnish J. E. Clark, member from Santa Clara County, with five dollars worth of postage stamps.

Amended so as to read, "fifteen dollars worth of postage stamps and the number of newspapers allowed to members," and adopted as amended.

RECESS.

At four o'clock and twenty minutes P. M., on motion of Mr. Dinniene, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and no quorum appearing, the roll was recalled and a quorum found to be present.

Leave of absence for the evening was granted to the State Prison Committee and the Judiciary Committee.

The Speaker presented a petition from Chinese merchants of San Francisco, relative to the establishing of separate public schools for the Chinese.

During the reading of the resolution Mr. Nott moved that the petition be laid on the table.

So ordered.

SPECIAL FILE.

Senate Bill No. 186—An Act in relation to the office of Sheriff of the City and County of San Francisco—was taken up.

Amendment to section five, recommended by the San Francisco delegation, adopted.

Amendment to section six rejected.

The bill read third time, and passed.

Title approved.

Assembly Bill No. 68—An Act to authorize the Board of Supervisors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to Dexter's Wells, in said county and State.

Read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Cooley, Murphy of Del Norte, and Nott.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Ames, Anderson, Backus, Blackwell, Breen, Broderick, Brooks, Byington, Clark, Connolly, Conroy, Dare, DeWitt, Dinniene, Dixon, Dorsey, Forsyth, Giffen, Gildea, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Kercheval, Mace, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Welch, Wheat, and Whitlock—51.

NOES—Messrs. Blake, Coffey, Cooley, Garver, Haile, Hinshaw, Ostrom, Waters, and Mr. Speaker—9.

Title approved.

Mr. Nott gave notice that, on to-morrow, he would move a reconsideration of the vote by which the bill was passed.

Mr. Tuttle moved that Assembly Bill No. 382—An Act to provide for a narrow gauge railroad in the County of Napa—be recommitted to the Committee on Corporations.

Mr. Welch moved that the bill be made special order for Wednesday evening next.

Lost.

The question recurring upon the motion to refer to the Committee on Corporations, Mr. Welch moved to amend by instructing the committee to report the bill on Wednesday next.

Mr. Griffin moved to amend the amendment by instructing the committee to report on Saturday, March ninth.

Adopted.

Assembly Bill No 417—An Act for securing liens of laborers and others in Humboldt County.

Mr. Murphy of Del Norte offered a substitute for the bill, which was adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 402—An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, W. L. Tomlin, and M. V. Dixon.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 531—An Act to authorize the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 556—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

Recommitted to the San Diego delegation.

Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for the payment of the costs of the same.

Passed on file.

Assembly Bill No. 459—An Act to amend an Act entitled an Act to regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 502—An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

At nine o'clock and twelve minutes P. M. Mr. Waters moved to adjourn.

Lost.

Assembly Bill No. 503—An Act to amend an Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

[Mr. Gildea in the chair.]

Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

At nine o'clock and twenty-eight minutes P. M. Mr. Nott moved to adjourn.

Lost.

Assembly Bill No. 560—An Act to authorize Dockery School District to issue bonds for building purposes.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 432—An Act to legalize the debt contracted in completing and furnishing a school house in Fairfield School District, and fencing the grounds thereof, and to provide for the payment of the same.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 185—An Act for the relief of George C. Knox.

Read third time, and passed.

Title approved.

Assembly Bill No. 532—An Act for the relief of J. B. Scott.

Passed on file.

Mr. Coffey moved to suspend the rules to take up Senate Bill No. 115.

Lost.

Assembly Bill No. 562—An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo.

At nine o'clock and forty minutes P. M. Mr. Hugg moved to adjourn.

Lost.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 330—An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four, approved March twenty-fourth, eighteen hundred and sixty-six.

Read third time, and passed.

Title approved.

Senate Bill No. 304—An Act to legalize the State and county tax and assessments in the County of Nevada, in eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Read third time, and passed.

Title approved.

Senate Bill No. 315—An Act to incorporate the Town of Etna, Siskiyou County.

Read third time, and passed.

Title approved

Assembly Bill No. 559—An Act to provide for the payment of interest upon certain warrants of Butte County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

At nine o'clock and forty-six minutes P. M. Mr. Murphy of Del Norte moved to adjourn.

Lost.

Senate Bill No. 209—An Act to amend an Act to provide for the maintenance and construction of roads and highways in the County of Mariposa, approved March thirty-first, eighteen hundred and seventy-six.

Passed on file.

At nine o'clock and fifty minutes P. M. Mr. Murphy of San Francisco moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Hart, Young, and Dinniene.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Asmussen, Blackwell, Brooks, Clark, DeWitt, Dinniene, Dixon, Forsyth, Griffen, Haile, Hart, Kercheval, Mace, May, Murphy of San Francisco, Pace, Sherman, Welch, Wheat, Whitlock, Wilson, and Young—22.

NOES—Messrs Ames, Anderson, Backus, Blake, Breen, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dorsey, Farnum, Garver, Gildea, Gough, Griffith, Hanna, Hicks, Hinshaw, Holloway, Hugg, Long, McComas, Meyers, Moffat, Montague, Ostrom, Pauly, Russ, Sargent, Smyth, Thompson, Tobin, Tuttle, Waters, and Mr. Speaker—37.

Senate Bill No. 367—An Act to ratify and confirm the acts of the Mayor and Common Council of the City of San José.

Read third time, and passed.

Title approved.

At nine o'clock and fifty-six minutes P. M. Mr. Murphy of Del Norte moved to adjourn.

Lost.

Senate Bill No. 275—An Act to ratify the contract between the Stockton Gas Company and the City of Stockton to supply gas to said city and its inhabitants, approved by the Acting Mayor of said city on the eighteenth day of December, eighteen hundred and seventy-seven.

Read third time, and passed.

Title approved.

At nine o'clock and fifty-nine minutes P. M. Mr. Tobin moved to adjourn.

Lost.

Senate Bill No. 163—An Act concerning roads and highways in the County of San Benito.

Passed on file.

At ten o'clock P. M. Mr. Berry moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Tobin, Sherman, and Holloway.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Anderson, Asmussen, Blackwell, Brooks, Byington, Clark, Cooley, Dare, Dixon, Forsyth, Giffen, Gildea, Haile, Hanna, Hart, Kercheval, Long, Mace, May, McComas, Montague, Murphy of Del Norte, Pace, Routier, Sargent, Sherman, Swift, Tuttle, Wheat, Whitlock, Wilson, and Mr. Speaker—31.

NOES—Messrs. Abbott, Ames, Backus, Blake, Breen, Coffey, Connolly, Conroy, DeWitt, Dinmene, Farnum, Garver, Gough, Hicks, Hinshaw, Holloway, Hugg, Meyers, Moffat, Ostrom, Pauly, Russ, Smyth, Thompson, Tobin, Warden, Waters, Welch, and Young—27.

Adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 2d, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

One day's leave of absence was granted to Messrs. Farnum and Thompson.

Journal of yesterday read and approved.

RESOLUTIONS (BY PERMISSION).

By Mr. Robertson—Assembly Concurrent Resolution, relative to authorizing the Enrolling Clerk to correct clerical error in Assembly Bill No. 516.

Adopted, and ordered transmitted to the Senate forthwith.

By Mr. Anderson:

Resolved, That the members of the Judiciary Committee, or such of them as may choose to avail themselves of the privilege, be permitted to attend meetings of the said committee whenever the House is in session at night, engaged on the special file.

Adopted.

REPORT.

By Mr. Anderson (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Senate Bill No 134—An Act for the protection of the Harbor of Wilmington—have had the same under consideration, report it back with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 394—An Act to encourage the mining industry, and to suppress stock gambling—and recommend the reference thereof to the Committee on Corporations.

Also, Senate Bill No. 260—An Act to amend certain sections, numbers one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine, of the Code of Civil Procedure—and recommend the passage thereof.

ANDERSON, Chairman

PETITIONS.

By Mr. Allen—From sportsmen of the State of California, protesting against a change in the existing game law.

Referred to the Committee on Fish and Game.

By Mr. Johnson—From citizens of California, relative to the repeal of the so-called specific contract law.

Referred to Committee on Judiciary.

By Mr. Pauly—From sportsmen, protesting against a change in the existing game law.

Referred to the Committee on Fish and Game.

By Mr. Breen—From citizens of San Benito County, against the issuance of bonds for the building of a Court-house in said county.

Referred to the Committee on Corporations.

On motion of Mr. Coffey, Assembly Bill No. 374 was recommitted to the Committee on Corporations, with instructions to report on Tuesday next.

On motion of Mr. Haworth, Assembly Bill No. 486 was recommitted to the Committee on Corporations, with instructions to report on Tuesday next.

On motion of Mr. Dixon, Assembly Bill No. 598 was recommitted to the Committee on Public Expenditures and Accounts

REPORTS OF STANDING COMMITTEES.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 35—In reference to the granting of an appropriation by Congress for the purpose of arming and equipping the militia—have had the same under consideration, and report it back, with a recommendation that it do pass.

Also, Assembly Joint Resolution No. 46—In relation to a change in the import duty on wool—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Joint Resolution No. 55—In relation to a mail route in Fresno and Tulare Counties—have had the same under consideration, report it back, and recommend its passage.

GILDEA, Chairman.

Assembly Joint Resolution No. 55, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 46, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Joint Resolution No. 35, above reported, was taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 557—An Act for the relief of Mrs. T. M. Logan—report it back, recommending that it do not pass

Also, Assembly Bill No. 552—An Act to pay the claim of M. Essinger—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 554—An Act for the relief of F. Kuhnle—have had the same under consideration, and report it back, with the recommendation that it pass.

OSTROM, Chairman.

By Mr. Hicks:

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Chairman of the Committee on Commerce and Navigation, as to the number of miles traveled by said committee—beg leave to report the same back, and recommend that the following named members of said committee be allowed compensation as per resolution herewith submitted, viz.: Asmussen, Dare, Dixon, Griffith, and Haworth.

HICKS, for Committee.

The following resolution, above reported, was adopted.

Resolved, That the Controller of State be and is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Committee on Commerce and Navigation, for their mileage while on committee duty. Asmussen, Dare, Dixon, Griffith, and Haworth, for twenty-five dollars and twenty cents ($25 20) each, and the State Treasurer is hereby authorized to pay the said warrants.

By Mr. Hicks:

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly Bill No. 555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage—beg leave to report the same back, and recommend its passage.

HICKS, *for Committee.*

By Mr. Haile:

MR. SPEAKER: *Your Committee on Education, to whom was referred* Assembly Bill No. 289—An Act to provide for the adoption of text-books for use in the public schools—have had the same under consideration, and report it back with a substitute, and a majority of the committee recommend the passage of the substitute, and ask that it be made the special order for Wednesday, March sixth, at one o'clock P. M.

HAILE, Chairman

On motion of Mr. Haile, the usual number of copies of Assembly Bill No. 289 was ordered printed, and the bill made the special order for Thursday next, at one o'clock P. M.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 217—An Act to amend the Political Code, respecting the health and quarantine regulations of the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended. *Fifteen members present and voting.*

Also, Assembly Bill No. 471—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco—report the same back, and recommend that it do pass. Fourteen members present and voting.

J. V. COFFEY, Chairman.

On motion of Mr. Tuttle, Assembly Bills Nos. 225, 226, 227, 259, and 541 were made special order for Tuesday next at eleven o'clock A. M., and the bills were ordered to retain their relative positions as special orders.

On motion of Mr. Coffey, the rules were suspended to consider Assembly Bill No. 471.

The rules were further suspended, the bill considered engrossed, read third time, and passed.

Title approved.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés would respectfully report that they have had under consideration the resolution to employ John M. Crawford to prepare the copy of the Journal for the State Printer, and beg leave to report the same back, with the recommendation that it be referred to the Committee on Ways and Means.

Also, the resolution authorizing the Committee on Commerce and Navigation to employ a Clerk, and report the same back, and recommend its adoption, the employment of said Clerk to date from the twentieth day of February, eighteen hundred and seventy-eight.

Also, the resolution authorizing the payment of Edward Lande, short-hand reporter for the Committee on Mining Debris, the sum of one hundred and two dollars, report the same back, and recommend that it be amended so as to allow said Edward Lande the sum of eighty-five dollars and sixty cents, and that the resolution be adopted as amended.

DIXON, Chairman.

Resolutions, above reported, were taken up as follows:

Resolved, That the Committee on Commerce and Navigation be allowed a Clerk at a per diem of three dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

Resolved, That the Controller of State be and he is hereby authorized and directed to draw a warrant on the Contingent Fund of the Assembly for one hundred and two dollars in favor of Edward Lande, for service rendered the Committee on Mining Debris as short-hand reporter in taking testimony in the City of San Francisco, and that the Treasurer be directed to pay the same.

Amended as recommended by the committee, and adopted as amended.

Resolution authorizing John M. Crawford to prepare a copy of the minutes for the use of the State Printer was referred to the Committee on Ways and Means.

Also:

MR. SPEAKER. Your Committee on Attachés and Employés, to whom was referred the resolution in reference to authorizing the Committee on Printing to employ a Clerk, would respectfully report that they have not been able to procure any evidence that the State Printing Office needs any such investigation as would warrant the expense of hiring a Clerk, the committee would, therefore, respectfully report back said resolution, with the recommendation that it be not adopted.

DIXON, Chairman

The following resolution, above reported, was taken up.

Resolved, That the Committee on Public Printing be allowed a Clerk, to be elected by said committee, at a per diem of five dollars, to be paid out of the Contingent Fund of the Assembly.

On motion of Mr. Hart, amended so that the Clerk of the Swamp Land Committee shall act as Clerk of the Committee on Public Printing without additional compensation, and adopted as amended.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 445—An Act to provide for the election of a County Auditor in the County of Solano, and to repeal an Act entitled an Act making the Recorder of Solano County ex officio Auditor of said county, and fixing his salary, approved January twenty-eighth, eighteen hundred and seventy-six—have had the same under consideration, and report it back with amendment, and recommend its passage as amended.

JOHN T. DARE.
R. C. HAILE.

Senate Bill No. 445, above reported, taken up, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr Hart:

MR. SPEAKER: The Swamp and Overflowed Land Committee, to whom was referred Assembly Bill No. 296—With reference to organizing Reclamation Swamp Land District Number Two Hundred and Five—have had the same under consideration, and amended the same, and recommend the passage of the same.

Also, Assembly Bill No. 349, have had the same under consideration, and hereby return the same without any recommendation

HART, Chairman.

By Mr. Wheat:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 579—An Act to provide for location, construction, and maintenance of public roads in the County of Mendocino—beg leave to report the same back with amendments, and recommend its passage as amended.

WHEAT, Chairman.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred the matter of the mileage of the Committee on Public Buildings and Grounds, beg leave to report that they have examined the said accounts, and find that the members of said committee have necessarily traveled the number of miles, and are entitled to the several amounts set opposite their respective names, as follows

Hon. M. W. Dixon, four hundred and four miles	$60 60
Hon. Robert Ludgate, four hundred and four miles	60 60
Hon. L. F. Long, four hundred and four miles	60 60
Hon. L. Byington, four hundred and four miles	60 60
Hon. W. K. Forsyth, four hundred and four miles	60 60
Hon. C. W. Upton, one hundred and sixty-eight miles	25 20
Hon. J. E. Connolly, two hundred and eighty two miles	42 30
H. S. Foote, Reporter and Clerk, four hundred and four miles	60 60

And your committee would respectfully recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrants on the State Treasurer in favor of the persons above reported, and for the several amounts set opposite their respective names, and the State Treasurer is directed to pay the same out of the Contingent Fund of this Assembly.

HINSHAW, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Abbott:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 614, report the same back, and recommend its passage.

ABBOTT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Senate Bill No. 449—An Act to amend an Act entitled an Act to incorporate the Town of Martinez, and to provide for the government thereof, approved April first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with recommendation that it pass.

YOUNG, for Delegation.

INTRODUCTION OF BILLS.

By Mr. Giffen—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims.

Read first and second times, and referred to Nevada delegation.

By Mr. Wilson—An Act granting to John C. Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer.

Read first and second times, and referred to the Committee on Claims.

By Mr. Hanna—An Act to suppress the practice of social drinking at public bars, and to create a revenue from the same, that shall in part be commensurate to the evil it engenders.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Hicks—An Act to amend Title IV, Part IV, of the Civil Code, in reference to street railroads.

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

By Mr. DeWitt (by request)—An Act to provide for the payment of the costs in suits for the amendment of certificates of purchase of delinquent purchasers of State lands.

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

By Mr. Connolly—An Act to authorize and facilitate the repairing

of streets and sewers in the City and County of San Francisco in cases of urgent necessity.

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

By Mr. Swift (by request)—An Act to make undertakings in criminal actions liens upon real property.

Also (by request), an Act to amend the Code of Civil Procedure of California, with respect to examining debtors on procedure supplementary to execution.

Also (by request), an Act to amend the Code of Civil Procedure of California, with respect to examining debtors on procedure supplementary to execution.

Each of the above bills read first and second times, and referred to Committee on Judiciary.

By Mr. Montague—An Act to amend an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March sixth, eighteen hundred and seventy-six.

Also, an Act in relation to the State Insane Asylum.

Each of the above bills read first and second times, and referred to Committee on Hospitals.

By Mr. McClure—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

Read first and second times, and referred to Alameda delegation.

Also, an Act to amend section sixteen hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.

Read first and second times, and referred to Committee on Education.

[Mr. Dare in the chair.]

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 2d, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of February, eighteen hundred and seventy-eight, passed substitute for Senate Bill No. 33—An Act to regulate the fees and establish the compensation of the County Recorder of the County of Placer, and to repeal an Act entitled an Act to fix the salary of the County Recorder of the County of Placer, approved March twenty-seventh, eighteen hundred and seventy-four.

Senate Bill No 44—An Act to fix the bonds of the county officers of Ventura County

Senate Bill No. 333—An Act to amend sections three thousand seven hundred and forty-seven, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-seven of the Political Code.

Senate Bill No. 386—An Act to confer further powers upon the Common Council of the City of Santa Barbara.

Senate Bill No. 392—An Act to amend an Act entitled an Act concerning streams in the County of Santa Clara, approved March twenty-eighth, eighteen hundred and seventy-two.

Senate Bill No. 422—An Act authorizing the Mayor and Common Council of the City of San José to establish and provide for the maintenance of a Board of Health.

Senate Bill No 423—An Act in relation to the Coroner of Santa Clara County.

Substitute for Senate Bills Nos 109 and 293—An Act to amend the Civil Code, concerning the mortgage of growing crops

And, on March first, eighteen hundred and seventy-eight, adopted Assembly Concurrent Resolution No. 58—Relative to correcting error in Assembly Bill No. 94.

Also, amended and passed Assembly Bill No 207—An Act concerning trespass of animals upon private lands in certain counties in the State of California.

Also, concurred in Assembly amendments to Senate Bill No. 252, Senate Bill No. 189, and Senate Bill No. 92

And on the twenty-seventh of February, eighteen hundred and seventy-eight, concurred in Assembly amendment to Senate Bill No. 288.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 2d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 61—Relative to correction of an error in Assembly Bill No. 516.

R. SHOEMAKER, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 207, taken up, and Senate amendment concurred in.

Substitute for Senate Bill No. 33, read first and second times, and referred to the Placer delegation.

Senate Bill No. 44 and Senate Bill No. 386, read first and second times, and referred to the Santa Barbara delegation.

Senate Bill No. 333, and substitute for Senate Bills Nos. 109 and 293, read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 392 and 423, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 422, read first and second times, and referred to the Committee on Hospitals.

On motion of Mr. Gildea, the hour of taking recess was extended till one o'clock P. M.

RESOLUTIONS (BY PERMISSION).

By Mr. Murphy of Del Norte:

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of the following named persons for the amounts set opposite their names, to be paid out of the Contingent Fund of the Assembly, and the Treasurer is directed to pay the same

John F. Swift, mileage to San Francisco	$25 00
Dr. May, mileage to San Francisco	25 00
J. T. Dare, mileage to San Francisco	25 00
B. F. Tuttle, mileage to San Francisco	25 00
James E Murphy, mileage to San Francisco	25 00
E. S. Belden, phonographic reporting	63 20
James T. King, Expert	20 00

JAS. E. MURPHY, Chairman Committee on Savings Banks.

Adopted.

By Mr. Griffith:

Resolved, That the Mail Carrier of the Assembly be allowed four dollars per day from and including March first, eighteen hundred and seventy-eight, in lieu of compensation heretofore allowed.

Referred to the Committee on Employés and Attachés.

On motion of Mr. Haile, Senate Bill No. 73 was taken up.

Mr. Pauly moved the reference of the bill to the Committee on Education, with instructions to strike out subdivision five of section two.

Mr. Welch moved to amend by striking out the enacting clause, upon which motion the ayes and noes were demanded by Messrs. Tuttle, Pauly, and Young.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Asmussen, Blake, Broderick, Brooks, Byington, Clark, Dixon, Forsyth, Griffith, Hanna, Hugg, Johnson, Kercheval, Long, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Pauly, Routier, Welch, Wheat, Whitlock, and Young—29.

NOES—Messrs. Anderson, Backus, Blackwell, Breen, Dare, Dinmene, Dorsey, Ewing, Garver, Gildea, Haile, Haworth, Hinshaw, Holloway, May, Miller, Nealley, Nott, Ostrom, Pace, Robertson, Russ, Sargent, Sherman, Smyth, Swift, Tuttle, Warden, Waters, Wilson, and Mr. Speaker—31.

The question recurring upon the motion by Mr. Pauly to refer to the Committee on Education, with instructions, pending its discussion, the bill was made the special order for Monday, at one o'clock P. M.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No. 406—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

No. 580—An Act prescribing the duties and fixing the salaries of the Supervisors of the County of Santa Cruz.

No. 416—An Act to regulate the terms of the County Court of San Joaquin County.

Assembly Joint Resolution No. 28—Relative to increased mail service in Santa Barbara County.

Assembly Bills No. 87—An Act in relation to Road Overseers, and road poll taxes in the County of Yuba.

No. 329—An Act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

And, the same were, at twelve o'clock M., March second, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Kercheval:

MR. SPEAKER: The minority of your Committee on Ways and Means, to whom was referred Assembly Bill No. 29—An Act to give relief to the unemployed workingmen of California—beg leave to report that they have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

R. KERCHEVAL,
S. W. BACKUS,
CHAS. GILDEA.

Mr. Tuttle asked and obtained leave to submit a minority report on Assembly Bill No. 294, which was ordered printed.

ADJOURNMENT.

At one o'clock and ten minutes P. M., on motion of Mr. Ostrom, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 4th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

One day's leave of absence was granted to Messrs. Abbott, Allen, and Farnum.

Journal of Saturday, March second, read and approved.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 543—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six—have amended the same, and report it back, recommending its passage as amended.

Also, Assembly Bill No. 550—An Act to amend section three thousand seven hundred and eighty of the Political Code, in relation to the redemption of property sold for taxes—have amended the same, and report it back, recommending its passage as amended.

Also, Senate Joint Resolution No. 34, with substitute—Relative to viniculture—report it back, recommending the passage of the substitute.

THOMPSON, Chairman.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER Your Committee on State Hospitals, to whom was referred Senate Bill No. 356—An Act to amend sections three thousand and seventy-four, three thousand and seventy-seven, three thousand and seventy-nine, and three thousand and eighty-one of the Political Code, and to add a new section thereto, to be numbered section three thousand and eighty-three, relative to the registry of births, marriages, and deaths—have had the same under consideration, and report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

By Mr. Hinshaw:

MR. SPEAKER Your Committee on Public Expenditures and Accounts, to whom was referred the resolution in regard to the mileage of the Committee on State Prison, beg leave to report the same back, and recommend its adoption.

Your committee would also report back the resolution in regard to the mileage of the Committee on Education, and recommend that it be adopted.

Your committee would also report back Assembly Bill No. 537—An Act continuing the appropriation for the relief of J. W. Marshall—without recommendation.

HINSHAW, Chairman.

The resolutions above reported were taken up as follows.

Resolved, That the Committee on State Prison be allowed mileage as follows

J. H. Miller, two hundred and forty-two miles	$36 30
S. P. Moffat, two hundred and forty-two miles	36 30
A. J. Griffith, two hundred and forty-two miles	36 30
W. Broderick, two hundred and forty-two miles	36 30
C. D. Allen, two hundred and forty-two miles	36 30
Wm. B May, two hundred and forty-two miles	36 30
C. S. Abbott, two hundred and forty-two miles	36 30
J. Routier, two hundred and forty-two miles	36 30
Geo. W. Giffen, two hundred and forty-two miles	36 30

And that the same be paid out of the Contingent Fund of this Assembly.

SACRAMENTO, March 2d, 1878. J. H. MILLER, Chairman.

Adopted.

Resolved, That the following members of the Committee on Education be allowed mileage in visiting the State University, Deaf, Dumb, and Blind Asylum, and State Normal School, as follows:

R. C. Haile, two hundred and ninety-six miles	$44 40
F. N. Pauly, two hundred and ninety-six miles	44 40
A. J. Young, two hundred and ninety-six miles	44 40
J. A. Hicks, one hundred and sixty-eight miles	25 20
C. S. Abbott, one hundred and ninety-eight miles	29 70
O. P. Fitzgerald, Clerk of Committee, two hundred and ninety-six miles	44 40

And that the same be paid out of the Contingent Fund of the Assembly.

Adopted.

REPORTS OF SELECT COMMITTEES.

Mr. Tuttle submitted a verbal report from the Sonoma delegation, recommending passage of Senate Bill No. 382.

By Mr. Giffen:

SACRAMENTO, March 4th, 1878.

MR SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No. 631—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims—have had the same under consideration, and report it back with an amendment, and recommend that it do pass as amended.

G. W. GIFFEN, for Delegation.

On motion of Mr. Giffen, Assembly Bill No. 631, above reported, was taken up, rules suspended, amendment adopted, considered engrossed, read third time, and passed.

Title approved.

By Mr. Wilson:

SACRAMENTO, March 4th, 1878.

MR. SPEAKER The Placer delegation, to whom was referred Senate Bill No. 33—An Act to regulate and establish the compensation of the County Recorder of the County of Placer, and to repeal an Act entitled "An Act to fix the salary of the County Recorder of the County of Placer," approved March twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration, and report it back, with a recommendation that it do pass.

M. W. WILSON, Delegation.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 629—An Act to amend an Act entitled an Act concerning roads and highways in Lake County, approved March twenty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with a recommendation that it pass.

WELCH, for Delegation.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER: The Lake County delegation, to whom was referred Senate Bill No. 86—An Act to declare Clear Lake, in Lake County, navigable—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

WELCH, for Delegation.

By Mr. McClure:

MR. SPEAKER The Alameda delegation, to whom was referred Assembly Bill No. 637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball—have had the same under consideration, report it back, and recommend its passage.

McCLURE, for Delegation.

INTRODUCTION OF BILLS.

By Mr. Mace—An Act to authorize the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Read first and second times, and ordered on the special file.

By Mr. DeWitt—An Act to amend certain sections of the Political Code concerning the time of the assessment and equalization of taxes.

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

By Mr. Byington—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

Also, an Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

Each of the above bills read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Ellis—An Act to regulate fees and salaries in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Anderson—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

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

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of February, eighteen hundred and seventy-eight, passed Senate Bill No 309—An Act to add a section to the Political Code.

And, on the twenty-eighth of February, eighteen hundred and seventy-eight, passed Senate Bill No. 183—An Act to provide for the payment of John Sutherland Jr. for his services in destroying the Vasquez banditti.

And, on March second, eighteen hundred and seventy-eight, passed Assembly Bill No 346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds

Assembly Bill No. 360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County in and from the State treasury, and for the payment of the necessary expenses thereby incurred

Assembly Bill No. 427—An Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Sutter.

Assembly Bill No. 513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.

Assembly Bill No. 575—An Act in relation to road, poll, and property taxes in the Town of Crescent City, in Del Norte County.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 183, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 309, read first and second times, and referred to the Committee on Education.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Johnson, Assembly Bill No. 552 was recommitted to the Committee on Claims.

On motion of Mr. Tuttle, Assembly Bill No. 173 was recommitted to the Committee on Corporations.

On motion of Mr. Pauly, Assembly Joint Resolution No. 32—Relative to certain Indians in the southern counties of the State of California—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Holloway, Senate Bill No. 134 was taken from the general file, and ordered on the special file for this evening.

On motion of Mr. Mace, Senate Bill No. 35 was made the special order for Wednesday next, at two o'clock P. M.

On motion of Mr. Wilson, Senate Bill No. 57 was taken from the general file and ordered on the special file.

PETITION.

By Mr. Dunlap (by permission)—From Order of Caucasians, relative to the passage of Assembly Bill No. 165.

Referred to the Committee on Federal Relations.

RESOLUTION.

By Mr. Sherman:

Resolved—First, That we reaffirm our devotion to the principles enunciated in the Democratic National Convention held at St Louis, in eighteen hundred and seventy-six, and that we renew our pledges to the support of the Democratic Party, which we believe has given the best possible evidence of its devotion to the cause of liberty and constitutional government

Resolved—Second, That we believe those principles have been fully and unequivocally indorsed by the American people: and the standard bearers of these principles, Samuel J. Tilden and Thomas A. Hendricks, were elected, and ought to have been inaugurated as President and Vice-President of the United States, on the fourth of March, eighteen hundred and seventy-seven, and that we can find no language severe enough to characterize that great political crime, the worst of the century, and which culminated in the inauguration of a man who was not legally elected President.

SHERMAN.

Mr. May moved the reference of the resolution to the Committee on Public Morals.

[Speaker pro tem. in the chair.]

Pending discussion of the motion to refer, Mr. May moved that the resolution be made the special order for Friday next, at one o'clock P. M.

Mr. Anderson moved the reference of the resolution to the Committee on Federal Relations.

Mr. Sargent moved the indefinite postponement of the resolution.

Mr. Dorsey moved that the resolution be laid on the table, upon which motion the ayes and noes were demanded by Messrs. Sherman, Gildea, and Whitlock.

During the roll call Mr. Clark asked to be excused from voting.

Objections being made, the gentleman voted "aye."

The roll was completed, and the resolution laid on the table by the following vote:

AYES—Messrs Ames, Anderson, Blackwell, Brooks, Byington, Clark, Cooley, Dare, Dorsey, Dunlap, Ellis, Forsyth, Garvey, Giffen, Haile, Hanna, Hinshaw, Long, May, McClure, McComas, Meyers, Miller, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Swift, Whitlock, and Young—34.

NOES—Messrs. Asmussen, Broderick, Coffey, DeWitt, Dixon, Ewing, Gildea, Hart, Haworth, Holloway, Hugg, Johnson, Kercheval, Mace, Moffat, Montague, Murphy of Del Norte, Nealley, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wilson, and Mr. Speaker—27.

Messrs. Clark, Johnson, Gildea, Dare, and Sherman rose to questions of privilege, relative to their votes on the above resolution.

By Mr. Warden—Assembly Joint Resolution, relative to increased mail facilities in San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

GENERAL FILE.

Assembly Bill No. 332—An Act to amend an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two, approved March thirty-first, eighteen hundred and seventy-six.

Passed on file.

Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Anderson gave notice that on to-morrow he would move a reconsideration of the vote by which Assembly Bill No. 26 was passed.

Assembly Bill No. 89—An Act in relation to the disposition of State lands.

Continued in its position on the file

Assembly Bill No. 361—An Act to prevent the spread of glanders among horses, and to punish the sale or bartering in horses affected with glanders.

During the reading of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Nott, Assembly Bill No. 180, and Senate Bill No. 73, special orders for this hour, were temporarily postponed, until Assembly Bill No. 361, pending discussion of which the House took a recess this day, had been disposed of.

House resumed consideration of Assembly Bill No. 361.

Mr. Ostrom moved the indefinite postponement of the bill.

Mr. Haworth moved that the bill be re-referred to the Committee on Agriculture.

So ordered.

SPECIAL ORDERS.

Assembly Bill No. 180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles.

Substitute adopted, amendment adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate forthwith without engrossment.

Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections of same Code, relating to public schools.

[Speaker pro tem. in the chair.]

Mr. Pauly moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Whitlock, Haile, and Hinshaw.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Ames, Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Byington, Clark, Cooley, DeWitt, Dixon, Dunlap, Ellis, Farnum, Forsyth, Haworth, Hugg, Johnson, Long, May, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Pauly, Routier, Tuttle, Welch, Wheat, Whitlock, Wilson, and Young—35.

NOES—Messrs. Coffey, Dare, Dinmene, Garver, Giffen, Gildea, Haile, Hanna, Hinshaw, Kercheval, Mace, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Robertson, Russ, Sargent, Smyth, Swift, Thompson, Warden, Waters, and Mr. Speaker—26.

PAIRED—Messrs. Brooks and Dorsey.

Mr. Tuttle gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

By Mr. Johnson (by permission):

SACRAMENTO, March 2d, 1878.

MR SPEAKER The Sacramento delegation, having had under consideration substitute for Assembly Bill No 430 and Assembly Bill No. 481—An Act providing for the election of an Attorney in and for the City of Sacramento—with Senate amendment, report the same back, and recommend concurrence in the Senate amendment.

JOHNSON, Chairman Delegation.

Substitute for Assembly Bills Nos. 430 and 481, taken up, and Senate amendment concurred in.

SPECIAL ORDERS RESUMED.

Senate Bill No. 218—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Read third time, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Ostrom, and Smyth.

The roll was called, and the House refused to pass the bill by the following vote:

AYES—Messrs. Abbott, Ames, Blackwell, Blake, Broderick, Brooks, DeWitt, Dinmene, Garver, Giffen, Haworth, Johnson, Kercheval, McClure, McComas, Meyers, Moffat, Nealley, Routier, Sargent, Sherman, Warden, Whitlock, and Wilson—23

NOES—Messrs. Anderson, Byington, Clark, Coffey, Cooley, Dare, Dixon, Dunlap, Farnum, Forsyth, Haile, Hanna, Hinshaw, Holloway, Hugg, Long, Mace, May, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pauly, Robertson, Russ, Smyth, Swift, Thompson, Waters, Welch, Wheat, Young, and Mr. Speaker—35.

PAIRED—Messrs Brooks and Dorsey.

Mr. May gave notice that on to-morrow he would move a reconsideration of the vote by which the House refused to pass Senate Bill No. 218.

Assembly Bill No. 279—An Act to amend section two thousand nine hundred and six of the Political Code, relative to the powers of Boards of Supervisors respecting the construction of wharves.

Passed on file.

On motion of Mr. Murphy of San Francisco, Assembly Bill No. 332—An Act to amend an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two, approved March thirty-first, eighteen hundred and seventy-six—was taken up.

Amendments adopted, and Mr. DeWitt moved the indefinite postponement of the bill.

Mr Johnson moved the reference of the bill to the San Bernardino delegation, with instructions to report on Saturday next.

Lost.

The question recurring upon the indefinite postponement of the bill, it was indefinitely postponed.

Assembly Bill No. 413—An Act in relation to County Surveyors.

Passed on file.

[Speaker in the chair.]

Assembly Bill No. 338—An Act to amend section three thousand seven hundred and sixty-six of the Political Code, relative to publication of delinquent tax lists.

Indefinitely postponed.

Mr. Dunlap moved to suspend the rules for the purpose of considering Assembly Bill No. 413—An Act in relation to County Surveyors—passed on file this day.

Lost.

Assembly Bill No. 300—An Act to promote the sanitary condition of towns and villages.

Rules suspended, considered engrossed, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

On motion of Mr. Young, the rules were suspended, and Assembly Bill No. 335 taken up out of order.

Assembly Bill No. 335—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

At four o'clock and twenty minutes P. M. Mr. Gildea moved to adjourn.

Lost.

RECESS.

At four o'clock and twenty-one minutes P. M., on motion of Mr. Hart, the House took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and no quorum appearing, the roll was recalled, and a quorum found to be present.

Messrs. Robertson, Ewing, Nealley, Murphy of Del Norte, the State Prison Committee, and the Committee on Corporations, were granted leave of absence for the evening.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 560—An Act to authorize Dockery School District to issue bonds for building purposes.

562—An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo

531—An Act authorizing the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.

509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.

559—An Act to provide for the payment of interest upon certain warrants of Butte County.

503—An Act to amend an Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties

500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.

459—An Act to amend an Act entitled an Act to regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

432—An Act to legalize the debt contracted in completing and furnishing a school house in Fairfield School District, and fencing the ground thereof, and to provide for the payment of the same.

417—An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the person who employs them.

402—An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, Wm. L. Tomlin, and M. V. Dixon.

502—An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six.

471—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.

Also, Assembly Joint Resolutions No. 55—Relative to a mail route in Fresno and Tulare Counties.

No. 46—Relative to a change in the import duty on wool.

No. 32—Relative to certain Indians in southern counties of the State of California.

Also, Assembly Bill No. 631—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims.

YOUNG, Chairman.

At seven o'clock and forty-five minutes P. M. Mr. Blackwell moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Warden, Nott, and Young.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Ames, Blackwell, Blake, Cooley, Dare, Dinniene, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Gildea, Hart, Long, McClure, Murphy of Del Norte, Nealley, Sherman, Warden, Wheat, and Wilson—21.

NOES—Messrs. Asmussen, Brooks, Clark, Coffey, Farnum, Hanna, Hinshaw, Hugg, Kercheval, McComas, Montague, Nott, Ostrom, Pace, Pauly, Russ, Smyth, Thompson, Whitlock, Young, and Mr. Speaker—21.

Mr. Dorsey moved that leave of absence be granted to himself for the evening.

ADJOURNMENT.

At seven o'clock and fifty-three minutes P. M., on motion of Mr. Dare, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 5th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Pursuant to notice, Mr. May moved to reconsider the vote by which the House refused to pass Senate Bill No. 218—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Mr. Dare moved the indefinite postponement of the motion to reconsider.

On motion of Mr. Tuttle, Assembly Bills Nos. 225, 226, 227, 259, and 541 were made special orders for one o'clock P. M.

[Speaker pro tem. in the chair.]

The question recurring upon the motion by Mr. Dare to indefinitely postpone the motion to reconsider Senate Bill No. 218, the ayes and noes were demanded by Messrs. Berry, Ostrom, and May.

The roll was called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs Anderson, Breen, Byington, Coffey Cooley, Dare, DeWitt, Dixon, Ewing, Gildea, Haile, Hanna, Hinshaw, Murphy of San Francisco, Ostrom, Robertson, Smyth, Swift, Waters, Wheat, Young, and Mr. Speaker—22.

NOES—Messrs Abbott, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Broderick, Brooks, Clark, Connolly, Conroy, Dinmene, Dorsey, Ellis, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Holloway, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Pace, Pauly, Routier, Russ, Sargent, Sherman, Tuttle, Warden, Welch, Whitlock, and Wilson—49.

PAIRED—Messrs. Nott and Johnson—2.

Mr. Nott voting "aye," and Mr. Johnson "no."

The question recurring upon the motion to reconsider the vote by which the House refused to pass the bill, the vote was reconsidered.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Berry, May, and Meyers.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Broderick, Brooks, Clark, Connolly, Conroy, Dinmene, Ellis, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Holloway, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Nealley, Pace, Pauly, Routier, Russ, Sargent, Sherman, Warden, Welch, Whitlock, and Wilson—45.

NOES—Messrs Anderson, Breen, Byington, Coffey, Cooley, Dare, DeWitt, Dixon, Dorsey, Ewing, Gildea, Haile, Hanna, Hinshaw, Hugg, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Robertson, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—29.

Title approved.

Pursuant to notice, Mr. Anderson moved to reconsider the vote by which Assembly Bill No. 26—An Act to amend section three thousand six hundred and forty-four of the Political Code—was passed.

Mr. Dare moved the indefinite postponement of the motion to reconsider.

RECESS.

Pending discussion of the motion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and quorum present.

SPECIAL ORDERS.

Motion to indefinitely postpone motion to reconsider vote on reconsideration of vote on Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys, etc.

Motion to reconsider the vote by which Assembly Bill No. 28—An Act to protect the rights of married women—was indefinitely postponed.

Made the special order for March ninth, at two o'clock P. M.

REPORTS (BY PERMISSION.)

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 325—An Act to provide for the registration of policies of life insurance—have had the same under consideration, and report it back, with passage recommended.

Also, Assembly Bill No. 407—An Act to amend section six hundred and two of the Political Code, in relation to insurance—and recommend its passage.

Also, Assembly Bill No. 561—An Act to regulate certain corporations in this State, by compelling the publication of statements of unclaimed accounts and dividends—and have amended the same, and recommend its passage as amended.

Also, substitute for Assembly Bill No. 179—An Act to regulate street railroads in the State of California—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 486—An Act concerning gas companies—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 374—An Act to prevent extortion by gas companies in the State of California—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 600—An Act to protect stockholders in corporations in this State, by stopping their officers from depositing the corporation funds in banks to their individual credit—and have amended the same, and recommend its passage as amended.

TUTTLE, Chairman.

Also, a minority report from the Committee on Education on substitute for Assembly Bill No. 289, recommending that it do not pass.

By Mr. Hart:

MR. SPEAKER: The Swamp and Overflowed Land Committee, to whom was referred Assembly Bill No. 571—An Act to reorganize Swamp Land District Number Seventy, in Sutter County, and to provide for the construction, maintenance, and repairs of levees therein—have had the same under consideration, and amended said bill, and hereby report the same as amended, and recommend its passage.

T. J. HART, Chairman.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER: The Contra Costa, Lassen, and Butte delegations, to whom was referred substitute for Senate Bill No. 58—entitled an Act to fix the fees of Justices of the Peace for the Counties of Contra Costa, Lassen, and Butte—have had the same under consideration, and report it back, with recommendation that it pass as amended.

YOUNG,
WHITLOCK,
BROOKS. } For Delegations.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 335—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

YOUNG, Chairman.

On motion of Mr. Tuttle, the motion to reconsider the vote by which Assembly Bill No. 26 was passed, pending discussion of which the House took a recess this day, was made the special order for Thursday next, at seven o'clock P. M.

SPECIAL ORDERS.

Assembly Bill No. 225—An Act amendatory and supplementary to an Act entitled an Act to provide for the appointment of Commis-

sioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State, approved April third, eighteen hundred and seventy-six.

Assembly Bill No. 226—An Act for the prevention of unjust discrimination, and the equalization of freights and fares, on railroads in this State.

Assembly Bill No. 227—An Act in relation to railroads.

Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transportation of passengers and freights on certain railroads in this State, and to prevent extortion and unjust discrimination thereon.

Assembly Bill No. 259—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freight on the railroads of this State.

Mr. Murphy of Del Norte moved that the consideration of Assembly Bills Nos. 225, 226, and 227 be postponed till four o'clock P. M. this day, on which motion the ayes and noes were demanded by Messrs. Waters, Ostrom, and Hinshaw.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Allen, Ames, Anderson, Backus, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dimmene, Dunlap, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Routier, Russ, Sherman, Warden, Welch, Whitlock, and Wilson—38.

NOES—Messrs. Asmussen, Blackwell, Blake, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Ewing, Haile, Hanna, Hinshaw, Holloway, Long, Mayfield, McComas, Meyers, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—31.

Assembly Bill No. 541 was taken up, amendments adopted, and Mr. Tuttle moved to amend sections one and two, in Chapter I, so as to make it read as follows:

SECTION 1. On or before the —— day of ——, eighteen hundred and seventy-eight, the Governor shall appoint a competent person, to be styled Commissioner of Transportation, who shall hold office for the period of four years, and until his successor shall be appointed and qualified. The person so appointed shall have no official connection with, nor be in the employ of, any railroad corporation or company, nor shall he, during his term of office, own or be interested in the stock, bonds, or other property thereof

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Tuttle, Wilson, and Clark.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Asmussen, Clark, Coffey, DeWitt, Dixon, Dorsey, Garver, Gildea, Hanna, Hinshaw, McComas, Meyers, Montague, Pace, Pauly, Smyth, Tuttle, and Young—18.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Blake, Broderick, Brooks, Byington, Connolly, Conroy, Cooley, Dare, Dimmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Warden, Waters, Welch, Wheat, Whitlock, Wilson, and Mr. Speaker—55

Mr. Murphy of Del Norte moved to amend section two as follows: Strike out the words "thereafter at each general election" and

insert, "and at the general election in eighteen hundred and seventy-nine, and at each general election thereafter."

Adopted.

Mr. Tuttle moved to amend section four, of Chapter I, so as to read as follows:

[SECTION 4.] Said Commissioner shall keep his office in the State Capitol. He shall be allowed a contingent fund, not exceeding fifty dollars per month, for the contingent expenses of his office, and may appoint a Secretary, who shall receive a salary of —— dollars per annum.

Adopted.

Also, insert in section seven, after the word "charges," the words "lawfully in force."

Adopted.

Also, amend section ten by striking out the words "and such bills relating thereto as he may desire to recommend."

Adopted.

Also, amend by striking out section sixteen and renumber the following sections.

Adopted.

Also, strike out in section seventeen the words, "in all cases where such fare is less than one dollar, and at the rate of ten per cent. on all fares in excess of one dollar."

Lost.

Also, amend section twenty-two by adding the words, "The Commissioner and his Secretary shall be transported free of charge over the various railroads in the State, in the discharge of their official duties."

Adopted.

Also, amend section three, Chapter II, by adding a new subdivision, to be numbered six, as follows:

Sixth—Clergymen, or other persons traveling for religious or charitable purposes.

Adopted.

Also, amend by striking out, in section nine, the word "get" and insert the word "obtain."

Adopted.

Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its final passage.

Withdrawn.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Waters, Ostrom, and Smyth.

Mr. Waters moved to amend by inserting two new sections after section eighteen, to be numbered nineteen and twenty, as follows (and renumber succeeding sections to correspond):

SECTION 19 Charges for transportation shall be divided into station and movement charges, as follows

First—The station charges shall be the charge for loading and the charge for unloading freight.

Second—The movement charge shall be the total charge for passengers and the total charge, less the station charges, for freight.

SECTION 20. The maximum charges for transportation of freight and passengers shall be as follows:

First—The station charges for freight shall not exceed the following sums, viz .

For loading, twenty-five cents per ton, or for any one lot of freight less than one ton.

For unloading, twenty-five cents per ton.

Lost.

Mr. Murphy of Del Norte moved to amend as follows: Amend section seven, Chapter 11, by adding thereto the following, "and any company refusing to comply with the reduction provided for in section seventeen, of Chapter I, shall forfeit the sum of five hundred dollars for each day of such refusal."

Adopted.

The question recurring upon the engrossment of the bill, upon which the ayes and noes were demanded by the requisite number, the roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Broderick, Brooks, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Warden, Welch, Whitlock, and Wilson—50.

NOES—Messrs. Blake, Breen, Clark, Coffey, Dixon, Dorsey, Hinshaw, Long, McComas, Miller, Montague, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr Speaker—24.

Mr. Murphy of Del Norte moved that Assembly Bills Nos. 225, 226, 227, and 259 be made the special order for next Thursday, at one o'clock P. M.

So ordered.

On motion of Mr. Gildea, Assembly Bill No. 23 was made special order for Tuesday next, at one o'clock P. M.

SPECIAL ORDER.

Assembly Bill No. 230—An Act to amend certain sections of the Political Code, relative to the salary of officers and employés of the Senate and Assembly.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

REPORT OF STANDING COMMITTEE.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 39—Relative to the pay of the Senate Committee on Chinese Investigation—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Joint Resolution No. 57—Relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County—have had the same under consideration, report it back, and recommend its passage.

GILDEA, Chairman.

Senate Concurrent Resolution No. 39, above reported, was taken up, and Mr. Nott moved that it be laid on the table.

Lost.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Gildea, Dare, and Asmussen.

[Mr. Waters in the chair.]

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Ames, Asmussen, Backus, Blackwell, Broderick, Connolly, Dinniene, Dunlap, Ellis, Farnum, Giffen, Griffith, Haworth, Mace, Meyers, Murphy of Del Norte, Swift, Welch, and Whitlock—19.

NOES—Messrs. Abbott, Allen, Blake, Breen, Brooks, Byington, Clark, Coffey, Conroy, Cooley, Dare, Dixon, Dorsey, Ewing, Forsyth, Garver, Gildea, Gough, Haile, Hanna, Hart, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Long, May, Mayfield, McComas, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Wheat, Wilson, Young, and Mr. Speaker—50.

Mr. Gildea gave notice that on to-morrow he would move a reconsideration of the vote by which the House refused to pass the above resolution

Assembly Joint Resolution No. 57, above reported, was taken up, and adopted.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR SPEAKER. Your Judiciary Committee, to whom was referred Assembly Bill No. 31—An Act to amend sections six hundred and sixty-seven and six hundred and eighty-two of the Code of Civil Procedure, and thereby repeal the so-called specific contract law—have had the same under consideration, and report it back, with recommendation that it do not pass.

Also, Assembly Bill No. 551—An Act to compel the retraction of false or defamatory articles in newspapers or serial publications, and to prohibit certain publications—and report the same without recommendation.

Also, Assembly Bill No. 507—An Act to provide for the better protection of depositors in savings banks—and recommend the passage thereof

Also, Assembly Bill No. 327—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlement of County Treasurers with the Controller of State—report the same back with amendments, and recommend passage as amended.

Also, Assembly Bill No. 365—An Act to divide the Third Judicial District, and to create the Twenty-third Judicial District—and recommend its passage.

Also, Assembly Bill No. 564—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in regard to the title conveyed by deed to purchasers of lands sold for delinquent taxes, and the entry of State lands sold at a delinquent sale—and recommend the passage of the same.

Also, Assembly Bill No. 351—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County—and recommend its passage.

Also, Assembly Bill No 218—An Act to permit John J. Wesselhoft to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-five-six—and recommend its passage.

Also, Assembly Bill No 621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor—and recommend its passage

Also, Assembly Bill No. 622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc—and recommend its passage

Also, Assembly Bill No. 44—An Act to amend certain sections of the Code of Civil Procedure—and report the same without recommendation.

Also, Assembly Bill No. 452—An Act to amend section nine hundred and fifty-four of the Code of Civil Procedure, in relation to appeals to the Supreme Court—and recommend the passage of the same.

Also, Senate Bill No. 299—An Act to amend section seven hundred and ninety-one of the Political Code—report the same with amendments, and recommend its passage as amended.

Also, Assembly Bill No 342—An Act to authorize R. C. Ball to sue the State of California for services as architect of the Branch State Prison at Folsom—and recommend its passage.

Also, Assembly Bill No. 601—An Act to authorize the Surveyor-General to collect from the United States moneys that may become due the State of California on account of sales of lands in this State—and recommend its passage.

Also, Assembly Bill No. 309—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 362—An Act to add a new section to the Political Code, to be numbered section ——, relative to the publication of newspapers—and recommend that it do not pass.

Also, Assembly Bill No 424—An Act to amend section eight hundred of the Political Code, relative to the oath of office of Notaries Public—and recommend its passage.

Also, Assembly Bill 425—An Act to amend section nine hundred and nine of the Political Code, relative to oaths of office of County Judges and County Clerks—and recommend its passage.

Also, Assembly Bill No. 423—An Act to amend section eight hundred and seventy-one of the Code of Civil Procedure, relative to defaults in Justices' Courts—and recommend its passage.

Also, Assembly Bill No. 538—An Act to protect the rights of stockholders in mining corporations, by causing the tailings of the mines to be worked for the benefit of the stockholders—and a majority of your committee recommend that it do not pass.

Also, Assembly Bill No. 415—An Act to amend section four hundred and thirty-seven of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 453—An Act to amend an Act entitled an Act concerning the office of County Clerk of Santa Barbara County, approved March eleventh, eighteen hundred and seventy-six—and recommend its reference to the delegation.

Also, Assembly Bill No. 454—An Act to amend section two thousand seven hundred and ten of the Political Code, in and for the County of Santa Barbara—and recommend its reference to the Santa Barbara delegation.

Also, Assembly Bill No 456—An Act to amend section three thousand eight hundred and twenty-four of the Political Code, relative to the return of taxes upon personal property when excess of rate has been charged—and recommend that it do not pass.

ANDERSON, Chairman.

Mr. Johnson moved that Assembly Bill No. 551, above reported, be made the special order for Friday next at one o'clock P. M.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 290—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square, in said city and county—report the same back, and a majority recommend that it do pass. Thirteen members present and voting; eight ayes, and five noes.

J. V. COFFEY, Chairman.

By Mr. Broderick:

MR. SPEAKER: *Your Committee on Enrollment respectfully report that the following* Assembly Bills have been correctly enrolled

No. 182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters.

No. 207—An Act concerning trespass of animals upon private lands in certain counties in the State of California.

No. 346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds

No. 41—An Act to fix the terms of the County and Probate Courts in and for the County of Lake.

No. 245—An Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and seventy-one.

No. 360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County in and from the State treasury, and for the payment of the necessary expenses thereby incurred.

No. 575—An Act in relation to road poll taxes and property taxes in the Town of Crescent City, in Del Norte County.

No 427—An Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Sutter.

Substitute for Assembly Bills Nos. 430 and 481—An Act providing for the election of an Attorney in and for the City of Sacramento.

No. 513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno, State of California.

And the same were, at twelve o'clock and ten minutes P. M., March fifth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

MEMORIAL.

By Mr. Conroy—From the Equal Rights League of colored citizens, relative to the school law of this State.

Referred to the Committee on Education.

At four o'clock and thirty-three minutes P. M. Mr. Hart moved to take a recess till seven o'clock and thirty minutes P. M.

Lost.

At four o'clock and thirty-five minutes P. M. Mr. Conroy moved to adjourn.

Lost.

REPORTS—CONTINUED.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 412—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California—have had the same under consideration, and report it back, with a recommendation that it pass.

WELCH, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 605—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno—have amended the same, and report it back, with recommendation that it do pass as amended.

Also, Senate Bill No. 270—An Act to authorize certain payments of State Harbor Commissioners—report the same back, and recommend that it be referred to the Committee on Commerce and Navigation.

Also, substitute for Senate Bill No. 202—An Act for the relief of Edward C. Kirby and John Burke—report it back, and recommend its passage.

OSTROM, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Brooks:

SACRAMENTO, March 5th, 1878.

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 247—An Act to regulate fees of officers in certain counties; also, Senate Bill No. 354—An Act making the Sheriff of Butte County the Collector of licenses therein, and fixing his salary therefor—have had the same under consideration, and report them back with amendments, and recommend their passage.

NEALLEY, for Delegation.

Senate Bill No. 354, above reported, taken up, rules suspended, amendments adopted, read third time, and passed.

Title approved.

By Mr. Ellis:

MR. SPEAKER. The Los Angeles delegation, to whom was referred Assembly Bill No. 648—An Act to regulate fees and salaries in the County of Los Angeles—have had the same under consideration, report it back, and recommend its passage.

ELLIS, for Delegation.

By Mr. McComas:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 103—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County; also, Senate Bill No. 392—An Act to amend an Act entitled an Act concerning streams in the County of Santa Clara, approved March twenty-eighth, eighteen hundred and seventy-two—have had the same under consideration, and respectfully report them back, recommending their passage.

McCOMAS, for Delegation.

At four o'clock and forty minutes P. M. Mr. Dare moved to adjourn. Lost

RECESS.

At four o'clock and forty-one minutes P. M., on motion of Mr. Hart, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M. Speaker in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Senate Bill No. 134—An Act for the protection of the Harbor of Wilmington.

Ordered at the head of the special file for to-morrow evening.

Assembly Bill No. 572—An Act in relation to certain officers in Plumas County, and fix the compensation thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 590—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 255—An Act to amend an Act entitled an Act to re-incorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Read third time, and passed.

Title approved.

Assembly Bill No. 266—An Act to amend an Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and supplementary thereto.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Leave of absence was granted to Messrs. Haile, Miller, Nott, and to the San Francisco delegation.

Assembly Bill No. 414—An Act to authorize the City of Petaluma to provide and maintain public water-works for said city, and to purchase and condemn private property for that purpose.

Amendment adopted, rules suspended, considered engrossed, read third time and passed.

Title approved.

Assembly Bill No. 529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.

The enacting clause was amended to correct clerical error.

Mr. Waters moved to amend by striking out all of section seven after the word "felony," and inserting in lieu thereof the words, "and punished as in other cases of forgery."

Adopted.

The amendments recommended by the Committee on Roads and Highways were adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Pursuant to notice, Mr. Tuttle moved a reconsideration of the vote by which Senate Bill No. 73 was indefinitely postponed, and, on motion of Mr. Tuttle, the motion to reconsider was made the special order for Friday next, at two o'clock P. M.

Assembly Bill No. 376—An Act to provide for the improvement of the public roads in the County of Mono.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 508—An Act to provide free bridges in the County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 11—An Act to amend an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

Assembly Bill No. 208—An Act regarding the Fire Department of the City of Sacramento, and its officers.

Indefinitely postponed.

Assembly Bill No. 569—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 573—An Act to grant George E. Isaacs and his assigns the right to supply the inhabitants of the Town of Merced with fresh water.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 233—An Act to amend an Act entitled an Act to create the Twenty-first Judicial District, approved February fifteenth, eighteen hundred and seventy-six, by changing the dates of holding the terms of Court in said district.

Read third time, and passed.

Title approved.

Assembly Bill No. 242—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for the collection of taxes.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 199—An Act to create the County of Purisima, to establish the boundaries thereof, and to provide for its organization.

Ordered second on the special file for to-morrow evening.

Senate Bill No. 82—An Act concerning the water front of the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Title approved.

[Speaker pro tem in the chair.]

Assembly Bill No. 520—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 339—An Act to amend an Act entitled an Act to

create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 344—An Act to amend an Act entitled an Act authorizing the Trustees of San Buenaventura School District, Ventura County, to issue bonds for said district for the sum of ten thousand dollars, approved March sixteenth, eighteen hundred and seventy-two.

Read third time, and passed.

Title approved.

Senate Bill No. 342—An Act to legalize a tax for building a school house in the New York School District, in Contra Costa County.

Read third time, and passed.

Title approved.

Assembly Bill No. 389—An Act to incorporate the Town of Berkeley, in Alameda County.

Ordered third on file for to-morrow evening.

Assembly Bill No. 596—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 602—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 115—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Army Street, and the condemnation of private property therefor.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 437—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street, in said city and county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 380—An Act concerning the Santa Clara Avenue and certain public lands of the City of San José, in the County of Santa Clara.

Read third time, and passed.

Title approved.

Senate Bill No. 379—An Act to amend an Act entitled an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

Senate Bill No. 378—An Act to amend an Act entitled an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 393—An Act to authorize the Board of Supervisors of the County of Santa Clara to issue bonds in payment of certain indebtedness.

Read third time, and passed.

Title approved.

Senate Bill No. 162—An Act concerning licenses in the County of San Benito.

Read third time, and passed.

Title approved.

Assembly Bill No. 527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 343—An Act to fund certain indebtedness of Solano County.

Read third time, and passed.

Title approved.

Assembly Bill No. 616—An Act to authorize and empower the Sheriff of Colusa County to appoint a Jailer.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 623—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and providing public and private roads in Colusa County, approved March twenty-sixth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 570—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain Controller's warrants.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 428—An Act respecting the Hospital of the County of Placer.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 410—An Act to provide for the distribution of school moneys in certain counties.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 172—An Act to prevent conflagrations in the City and County of San Francisco, by limiting the hight of wooden buildings and structures of wood therein.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for the payment of the costs of the same.

Withdrawn.

Assembly Bill No. 532—An Act for the relief of J. B. Scott.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 209—An Act to amend an Act to provide for the maintenance and construction of roads and highways in the County

of Mariposa, approved March thirty-first, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 163—An Act concerning roads and highways in the County of San Benito.

Passed on file.

Senate Bill No. 217—An Act to amend the Political Code, respecting the health and quarantine regulations of the City and County of San Francisco.

Passed on file.

Assembly Bill No. 296—An Act to create and organize Reclamation District Number Two Thousand and Fifty-one, and to define its boundaries, and provide for its government.

Passed on file

Assembly Bill No. 349—An Act in relation to reclamation district in County of Colusa, and that part of Yolo County which is in Reclamation District Number One Hundred and Eight.

Ordered fourth on special file for to-morrow evening.

Assembly Bill No. 579—An Act to provide for the location, construction, and maintenance of public roads in the County of Mendocino.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 614—An Act to amend an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes, approved March third, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 449—An Act to amend an Act entitled an Act to incorporate the Town of Martinez, and to provide for the government thereof, approved April first, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 382—An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two, and the Acts supplementary thereto and amendatory thereof.

Read third time, and passed.

Title approved.

Senate Bill No 33—An Act to regulate the fees and establish the compensation of the County Recorder of the County of Placer, and to repeal an Act entitled an Act to fix the salary of the County Recorder of the County of Placer, approved March twenty-seventh, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

Assembly Bill No 629—An Act to amend an Act entitled an Act concerning roads and highways in Lake County, approved March twenty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 86—An Act to declare Clear Lake, in Lake County, navigable.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 57—An Act to reimburse the County of Placer for moneys expended in the collection of State taxes.

Considered in Committee of the Whole.

[Speaker pro tem in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker pro tem in the chair.]

The report of the committee was received and adopted, the bill read third time, and passed.

Title approved.

On motion of Mr. Anderson, Assembly Bill No. 456 was recommitted to the Judiciary Committee.

Assembly Bill No. 644—An Act to authorize the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction, and to provide for the payment of the same.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 389—An Act to incorporate the Town of Berkeley, in Alameda County—passed on file this evening, was, on motion of Mr. Farnum, taken up for consideration.

Amendments adopted, rules suspended, considered engrossd, read third time, and passed.

Title approved.

Mr. Griffith gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

At ten o'clock P. M. Mr. Young moved to adjourn.

Lost.

SENATE MESSAGES.

On motion of Mr. Tuttle, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 4th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the streets of Sacramento—and ordered the same transmitted to the Assembly without engrossment.

Amended and passed Assembly Bill No. 386—An Act to amend sections one hundred and thirty-seven and one hundred and forty-two of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce

Amended and passed Assembly Bill No. 234—An Act to provide for the extermination of squirrels in the County of San Mateo.

Passed Assembly Bill No. 270—An Act to provide for the distribution of school moneys in the County of Contra Costa.

Passed Assembly Bill No. 442—An Act to create an additional Contingent Fund for Trinity County.

Amended and passed Assembly Bill No. 436—An Act to provide for a Convention to frame a new Constitution for the State of California.

Amended and passed Assembly Bill No. 465—An Act concerning road poll tax and hospital poll tax for Tehama County.

Passed Assembly Bill No. 421—An Act to amend 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, approved April eighth, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

Also, passed Assembly Bill No. 200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County.

Passed Assembly Bill No. 11—An Act for the relief of the School Department of the City of Oakland.

Substitute for Senate Bill No. 70—An Act to authorize the settlement of certain taxes on certain portions of the Lick estate, and to cancel liens against the same.

Passed substitute for Senate Bill No. 81—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

On the twenty-seventh February, passed Senate Bill No 374—An Act to pay the claim of Hiram Clock.

On twenty-sixth day of February, passed substitute for Senate Bill No. 288—An Act to amend an Act to provide for the location, construction, and maintenance of the public roads in the County of Nevada.

On the twenty-seventh of February, passed Senate Bill No. 207—An Act for the relief of John A. Odell.

On twenty-sixth February, passed Senate Bill No. 248—An Act for the increase and preservation of forest areas in the State.

February twenty-seventh, passed Senate Bill No 257—An Act imposing a tax on the issue of certificates of stock of corporations.

February twenty-fifth, passed Senate Bill No. 389—An Act to prevent the trespassing of animals upon private property in the County of Yolo.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 5th, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth of March, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 322—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof.

Amended and passed Assembly Bill No. 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State.

And on the fifth of March, eighteen hundred and seventy-eight, the Senate receded from its amendments to Assembly Bill No. 102—An Act to authorize the Board of Supervisors to pay the claim of Abner D Sevier, ex-Sheriff of Humboldt County.

Also, amended and passed Assembly Bill No. 153—An Act to increase the police force of the City and County of San Francisco.

Also, passed Assembly Bill No. 260—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

Assembly Bill No. 180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles.

And concurred in Assembly amendments to substitute for Senate Bill No 186.

Also, on March fourth, eighteen hundred and seventy-eight, passed Senate Bill No. 463—An Act making an appropriation for deficiency in the expenses of the State Prison—and ordered the same transmitted to the Assembly forthwith, without engrossment, together with accompanying communication.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifth of March, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 345—An Act to protect the Town of Fresno against fire.

R. SHOEMAKER, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 81, and Senate substitute for Assembly Bill No. 153, each read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 70, and Senate Bill No. 463, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 207, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 248, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 288, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 389, read first and second times, and referred to the Yolo delegation.

Senate Bill No. 257, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 476, read first and second times, and referred to the Sacramento delegation.

Assembly Bill No. 234, returned with amendments, referred to the San Mateo delegation.

Assembly Bill No. 386 was taken up, and the House refused to concur in the Senate amendments.

Assembly Bill No. 465, referred to the Colusa delegation.

Assembly Bill No. 436, made the special order for to-morrow, immediately after the reading of the Journal.

Senate amendments to Assembly Bills Nos. 90, 345, and 322, concurred in.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Mr. Dinniene, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 6th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Temporary leave of absence was granted to Mr. Dare.
Journal of yesterday read and approved.

SPECIAL ORDER.

Assembly Bill No. 436—An Act to provide for a Convention to frame a new Constitution for the State of California.

The question was on concurring in Senate amendments.

Upon the question of concurring in the Senate's amendment in line four, of section two, to strike out "one hundred and twenty" and insert "one hundred and fifty-two," the ayes and noes were demanded by Messrs. Waters, Sargent, and Ostrom.

The roll was called, and the House refused to concur by the following vote:

AYES—Messrs. Allen, Ames, Anderson, Backus, Broderick, Coffey, Connolly, Conroy, Dimmene, Gildea, Griffith, Haworth, Hicks, May, Moffat, Murphy of Del Norte, Nealley, and Swift—18.

NOES—Messrs. Abbott, Blackwell, Blake, Breen, Brooks, Byington, Clark, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Farnum, Forsyth, Garver, Giffen, Haile, Hanna, Hart, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Mace, Mayfield, McComas, Meyers, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr Speaker—54.

The House also refused to concur in the Senate amendment to section four, relative to the tickets to be used at the election for Delegates.

Upon the question of concurring in the Senate amendment to section five, relative to the pay of Delegates to the Convention, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Pauly, and Robertson.

The roll was called, and the House refused to concur by the following vote:

AYES—Messrs. Long, Miller, Nott, Ostrom, Swift, Tuttle, Welch, and Whitlock—8.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dimmene, Dixon, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Warden, Waters, Wilson, and Mr Speaker—64.

The Senate amendment to section seven, relative to submitting the Constitution framed by the Convention to the people for adoption, was concurred in.

Mr. Dare moved a reconsideration of the vote by which the amendment was concurred in.

RECESS.

Pending discussion of the amendment, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Waters, Assembly Bill No. 216, special order for this hour, was made special order for March twelfth, at two o'clock P. M.

On motion of Mr. Gough, the substitute for Assembly Bill No. 113 was ordered printed.

Mr. Anderson submitted a verbal report from the Judiciary Committee on Senate Bill No. 129, recommending its reference to the Committee on Military Affairs.

The bill was so referred.

House resumed consideration of Senate amendments to Assembly Bill No. 436—the question being upon the motion by Mr. Dare to reconsider the vote by which the House concurred in Senate amendment to section seven.

The House refused to reconsider.

House refused to concur in Senate amendment to section twelve, relative to the appropriation for the expenses of the Convention.

PETITIONS.

By Mr. May—A memorial, protesting against the passage of Assembly Bill No. 460.

Referred to the San Francisco delegation, and the usual number of copies of the body of the petition ordered printed.

By Mr. Broderick—From taxpayers of this State, relative to an appropriation for the "Little Sisters' Infant Shelter."

Referred to the Committee on Ways and Means.

Mr. Pauly moved a suspension of the rules for the purpose of introducing a resolution.

Lost.

Pursuant to notice, Mr. Gildea moved to reconsider the vote by which the House refused to adopt Senate Concurrent Resolution No. 39, upon which motion the ayes and noes were demanded by Messrs. Sargent, Gildea, and Haile.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs Ames, Asmussen, Blackwell, Breen, Broderick, Brooks, Connolly, Conroy, DeWitt, Farnum, Gildea, Gough, Griffith, Hicks, Hugg, Murphy of Del Norte, Swift, Welch, and Whitlock—19.

NOES—Messrs. Allen, Anderson, Blake, Byington, Clark, Coffey, Cooley, Dare, Dixon, Dorsey, Dunlap, Ellis, Forsyth, Garver, Giffen, Haile, Hanna, Hart, Hinshaw, Holloway, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Wheat, Young, and Mr. Speaker—51.

REPORTS OF STANDING COMMITTEES.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 480—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts—and have amended the same, and recommend its passage as amended.

TUTTLE, Chairman.

By Mr. Haile:

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 549—An Act to amend section one thousand seven hundred and fifty-five of the Political Code—have had the same under consideration, and report it back, with a recommendation that it be passed.

Also, Assembly Bill No. 578—An Act to reorganize and simplify the school system and public education of the State of California—which they report back, with a recommendation that it do not pass.

Also, Assembly Bill No 604—An Act restraining the State Board of Education from making certain contracts, and to provide a system for text-books for use in the public schools in the several counties of this State—which they report back, with a recommendation that it do not pass.

Also, Assembly Bill No. 21—An Act to prescribe the manner of furnishing text-books for the public schools of this State—which they report back without recommendation.

HAILE, Chairman.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and

provide for the payment of the same—have had the same under consideration, and report it back, recommending its passage.

NEALLEY, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 518—An Act to prevent certain kinds of stock from running at large in the County of Humboldt—have had the same under consideration, and report it back with amendments, and recommend its passage as amended

Also, Assembly Bill No 420—An Act to prevent the trespassing of goats on inclosed land in Amador County—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 566, with substitute—An Act to amend an Act entitled an Act to prevent the propagation of the Scotch or Canada thistle in the Counties of Humboldt, Siskiyou, Del Norte, and Alameda, approved March the second, eighteen hundred and seventy-two—report it back, recommending that it be referred to the delegations from the counties named in the bill.

Also, Assembly Joint Resolution No. 59—Relative to the production and manufacture of sugar from beets and melons, in the State of California, and the appointment of a suitable person to investigate the subject, and to report thereon—report the same back, recommending its passage.

THOMPSON, Chairman.

By Mr. Hicks:

MR. SPEAKER Your Committee on Mileage, to whom was referred the report of the Committee on Military Affairs as to the number of miles traveled by said committee, beg leave to report the same back, and recommend the adoption of the accompanying resolution.

HICKS, for Committee.

Resolved, That the Controller of State be and he is hereby authorized to draw his warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Committee on Military Affairs for their mileage while on committee duty, viz, Backus, Tobin, Dare, Dimmene, and Dorsey, for twenty-five dollars and twenty cents each, and the State Treasurer is hereby authorized to pay the said warrants.

Adopted.
Also:

MR. SPEAKER: Your Committee on Mileage beg leave to report back the report of the Chairman of the Committee on Agriculture, Mining, and Mechanic Arts College, as to the number of miles traveled by said committee, and would recommend the adoption of the accompanying resolution.

HICKS, for Committee.

Resolved, That the Controller of State be and he is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Committee on Agriculture, Mining, and Mechanic Arts College for their mileage while on committee duty, viz., Broderick, Warden, McClure, Whitlock, Murphy of San Francisco, and Tobin, for twenty-seven dollars and thirty cents each, and the State Treasurer is hereby authorized to pay the said warrants.

MR. SPEAKER: Your Committee on Mileage beg leave to report the accompaning resolution, and recommend its adoption.

HICKS, for Committee.

Resolved, That the Special Committee on Mining Debris be allowed mileage as follows:

D. A. Ostrom, two hundred and sixty-eight miles	$40 20
M. Garver, two hundred and sixty-eight miles	40 20
R. Kercheval, two hundred and sixty-eight miles	40 20
B Waters, one hundred and sixty-eight miles	25 20
J V Coffey, one hundred miles	15 00
James S. Davis, Clerk, one hundred and sixty-eight miles	25 20
P. K. Stockton, short-hand reporter, one hundred miles	15 00

And that the Controller shall draw warrants on the Contingent Fund of this House in favor of the persons named above, in the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Adopted.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 603—An Act for the relief of Edward Christy—have amended the same, and report it back, recommending its passage as amended.

OSTROM, Chairman.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution allowing the Mail Carrier of the Assembly a compensation of four dollars per day from and after the first day of March, eighteen hundred and seventy-eight, would respectfully report the same back, amended so as to allow three dollars per day, and recommend the adoption of the resolution as amended.

DIXON, Chairman.

Resolved, That the Mail Carrier of the Assembly be allowed four dollars per day from and including March first, eighteen hundred and seventy-eight, in lieu of compensation heretofore allowed.

Amendment adopted, and the resolution rejected.

On motion of Mr. Mace, Senate Bill No. 35, special order for this hour, two o'clock and thirty minutes P. M., was made the special order for to-morrow, at one o'clock and thirty minutes P. M.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, so as to provide for holding two terms of the Supreme Court each year in the City of Los Angeles

No. 421—An Act to amend an Act to extend 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, approved April eighth, eighteen hundred and fifty-nine.

No. 11—An Act for the relief of the School Department of the City of Oakland.

No. 379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

No. 422—An Act to create an additional Contingent Fund for Trinity County.

No. 270—An Act to provide for the distribution of school moneys in the County of Contra Costa.

No. 200—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Mendocino County.

And were, at eleven o'clock A. M., March sixth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Dare:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 300—An Act to promote the sanitary condition of towns and villages.

Also, Assembly Joint Resolution No. 62—Asking increased mail facilities in San Luis Obispo County.

Also, Assembly Bills No. 230—An Act to amend sections two hundred and sixty-eight and two hundred and sixty-nine of the Political Code, so as to reduce the salaries of officers and employés of the Senate and Assembly.

No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon.

JOHN T. DARE, for Committee.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 646—An Act to authorize the construction of a wagon road from Downieville, in

Sierra County, to a point about two miles east of Forest City, in said county—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No 647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County—have considered the same, and recommend its passage.

WHEAT, Chairman.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: Your Committee on State Prison, to whom was referred Assembly Bill No. 22—An Act to establish a State Reformatory—have had the same under consideration, and report it back with a substitute, recommending the passage of the substitute.

Also, Assembly Bill No 43—An Act to give employment to the workingmen of California—have had the same under consideration, and report it back, with a recommendation that it do not pass.

MILLER, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 113—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco, and to repeal all other Acts relating to said Fire Department—report a substitute therefor, entitled an Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco, and a majority recommend that it do pass. Seventeen members present and voting.

Also, Assembly Bill No. 405—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia Streets, in the City and County of San Francisco—report the same back with amendments, and recommend that it do pass as amended. Sixteen members present and voting.

J. V. COFFEY, Chairman.

By Mr. Hinshaw:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Public Expenditures, to whom was referred Assembly Bill No. 589—An Act to provide for a law library of the corporation known as the Oakland Law Library Association, and to secure the use of the same to the Courts held at Oakland, Alameda County, the bar, the City of Oakland, and the county government, the law students of the University, and the people of the City of Oakland, and the County of Alameda—have had the same under consideration, and report it back, with the recommendation that it do not pass.

HINSHAW, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 5th, 1878.

MR. SPEAKER: Your Committee on Public Expenditures, to whom was referred the resolution to pay the claim of P. J. Walsh, the sum of twelve dollars, expenses incurred at the funeral of the late Honorable Clarence W. Upton, in Santa Clara; also, resolution to pay the claim of R. R Donnell, the sum of one hundred and fifty-three dollars, for mileage and per diem as a witness before the Committee on Assessments, report the same back, recommending the adoption of the following resolution:

Resolved, That the Controller of State shall draw his warrants on the State Treasurer in favor of P J. Walsh for the sum of twelve dollars; also, in favor of R. R. Donnell for the sum of one hundred and fifty-three dollars, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

Adopted.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred the investigation of the eleemosynary institutions of this State receiving State aid, beg leave to submit the following report, and ask that it be ordered printed.

Also, ask leave to make a supplemental report, as soon as practicable, in regard to the Insane, and Deaf, Dumb and Blind Asylums.

Also, Assembly Bill No. 638—An Act to amend an Act entitled an Act to provide for the management of the Napa State Asylum for the Insane, approved March sixth, eighteen hundred and seventy-six.

Also, Senate Bill No. 422—An Act authorizing the Mayor and Common Council of the City of San José to establish and provide for the maintenance of a Board of Health.

Have had the same under consideration, and report them back, with the recommendation that they pass.

MONTAGUE, Chairman.

The report mentioned above was ordered printed.

REPORTS OF SELECT COMMITTEES.

By Mr. DeWitt:

MR. SPEAKER: The Yolo delegation, to whom was referred Assembly Bill No. 504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four—having had the same under consideration, report the same back, and recommend its passage.

W. M. DEWITT.

By Mr. Sherman:

MR. SPEAKER: Your delegation, to whom was referred Senate Bill No. 386—entitled an Act to confer further powers upon the Common Council of the City of Santa Barbara—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

And your delegation, to whom was referred Senate Bill No. 44—entitled an Act to fix the bonds of the county officers of Ventura County—beg leave to report that they have amended the same, and recommend the passage of the bill as amended.

SHERMAN, for Delegation

By Mr. Ames:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR SPEAKER: Your delegation, to whom was referred Assembly Bill No. 234—An Act to provide for the extermination of squirrels in the County of San Mateo—have had the same under consideration, and report it back, with recommendation that the Senate amendment be concurred in.

J. P. AMES, for Delegation.

Rules suspended, and Assembly Bill No. 234, above reported, was taken up, and Senate amendments concurred in.

By Mr. Johnson:

SACRAMENTO, March 6th, 1878.

MR SPEAKER: The Sacramento delegation, having had under consideration Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the streets of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

By Mr. Hart:

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER The Colusa delegation, to whom was referred Assembly Bill No. 465—An Act concerning road poll tax and hospital poll tax for Tehama County—have had the same under consideration, and report it back, with the recommendation that the Senate amendments be concurred in.

HART, Chairman.

Rules suspended, and Assembly Bill No. 465, above reported, taken up, and Senate amendments concurred in.

GOVERNOR'S MESSAGE.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 4th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos 71—An Act to provide for the payment of the claim of Harrison Roberts, Luis Ruggio, and C. S. Colvig, for

services rendered to the State by the capture of Cleodoveo Chavez, one of the associates of the bandit Vasquez

94—An Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto.

124—An Act for the relief of John Riordon, B H. Kenney, Patrick Donahue, and W. B. Jourden.

148—An Act fixing the salary of the County Treasurer of the County of Invo.

212—An Act relative to Justices' fees, and amendatory of an Act approved April fourth, eighteen hundred and seventy, entitled an Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy.

184—An Act to amend an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two

235—An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-third, eighteen hundred and seventy-six.

243—An Act to authorize Mad River Boom and Land Company to construct and maintain booms in Humboldt Bay.

317—An Act supplemental to and amendatory of an Act entitled an Act to facilitate the construction of a canal for the improvement of Oakland Harbor, approved April third, eighteen hundred and seventy-six.

416—An Act to regulate the terms of the County Court of San Joaquin County.

439—An Act amending an Act entitled an Act to regulate fees of office and salaries in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six, in relation to the County Assessor.

470—An Act to provide for the payment of certain claims against the County of Santa Cruz.

516—An Act to regulate fees of office and salaries of officers in Modoc County.

542—An Act to repeal an Act to authorize the Board of Supervisors of the County of Colusa to approve official bonds of the county and township officers of said county, approved February eighteenth, eighteen hundred and seventy-eight.

580—An Act prescribing the duties and fixing the salaries of the Board of Supervisors of the County of Santa Cruz.

87—An Act in relation to Road Overseers and road poll taxes in the County of Yuba.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS

By Mr. Ostrom—Proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Allen—An Act concerning the election of Road Overseers in Marin County.

Also, an Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four.

Each of the above bills read first and second times, and referred to the Marin delegation, and the usual number of copies of the last named ordered printed.

By Mr. Robertson—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

Read first and second times, and ordered on the special file.

By Mr. Holloway (by request)—An Act to amend section five hundred and fifty-two of the Civil Code, relative to the rights of purchasers of water for irrigating purposes.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Dorsey—An Act to authorize the construction and main-

tenance of a bridge across the Tuolumne River at the Town of Modesto.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Johnson—An Act to provide for the election of officers for the City of Sacramento.

Also, an Act to amend an Act entitled an Act to provide for the grading of public alleys and the construction of sewers therein in the City of Sacramento.

Each of the above bills read first and second times, and referred to the Sacramento delegation.

By Mr. Thompson—An Act to encourage the destruction of gophers in the County of San Joaquin.

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

By Mr. Nealley—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Butte delegation.

By Mr. Warden—An Act to amend section three thousand nine hundred and forty-seven of the Political Code.

Also, an Act to amend section three thousand nine hundred and fifty-one of the Political Code.

Each of the above bills read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Pace—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Farnum—An Act relative to the powers and duties of the Sheriff of Alameda County, in the matter of attachments in said county.

Read first and second times, and referred to the Alameda delegation.

By Mr. Mayfield—An Act to amend an Act, approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and seventy-six.

Also, an Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

Also, an Act to amend an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and seventy-six.

Also, an Act to authorize the Board of Supervisors of Napa County to transfer certain funds.

Also, an Act to amend an Act entitled an Act to encourage the

destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, and San Bernardino, approved February thirteenth, eighteen hundred and seventy-eight, as to Napa County.

Also, an Act to authorize the Board of Supervisors of Napa County to pay certain claims.

Also, an Act to provide for the building of and furnishing a Court-house, offices, and Jail in Napa County, and for improving the Court-house grounds.

Each of the above bills read first and second times, and referred to the Napa delegation.

By Mr. Sherman—An Act to amend section one thousand four hundred and twenty-six of the Penal Code, in respect to the jurisdiction of Justices' and Police Courts.

By Mr. Brooks—An Act to define the fire limits of the Town of Oroville, in Butte County, and to provide for a special tax for the support and maintenance of the Fire Department thereof.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, under suspension of the rules, passed Senate Bill No. 490—An Act to ratify the contract between the Stockton Gas Company and the City of Stockton, to supply gas to said city and its inhabitants, approved by the Acting Mayor of said city on December eighteenth, eighteen hundred and seventy-seven.

Also, passed Senate Bill No 474—An Act to provide for the election of an Assessor, a City Marshal, and a Treasurer for the City of Benicia, and to prescribe their duties, also, to grant further powers to the Trustees of said city.

Also, passed Senate Bill No. 479—An Act to amend certain sections of an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 490, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 479, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 474, read first and second times, and referred to the Solano delegation.

Mr. Ellis moved to suspend the rules to consider Senate Bill No. 353—An Act for the encouragement of agriculture and other industries.

So ordered.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received.

The previous question was moved by Mr. Backus, and seconded by Messrs. Murphy of Del Norte and Farnum.

Upon the question of ordering the previous question, the ayes and noes were demanded by Messrs. Backus, Nealley, and Murphy of Del Norte.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Asmussen, Backus, Blake, Breen, Brooks, Connolly, Conroy, DeWitt, Dinniene, Dorsey, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Mace, Mayfield, McClure, McComas, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Swift, Warden, Welch, Whitlock, Wilson, and Young—41.

NOES—Messrs. Anderson, Blackwell, Broderick, Byington, Clark, Coffey, Cooley, Dare, Dixon, Dunlap, Ellis, Garver, Haile, Hanna, Hinshaw, Holloway, Kercheval, Long, May, Meyers, Miller, Montague, Nott, Ostrom, Pace, Robertson, Russ, Sherman, Smyth, Thompson, Tuttle, Waters, Wheat, and Mr. Speaker—34.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Nott, Backus, and Ostrom.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Broderick, Brooks, Connolly, Conroy, Cooley, Dare, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Swift, Warden, Waters, Welch, Whitlock, and Wilson—51.

NOES—Messrs. Breen, Byington, Clark, Coffey, Garver, Haile, Hanna, Hinshaw, Long, Miller, Montague, Nott, Ostrom, Pace, Robertson, Russ, Sherman, Smyth, Thompson, Tuttle, Wheat, Young, and Mr. Speaker—23.

Title approved.

Mr. Waters gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

REPORT.

Mr. Nott (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 463—An Act making an appropriation for deficiencies in the expenses of the State Prison for the year eighteen hundred and seventy-seven, and up to July first, eighteen hundred and seventy-eight—have considered the same, and report it back, and recommend its passage.

NOTT, Chairman.

On motion of Mr. Nott, Senate Bill No. 463, above reported, was taken up for consideration.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker in the chair.]

The bill was read third time, and passed.

Title approved.

Pursuant to notice, Mr. Griffith moved to reconsider the vote by which Assembly Bill No. 389 was passed, and, on motion of Mr. Griffith, the motion to reconsider was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

By Mr. Hanna:

Resolved, That two hundred and forty extra copies of Assembly Bill No. 633 be printed.

Adopted.

By Mr. Coffey:

Resolved, That two hundred and forty copies of Senate substitute for Senate Bill No. 200 and two hundred and forty copies of Senate substitute for Assembly Bill No. 153 be printed.

Adopted.

Mr. Tuttle moved to take up Assembly Bill No. 475 for consideration.

Lost.

By Mr. Murphy of Del Norte.

Resolved, That Assembly Bill No. 541 be made the special order for to-morrow, the seventh instant, immediately after the reading of the Journal.

Mr. Waters moved to amend by making the bill the special order for Tuesday next, at one o'clock P. M.

Pending discussion, the resolution and amendment were withdrawn, with the understanding that all of the railroad bills, viz., Assembly Bills Nos. 541, 259, 225, 226, and 227, be taken up for consideration immediately after the reading of the Journal to-morrow, and that no particular bill should take precedence of or have preference over any other, but that all shall be considered together, and that it be decided by a vote of the House which bill shall first be acted upon.

The above conditions were unanimously agreed to.

REPORT.

By Mr. Griffith (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 6th, 1878.

MR. SPEAKER: A minority of the San Francisco delegation, to whom was referred Assembly Bill No. 113—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco, and to repeal all other Acts relating to said Fire Department—respectfully dissent from the report of the majority recommending the passage of a substitute, and the minority recommend the passage of the original bill, with certain amendments.

J. V. COFFEY, Chairman.
J. A. HICKS,
W. K. FORSYTH,
CHARLES GILDEA,
JOHN F. SWIFT,
J. E. CONNOLLY,
A. J. GRIFFITH,
S. W. BACKUS.

The above report was ordered printed.

At five o'clock and fifteen minutes P. M. Mr. Dare moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Johnson, Dare, and Kercheval.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Anderson, Asmussen, Blackwell, Brooks, Byington, Connolly, Dare, Dixon, Dunlap, Ellis, Ewing, Forsyth, Garver, Giffen, Gough, Haile, Haworth, Holloway, Hugg, Long, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Robertson, Russ, Sherman, Smyth, Warden, Wheat, Wilson, and Young—33.

NOES—Messrs. Abbott, Allen, Backus, Blake, Breen, Broderick, Clark, Coffey, Conroy, Cooley, DeWitt, Dinniene, Dorsey, Farnum, Gildea, Griffith, Hanna, Hicks, Hinshaw, Johnson, Kercheval, Mace, May, Mayfield, McComas, Meyers, Ostrom, Pace, Pauly, Routier, Sargent, Swift, Thompson, Waters, Whitlock, and Mr. Speaker—36.

RECESS.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Gildea, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

SPECIAL FILE.

Senate Bill No. 134—An Act for the protection of the Harbor of Wilmington.

Passed on file.

Assembly Bill No. 199—An Act to create the County of Purisima, to establish the boundaries thereof, and to provide for its organization.

Temporarily passed on file.

Assembly Bill No. 349—An Act in relation to reclamation in the County of Colusa, and that part of Yolo County which is in Reclamation District Number One Hundred and Eight.

Passed on file.

[Mr. Gildea in the chair.]

Assembly Bill No. 179—An Act to regulate street railroads in the City and County of San Francisco.

Substitute adopted; amendments to substitute adopted.

Mr. May moved to amend by striking out the words "gold and silver," in section one.

Adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 199—An Act to create the County of Purisima, to establish the boundaries thereof, and to provide for its organization—passed on file, was now taken up for consideration.

Mr. Sherman moved the indefinite postponement of the bill.

During the reading of the bill Mr. Sherman moved that the enacting clause be stricken out.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the motion to strike out the enacting clause, the ayes and noes were demanded by Messrs. Sherman, Mace, and Dinniene.

The roll was called, and the enacting clause stricken out by the following vote:

AYES—Messrs. Allen, Ames, Asmussen, Blackwell, Blake, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Dare, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Farnum, Gildea, Gough, Hart, Haworth, Hicks, Hugg, Kercheval, Long, Mace, McClure, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Russ, Sherman, Smyth, Thompson, Warden, Waters, Wheat, Young, and Mr. Speaker—43.

NOES—Messrs. Abbott, Breen, Cooley, Forsyth, Griffith, Hanna, Hinshaw, Holloway, Johnson, May, McComas, Murphy of San Francisco, Ostrom, Pace, Robertson, Routier, Swift, and Whitlock—18.

Mr. Farnum gave notice that on to-morrow he would move a reconsideration of the vote by which the enacting clause was stricken out.

At nine o'clock and forty minutes P. M. Mr. Murphy of San Francisco moved to adjourn.

Lost.

On motion of Mr. Hart, Assembly Bill No. 349—An Act in relation to reclamation in the County of Colusa, and that part of Yolo County which is in Reclamation District Number One Hundred and Eight—passed on file this evening, was taken up for consideration.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 571—An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 58—An Act to fix the fees of Justices of the Peace for the Counties of Contra Costa, Lassen, and Butte.

Amendments adopted, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue bonds of the county therefor.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 290—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square in said city and county.

Ordered engrossed.

Assembly Bill No. 369—An Act for the preservation of fish in the waters of Lake Tahoe.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 605—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 247—An Act to regulate fees of office in certain counties.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 648—An Act to regulate fees and salaries in the County of Los Angeles.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 392—An Act to amend an Act entitled an Act concerning streams in the County of Santa Clara, approved March twenty-eighth, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Assembly Bill No. 103—An Act to repeal an Act entitled an Act to protect the roads in Santa Clara County.

Rules suspended, considered engrossed, read third time, and passed, by a unanimous vote, by members rising, out of respect to the memory of its author, the late Honorable C. W. Upton.

Assembly Bill No. 622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 202—An Act for the relief of Edward C. Kirby and John Burke.

Read third time, and passed.
Title approved.

Senate Bill No. 163—An Act concerning roads and highways in the County of San Benito.

Mr. Breen moved to amend by striking out, in section eight, the word "three" and inserting "two."

Adopted.

Amendments recommended by the delegation were adopted, bill read third time, and passed.
Title approved.

Senate Bill No. 217—An Act to amend the Political Code, respecting the health and quarantine regulations of the City and County of San Francisco.

Mr. Swift moved to amend by striking out section nineteen of the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Swift, May, and Forsyth.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Abbott, Allen, Backus, Blackwell, Conroy, Dunlap, Forsyth, Gough, Hanna, Haworth, Holloway, May, McComas, Pauly, Russ, Swift, and Thompson—17.

NOES—Messrs. Ames, Asmussen, Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Cooley, Dare, Dunnene, Dixon, Dorsey, Gildea, Griffith, Hart, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Mace, McClure, Montague, Murphy of Del Norte, Nott, Ostrom, Pace, Routier, Sherman, Smyth, Warden, Waters, Wheat, Whitlock, and Mr. Speaker—38.

Amendments recommended by the San Francisco delegation were adopted, the bill read third time, and passed.
Title approved.

At ten o'clock and thirty-five minutes P. M. Mr. Hugg moved to adjourn.

Lost.

Assembly Bill No. 296—An Act to create and organize Reclamation District Number Two Thousand and Fifty-one, and to define its boundaries, and provide for its government.

Ordered at the head of the file for to-morrow evening.

On motion of Mr. Robertson, Senate Bill No. 143 was ordered second on the file for to-morrow evening.

ADJOURNMENT.

At ten o'clock and thirty-seven and one-half minutes P. M., on motion of Mr. Sherman, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 7th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and, after being amended, on motion of Mr. Miller, to show report of Prison Committee and printing the same, and also that the substitute offered by the committee was ordered printed, was approved as amended.

RESOLUTIONS (BY PERMISSION).

By Mr. Farnum:

Resolved, That the Engrossing Clerk be authorized to renumber correctly the sections of Assembly Bill No. 389—An Act to incorporate the Town of Berkeley, in Alameda County.

Adopted.
By Mr. Hart:

Resolved, That the Engrossing Clerk be authorized to renumber the sections of Assembly Bill No. 623, to correspond with the body of the bill.

Adopted.
By Mr. Swift:

Resolved, That the Engrossing Clerk of the House be instructed to correct an error in Assembly Bill No. 172, by inserting the word "eight," on line forty-seven, of section one, in place of the word "four," which last word was erroneously left in said bill by the Clerk of the delegation reporting the same

Adopted.
On motion of Mr. Holloway, the special orders for this hour were temporarily postponed, and, on motion of Mr. Holloway, Senate Joint Resolution No. 34 was taken up, under a suspension of rules, read third time, and passed.
Title approved.
In accordance with previous notice, Mr. Waters moved a reconsideration of the vote by which Senate Bill No. 353—An Act for the encouragement of agriculture and other industries—was passed, and moved that the consideration of the motion be made the special order for Monday, March eleventh, immediately after the reading of the Journal.
Upon this motion, the ayes and noes were demanded by Messrs. Abbott, Ellis, and Dinniene.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Blackwell, Breen, Byington, Clark, Coffey, Ewing, Garver, Haile, Hanna, Hinshaw, Holloway, Hugg, Long, Meyers, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Smyth, Thompson, Tuttle, Waters, Wheat, Young, and Mr Speaker—29.

NOES—Messrs. Abbott, Allen, Ames, Asmussen, Backus, Blake, Brooks, Connolly, Conroy, Dare, DeWitt, Dunniene, Dixon, Dorsey, Dunlap, Ellis, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Johnson, Ketcheval, Mace, May, Mayfield, McClure, McComas, Murphy of Del Norte, Nealley, Routier, Sargent, Sherman, Swift, Tobin, Warden, Welch, Whitlock, and Wilson—40.

Thereupon, Mr. Waters withdrew his motion to reconsider.

Mr. Dorsey moved to suspend the rules, for the purpose of considering Assembly Bill No. 548 out of order, but the House refused such suspension.

The House then proceeded to the consideration of the special orders for this hour—Assembly Bills Nos. 541, 259, 225, 226, and 227.

Mr. Johnson moved to take up and vote upon Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transportation of passengers and freights on certain railroads in this State, and to prevent extortion and unjust discrimination thereon.

RECESS.

Pending discussion of this motion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Hugg, Assembly Bill No. 165—An Act to protect public health from infection from the bodies or remains of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed previous to being moved or transported in or from this State, and to provide penalties for any violations of the provisions thereof—was made special order for to-morrow, immediately after the reading of the Journal.

On motion of Mr Anderson, the same disposition was made of Assembly Bill No. 289—An Act to provide for the adoption of textbooks for use in the public schools.

REPORTS (BY PERMISSION.)

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 316—An Act for the relief of James T. Boyd—report the same, and recommend that it do not pass Fourteen members present and voting.

J. V. COFFEY, Chairman.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER Your Committee on Corporations, to whom was referred substitute for Assembly Bill No. 382—An Act to provide for a narrow gauge railroad in the County of Napa—have

had the same under consideration, and the following members of the committee, being all who were present at the final action upon the bill, unanimously recommend that the bill do not pass, to wit: Tuttle, Nott, Dixon, Haile, and Meyers.

TUTTLE, Chairman.

RESOLUTION.

By Mr. Meyers:

Resolved by the Assembly, the Senate concurring, That the Governor be requested to return Assembly Bill No. 41 for correction.

Adopted.

On motion of Mr. Dorsey, Assembly Bill No. 548 was ordered on the special file.

On motion of Mr. Young, Assembly Bill No. 289 was made special order for to-morrow, at two o'clock P. M.

Mr. Welch moved that Assembly Bill No. 382 be placed on the special file.

Mr. Haile moved to amend by making the bill special order for Tuesday next, at one o'clock P. M.

Adopted.

INTRODUCTION OF BILLS (BY PERMISSION).

By Mr. Hart—An Act fixing the amount of the official bonds of Colusa County.

Also, an Act to confer certain powers upon the Board of Supervisors of Colusa County, and fixing the time for the meetings thereof.

Each of the above bills read first and second times, and ordered on the special file.

By Mr. Conroy—An Act to amend section three thousand six hundred and forty-nine of the Political Code, in relation to the assessment of property.

Also, an Act to amend section three thousand eight hundred and four of the Political Code, in relation to erroneous assessments of property.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Anderson, Senate Bill No. 134 was re-referred to the Judiciary Committee.

SPECIAL ORDERS.

The House resumed consideration of Assembly Bills Nos. 541, 259, 225, 226, and 227.

[Mr. Haile in the chair].

Pending discussion of the bills, Mr. Gildea moved that they be made special order for to-morrow, immediately after the reading of the Journal, in the order in which they now stand.

Adopted.

SENATE MESSAGES.

On motion of Mr. Gildea, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of March, eighteen hundred and seventy-eight, refused to recede from its amendment to

Assembly Bill No. 386, and appointed as a Committee on Free Conference, Senators Haymond, McGarvey, and Pierson.

Also, on this day, the Senate decided to adhere to its amendments to Assembly Bill No. 436—An Act to provide for a Convention to frame a new Constitution for the State of California, and ordered a Committee of Free Conference.

Also, concurred in Assembly amendments to Senate Bill No. 163.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 7th, 1878

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 63—Requesting the Governor to return Assembly Bill No. 41 for correction.

P. H DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 7th, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth of March, eighteen hundred and seventy-eight, passed Senate Bill No 398—An Act to provide for the building of a school house in Anaheim School District, in the County of Los Angeles—and to-day ordered the same sent to the Assembly without engrossment

Also, on this day, concurred in all the Assembly amendments to Senate Bill No. 217, except the amendment to section three.

Also, on the fifth day of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 230—An Act restricting the herding of sheep to certain pastures in the County of Modoc.

And, on the sixth of February, eighteen hundred and seventy-eight, amended and passed Assembly Bill No 380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda.

Also, passed Assembly Bill No. 461—An Act to provide for transcribing certain records in the County of Yuba.

Also, Assembly Bill No. 432—An Act to legalize the debt contracted in completing and furnishing a school house in Fairfield School District, and fencing the grounds thereof, and to provide for the payment of the same.

Also, Senate Bill No. 488—An Act to amend an Act entitled an Act concerning roads and highways in Contra Costa County, approved March eleventh, eighteen hundred and seventy-six.

Also, that the Senate concurred in Assembly amendments to Senate Bills Nos. 115, 354, 428, and 288.

Also, on the sixth day of March, eighteen hundred and seventy-eight, passed substitute for Assembly Bills Nos. 34 and 52—An Act to amend the Political Code of the State of California, and other Acts concerning the National Guard.

Also, Assembly Bill No. 339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto, relative to depositions of material witnesses

Also, Assembly Joint Resolution No. 10—Relative to reserving the fresh waters upon public lands

And indefinitely postponed Assembly Joint Resolution No. 17—Relative to soldiers' and sailors' additional homesteads.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Mr. Gildea moved that a committee of three on free conference be appointed by the Speaker on Assembly Bill No. 436.

So ordered.

Mr. Johnson moved that a Committee of Free Conference on Assembly Bill No. 386 be appointed by the Speaker.

So ordered.

Assembly Bill No. 380, taken up, and Senate amendment concurred in.

Senate Bill No. 488, read first and second times, and referred to the Contra Costa delegation.

Senate Bill No. 398, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 217, referred to the San Francisco delegation.

Mr. Dorsey moved that Assembly Bill No. 550 be recommitted to the Committee on Agriculture.

Adopted.

On motion of Mr. Ostrom, Senate Bill No. 35 was made special order for to-morrow, at one o'clock P. M.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Nealley, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 8th, 1878.

House met pursuant to adjournment

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Two days leave of absence was granted to Mr. Blake.

Journal of yesterday read and approved.

The Speaker announced the appointment of the following Committees on Free Conference: On Assembly Bill No. 386, Messrs. Johnson, Coffey, and Swift; on Assembly Bill No. 436, Messrs. Waters, McComas, and Haile.

The following was also read from the desk:

SACRAMENTO, February 19th, 1878.

To the Speaker of the Assembly, California Legislature:

A communication from me to the Legislature, introduced a few days ago, was denied a reading by your House, and, on motion, was laid upon the table. As members decline to extend to me the courtesy of being heard, or to benefit the country by making that document public through such medium, and likewise refuse to pay for the work mentioned therein, will they please return both to me. Respectfully,

C. E. PICKETT.

On motion of Mr. Haile, the request contained in the above was ordered complied with.

The Speaker announced a communication from the Board of Education of the City of San Francisco, protesting against the passage of the bill known as the McCoppin bill.

Ordered printed.

Also, from citizens of Wilmington, relative to the passage of Senate Bill No. 134.

Referred to the Judiciary Committee.

On motion of Mr. Johnson, the special orders for this hour were temporarily postponed.

PETITIONS.

By Mr. Dorsey—From residents of Stanislaus County, relative to the creation of an irrigation district in said county.

Referred to the Committee on Irrigation.

By Mr. Johnson—From Ladies' Relief Society of Sacramento, relative to an appropriation.

Referred to the Committee on Ways and Means.

REPORTS.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 8th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 411—An Act to authorize the Trustees of the Independent Order of Odd Fellows of the City of San Francisco to lease the lot of land in the City and County of San Francisco, held by said Trustees for the Independent Order of Odd Fellows of said city—report the same back, and recommend that it pass. Sixteen members present and voting.

Also, Assembly Bill No. 594—An Act to establish and maintain a free dispensary in the City and County of San Francisco—report the same back, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 346—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—report the same back, and recommend that it do pass Sixteen members present and voting

Also, Senate Bill No 273—An Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco—report the same back with an amendment, and recommend that it do pass as amended. Fifteen members present and voting

Also, Assembly Bill No 521—An Act concerning certain property within the City and County of San Francisco—report the same back with an amendment, and a majority recommend that it do pass as amended. Sixteen members present and voting; twelve ayes, four noes

Also, Assembly Bill No. 223—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Sixteenth Street in said city and county, from the westerly line of Guerrero Street to the easterly line of Church Street, and to condemn property for the roadway of said street—report the same back with amendments, and recommend that it do pass as amended. Sixteen members present and voting.

Also, the delegation, to whom was re-referred Senate Bill No. 217—An Act to amend the Political Code, respecting the health and quarantine regulations for the City and County of San Francisco—report the same back, and recommend that the Assembly recede from its amendment to section three of said bill, in relation to compensation of the Mayor's Clerk. Fifteen members present and voting.

Also, Assembly Bill No. 497—An Act to amend an Act entitled an Act to establish a Municipal Criminal Court in the City and County of San Francisco, approved March thirty-first, eighteen hundred and seventy-six—report the same back, and recommend that it do not pass. Twelve members present and voting.

Also, Assembly Bill No. 582—An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a draw-bridge over Channel Street, at the intersection of Sixth Street—report the same back with an amendment, and recommend that it do pass as amended. Twelve members present and voting

Also, Assembly Bill No. 546—An Act concerning unlawful holding over of dwelling houses, tenement houses, shops, and stores, in the City and County of San Francisco—report the same back, and recommend that it be referred to the Judiciary Committee.

Also, Assembly Bill No 9—An Act to change the grades of certain streets in the City and County of San Francisco—report the author's substitute therefor, and recommend that the substitute do pass. Thirteen members present and voting.

Also, Senate Bill No. 310—An Act to increase the appropriations for the support of the Hospital and Alms-house of the City and County of San Francisco—report the same back, and recommend that it do pass.

Also, Senate Joint Resolution No. 37—In regard to a cemetery—report the same back, and recommend that it do pass Eleven members present and voting.

Also, Senate Bill No. 97—An Act to create a new Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco—report the same back, and recommend that it be referred to the Committee on Judiciary. Twelve members present and voting.

Also, Senate Bill No. 269—An Act to ratify and confirm order number one thousand four hundred and four of the Board of Supervisors of the City and County of San Francisco—report the same back, and a majority recommend that it do pass. Sixteen members present and voting; twelve ayes, and four noes.

J. V COFFEY, Chairman.

On motion of Mr. Coffey, Senate Bill No. 217 was taken up to consider the House amendments in which the Senate refused to concur, and the House, by a vote, receded from the amendments.

By Mr. Blackwell:

MR. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 479—An Act to amend certain sections of an Act entitled an Act to provide for the location, construction, and maintenance of the public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two—have had the same under consideration, and report it back, with a recommendation that it pass.

GIFFEN,
BLACKWELL,
M. GARVER.

By Mr. Dare:

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 474—have had the same under consideration, and beg leave to report the same back, with a recommendation that it do pass

HAILE,
DARE.

Senate Bill No. 474, above reported, taken up, read third time, and passed.

Title approved.

By Mr. Dixon:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 405—An Act to amend an Act to incorporate the Town of Alameda, approved February twenty-first, eighteen hundred and seventy-eight—beg leave to report the same back with amendments, and recommend the passage of the bill as amended.

DIXON, for the Delegation.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 403—An Act to confer further powers on the Board of Directors of the California Institution for the Deaf, Dumb, and the Blind—have had the same under consideration, and report it back, and recommend that it do pass

Also, Assembly Bill No. 526—An Act to fund certain indebtedness of San Diego County—have had the same under consideration, and report it back, and recommend its passage.

Also, Assembly Bill No. 617—An Act concerning Tax Collectors and Administrators of intestate estates, and providing for the disposition of public moneys collected by them—have amended the same, and report it back, and recommend its passage as amended.

NOTT, Chairman.

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: Your Committee on Ways and Means ask leave to introduce a bill, entitled an Act making appropriations for the support of the State government for the thirtieth and thirty-first fiscal years.

NOTT, Chairman.

The above bill was introduced, read first and second times, and made special order for Wednesday next, immediately after the reading of the Journal.

By Mr. Clark:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 423—An Act relating to the Coroner of Santa Clara County—beg leave to report the same back with amendments, and recommend the passage of the bill as amended.

J. E. CLARK, for the Delegation.

By Mr. Smyth:

MR. SPEAKER: Your Special Committee on Yosemite Valley have had under consideration Assembly Bill No. 38, and report the same back without recommendation.

SMYTH, for the Committee.

Mr. Smyth had leave to withdraw Assembly Bill No. 38, above reported.

On motion of Mr. Clark, Senate Bill No. 423 was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. McClure, the rules were suspended, and Senate Bill No. 403 taken up, read third time, and passed.

Title approved

By Mr. Swift—A minority report from the Committee on Corporations received, and ordered to accompany the bill reported.

MR SPEAKER: The undersigned, constituting a minority of the Committee on Corporations, to whom was referred Assembly Bill No 382—An Act to provide for the construction of a narrow gauge railroad in Napa County—beg leave to make the following minority report on said bill:

This bill provides in substance for submitting to the voters of Napa County the question of the construction, by the county, of a railroad from Napa City to Monticello, and to the line of Lake County, should the voters of Napa County decide by a majority to build the road. The bill provides for a Board of Commissioners, to be appointed by the Judge of the Seventh District Court, who are authorized to acquire the right of way, and to lay out the route, build, equip, and operate the road. The bill also makes it the duty of the Board of Supervisors to issue enough seven per cent. bonds of Napa County for said purpose, but not to exceed ten thousand dollars per mile, which said bonds are to be delivered to the Commission, and sold at not less than their par value, and their proceeds used for building, equipping, operating, and maintaining the road.

All earnings of the road are to be applied to the interest and for the extinguishment of the debt, and the balance necessary for said purpose to be raised by county taxation, the road to belong to said county. Hitherto, so far as I know, when counties of this State have aided the construction of railroads it has been done by what is known as the subsidy plan, that is to say, by grants of moneys out of the county treasury, or by *bonds*, payable in the future by the county, donated absolutely, and generally without condition, to some private corporation which undertakes to construct and operate the road for the profit of the stockholders of such corporations.

Among, and by no means the smallest of, the many evils growing out of the subsidy system is the fact that to a certain extent it bribes the leading men in the community to betray the trust reposed in them. To be more specific—that system holds out to the capitalists, who are generally the most intelligent and always the most influential members of society, a temptation in the shape of opportunities of profits not open to others, to be found in keeping railroads and other public works in private ownership. For by this method they are enabled to have them in whole or in part built by the public, and, when finished, they remain in the ownership of the corporation which has built them, and, in order to continue this vicious system, the people have been systematically educated to believe that it is unwise for them to own their own means of communication after paying for them, but that it is better and more to their advantage to build them and then give them away. This teaching has been as dishonest as it has been illogical It is becoming every day more obvious to the best minds of the age that the ultimate solution of the railroad question lies in the direction of public ownership of all such means of communication. In principle, there is no more objection to county ownership of a railroad than there is to such ownership of a *wagon road*.

This bill is, so far as I know, a new departure in railroad matters in this State It is the first step towards public ownership, and is the first bill that in direct terms formulates the protest against subsidies in California, and provides for putting in practice the doctrine that when the people build, or help to build, a railroad they should to that extent own and control such *road*. And, inasmuch as it provides for submission to a *vote* of the *people* of *Napa* County, the question of whether they will build and own a road in their county or not, I am in favor of giving them an opportunity of deciding that question for themselves.

I, therefore, respectfully recommend that the bill be passed by the House.

JOHN F. SWIFT,
JAS. HAWORTH.

INTRODUCTION OF BILLS.

By Mr. Sherman—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Also, an Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

Each of the above bills read first and second times, and placed on the special file.

By Mr. Conroy—An Act concerning the assessment and collection of municipal takes upon personal property, in the City and County of San Francisco.

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

By Mr. Dare—An Act to amend Chapter I, Title XV, of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Also, an Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners.

Each of the above bills were read first and second times, and placed on the special file.

By Mr. Holloway—An Act to amend the Political Code of the State of California, by adding a new section thereto.

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

By Mr. Miller—An Act to fix the salaries of certain officers of El Dorado County.

Also, an Act to divide the County of El Dorado into revenue districts, and to provide for the assessment, collection, and equalization of taxes therein.

The above bills were read first and second times, and placed on the special file.

By Mr. Long—An Act to refund certain moneys to the County of Mendocino.

Read first and second times, and referred to the Committee on Claims.

By Mr. Nealley—An Act to fix the salaries and compensation of certain officers of Butte County.

Read first and second times, and referred to the Butte delegation.

By Mr. Pace—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

Read first and second times, and placed at the head of the special file.

By Mr. Hart—An Act relating to fees of Justices of the Peace in Colusa County.

Read first and second times, and placed on the special file.

By Mr. Russ—An Act for the scaling of logs in the County of Humboldt.

Read first and second times, and placed on the special file.

By Mr. Ames—An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.

Read first and second times, and placed on the special file.

On motion of Mr. Broderick, Assembly Bill No. 582 was taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

REPORTS.

By Mr. Sargent:

MR. SPEAKER: The Sacramento and San Joaquin delegations, to whom was referred Assembly Bill No. 262, report the same back, and ask it be referred to Committee on Counties and County Boundaries.

SARGENT, of San Joaquin.
JOHNSON, of Sacramento.

By Mr. Wheat:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto—having had the same under consideration, report it back, and recommend its passage.

WHEAT, Chairman.

By Mr. Pauly:

SACRAMENTO, March 8th, 1878.

MR. SPEAKER: The San Diego delegation, to whom was referred Assembly Bill No. 556, beg leave to report the same back, and recommend its passage as amended.

PAULY.

On motion of Mr. Conroy, Assembly Bill No. 390 was ordered on the special file.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 577—An Act in relation to fees and salaries of officers in Monterey County—have examined the same and amended it, and recommend its passage as amended.

HINSHAW, Chairman.

Assembly Bills Nos. 541, 259, 225, 226, and 227.

The question was on Mr. Johnson's motion to take up and vote on Assembly Bill No. 541.

Mr. Waters moved to amend by taking up Assembly Bill No. 225.

RECESS.

Pending discussion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Hicks moved that Assembly Bill No. 289 be made special order for Thursday next.

Mr. Anderson moved to amend by making Assembly Bill No. 165, Senate Bill No. 35, Assembly Bill No. 289, and the motion to reconsider the vote by which Senate Bill No. 73 was indefinitely postponed, special orders, to be taken up, in their order, for consideration immediately after the railroad bills are disposed of.

So ordered.

On motion of Mr. Johnson, Assembly Bill No. 551—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications, and to prohibit certain publications—was made special order for Tuesday next, at one o'clock P. M.

On motion of Mr. Miller, Assembly Bill No. 22 was made special order for Wednesday evening next, at seven o'clock and thirty minutes P. M.

The House resumed consideration of Assembly Bills Nos. 541, 259, 225, 226, and 227, the question being upon the amendment by Mr. Waters to Mr. Johnson's motion to take up Assembly Bill No. 541, the amendment being to take up Assembly Bill No. 225.

[Mr. Haile in the chair.]

On the adoption of the amendment to the motion, the ayes and noes were demanded by Messrs. Hart, Berry, and Ostrom.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Asmussen, Blake, Breen, Broderick, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, McComas, Miller, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—31

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinmene, Dunlap, Ewing, Farnum, Garver, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—44.

The question recurring upon Mr. Johnson's motion to take up Assembly Bill No. 541, it was so ordered.

Assembly Bill No. 541 was accordingly taken up, and Mr. Tuttle moved that the bill be referred to the Committee of the Whole, with instructions to amend as follows: Amend sections one and two, of Chapter I, by striking out said sections, and inserting in lieu thereof the following:

SECTION 1. On or before the —— day of ——, eighteen hundred of [and?] seventy-eight, the Governor shall appoint a competent person, to be styled the Commissioner of Transportation, who shall be the legal successor of the present Board of Commissioners of Transportation, and who shall hold office for the period of four years, and until his successor shall be appointed and qualified. The person so appointed shall have no official connection with, nor be in the employ of, any railroad corporation or company, nor shall he, during his term of office, own or be interested in the stock, bonds, or other property thereof.

Amend section ten, of Chapter I, by striking out all after the word "year," on line five, down to and including the word "recommend," on line nine, and insert in lieu thereof the following: "He shall also, annually, on or before the first day of November, submit to the Governor of the State a report, which shall include a tabulation of the annual returns of the several railroad companies, the deductions therefrom, the record of all such matters as he may desire to report, and a draft of such bills as he may recommend for passage, and the Governor shall cause to be printed for distribution twenty-five hundred copies of said report."

Motion to refer was lost.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Berry, and Dare.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinmene, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—46.

NOES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, McComas, Miller, Montague, Nott, Ostrom, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—30,

Title approved.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 8th, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills No. 572—An Act in relation to certain officers in Plumas County, and fix the compensation thereof.

No. 590—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

No. 266—An Act to amend an Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and supplemental thereto.

No 414—An Act to authorize the City of Petaluma to provide and maintain public water-works for said city, and to purchase and condemn private property for that purpose.

No 529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.

No 376—An Act to provide for the improvement of the public roads in the County of Mono.

No. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

No. 508—An Act to provide free bridges in the County of Sacramento.

No. 569—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

No. 573—An Act to grant to George E. Isaacs and his assigns the right to supply the inhabitants of the Town of Merced with fresh water.

No 242—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for the collection of taxes.

No. 520—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.

No. 596—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment.

No. 602—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

No. 527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

No 616—An Act to authorize and empower the Sheriff of Colusa County to appoint a Jailer.

No. 623—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and providing public and private roads in Colusa County, approved March twenty-sixth, eighteen hundred and seventy-four.

No. 570—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of the State Land Office, and, also, certain Controller's warrants.

No. 437—An Act to confer further powers on the City and County of San Francisco, and to establish the grade of Vallejo Street in said city and county.

No. 410—An Act to provide for the distribution of school moneys in certain counties.

No 172—An Act to prevent conflagrations in the City and County of San Francisco by limiting the hight of wooden buildings and structures of wood therein.

No. 532—An Act for the relief of J. B. Scott.

No. 579—An Act to provide for the location, construction, and maintenance of public roads in the County of Mendocino.

No. 614—An Act entitled an Act to amend an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes, approved March third, eighteen hundred and seventy-six.

No. 629—An Act to amend an Act entitled an Act concerning roads and highways in Lake County, approved March twenty-first, eighteen hundred and seventy-six.

No 637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

No. 644—An Act authorizing the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction, and to provide for the payment of the same.

Also, Assembly Concurrent Resolution No. 57—Relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County.

Also, Assembly Bill No 389—An Act to incorporate the Town of Berkeley, in Alameda County.

YOUNG, Chairman.

Mr. Johnson moved to indefinitely postpone Assembly Bill No. 225.

Mr. Murphy of Del Norte moved to amend by making Assembly Bills Nos. 225, 226, and 227 the special order for April first, upon which motion the ayes and noes were demanded by Messrs. Waters, Ostrom, and Smyth.

Mr. Murphy of Del Norte arose to offer an amendment to his

motion, but the Speaker decided that no amendment was in order after the ayes and noes were demanded

Mr. Murphy appealed from the decision of the Chair.

Pending discussion, the Chair receded from his ruling, and the question recurring upon the motion to make the bills the special order for April first, upon which motion the ayes and noes were demanded by the requsite number.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Blake, Clark, Coffey, Dinniene, Dixon, Hanna, Johnson, McComas, and Welch —9.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Breen, Broderick, Brooks, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dorsey, Dunlap, Ellis, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Routier, Russ, Sargent, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—65

Mr. Berry moved that Assembly Bills Nos. 225, 226, and 227 be made special orders for Wednesday next, at one o'clock P. M., upon which motion the ayes and noes were demanded by Messrs. Berry, Ostrom, and Smyth.

Pending discussion, the previous question being moved by Messrs. Johnson, Abbott, and Murphy of Del Norte, it was so ordered by the House.

The question recurring upon the motion to make the bills special orders for Wednesday next, at one o'clock P. M., the roll was called, and the motion lost by the following vote:

AYES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, Mace, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pace, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—34.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Whitlock, and Wilson—41.

The question recurring upon Mr. Johnson's motion to indefinitely postpone Assembly Bill No. 225, the ayes and noes were demanded by Messrs. Johnson, Berry, and Sargent.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—40.

NOES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, Mayfield, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—32.

At five o'clock and forty minutes P. M. Mr. Berry moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Johnson, Routier, and Sherman.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs Asmussen, Breen, Clark, Coffey, Cooley, Dixon, Dorsey, Ellis, Ewing, Haile, Hanna, Hinshaw, Holloway, Long, McComas, Meyers, Miller, Montague, Ostrom, Pace, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Welch, Young, and Mr. Speaker—30.

NOES—Messrs. Abbott, Allen, Ames, Backus, Blackwell, Blake, Broderick, Brooks, Byington, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Routier, Russ, Sherman, Tobin, Warden, Wheat, Whitlock, and Wilson—38.

Mr. Tuttle moved to suspend the rules to submit a report out of order.

Lost.

Mr. Johnson moved the indefinite postponement of Assembly Bill No. 226, upon which motion the ayes and noes were demanded by Messrs. Berry, Tuttle, and Ostrom.

The roll was called, and the bill was indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—40.

NOES—Messrs Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, McComas, Meyers, Montague, Nott, Ostrom, Pace, Pauly, Sargent, Smyth, Swift, Thompson, Waters, Wheat, Young, and Mr. Speaker—30.

Mr. Dare moved the indefinite postponement of Assembly Bill No. 227, upon which motion the ayes and noes were demanded by Messrs. Berry, Johnson, and Ostrom.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sargent, Tobin, Warden, Welch, and Wilson—39.

NOES—Messrs Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Dixon, Dorsey, Ellis, Haile, Hanna, Hinshaw, Holloway, Long, Mace, McComas, Meyers, Montague, Ostrom, Pauly, Sherman, Smyth, Swift, Thompson, Waters, Wheat, Whitlock, Young, and Mr. Speaker—30.

Mr. Abbott moved the indefinite postponement of Assembly Bill No. 259, upon which motion the ayes and noes were demanded by Messrs. Johnson, Berry, and Waters.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Broderick, Brooks, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sherman, Tobin, Tuttle, Warden, Welch, Whitlock, and Wilson—42

NOES—Messrs. Blake, Breen, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Haile, Hanna, Hart, Hinshaw, Holloway, Long, Mace, McComas, Meyers, Montague, Ostrom, Sargent, Smyth, Swift, Thompson, Waters, Wheat, Young, and Mr. Speaker—28.

At six o'clock and two minutes P. M. Mr. Berry moved to take a recess till seven o'clock and thirty minutes P. M.

ADJOURNMENT.

Mr. Murphy of Del Norte moved that the House adjourn, upon which motion the ayes and noes were demanded by Messrs. Murphy, Ostrom, and Tuttle.

The roll was called, and the motion to adjourn prevailed by the following vote:

AYES—Messrs. Ames, Anderson, Asmussen, Blackwell, Breen, Broderick, Brooks, Connolly, Conroy, DeWitt, Forsyth, Giffen, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, May, McClure, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sargent, Swift, Tobin, Tuttle, Warden, Wheat, Wilson, and Young—40.

NOES—Messrs. Abbott, Allen, Backus, Blake, Byington, Clark, Coffey, Cooley, Dunlene, Dixon, Dorsey, Dunlap, Farnum, Mace, McComas, Meyers, Montague, Ostrom, Pauly, Sherman, Smyth, Waters, Whitlock, and Mr. Speaker—24.

Adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 9th, 1878.

House met pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Messrs. Kercheval, Blake, and Thompson were each granted one day's leave of absence; Mr. Robertson three days' leave, and Mr. Berry indefinite leave of absence.

Journal of yesterday read, and, on motion of Mr. Abbott, amended, to bring up Assembly Bill No. 165, Senate Bill No. 35, and Assembly Bill No. 289, and the motion to reconsider the vote by which Senate Bill No. 73 was indefinitely postponed, as special orders, immediately after the reading of the Journal, and approved as amended.

Mr. Blackwell moved that Assembly Bill No. 604 be considered in connection with Assembly Bill No. 289.

So ordered.

REPORTS.

Mr. Johnson submitted the following report, from the Committee on Free Conference, on Assembly Bill No. 386, which was adopted:

To the Senate and Assembly of the State of California

Your Joint Committee of Free Conference, on Assembly Bill No. 386, report the same back, and recommend concurrence in Senate amendment to section one, as amended by this committee; also, that Senate amendment to section two be concurred in; also, that Senate amendment, adding a new section, be concurred in.

R. McGARVEY,
HAYMOND,
PIERSON,
} Of Senate

JOHNSON,
COFFEY,
SWIFT,
} Of Assembly.

Mr. Haile, from the Committee on Education, submitted a report

relative to the educational institutions of the State, and double the usual number of copies was ordered printed.

Also:

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education—have had the same under consideration, and report it back, with a recommendation that it be passed.

Also, Assembly Bill No. 366—An Act to create a State Board of Text-books, and to provide for the compilation and printing of a series of Readers for the public schools of this State—which they report back, with a recommendation that it do not pass.

Also, Senate Bill No. 285—An Act to amend section one thousand seven hundred and seventy of the Political Code, relative to County Boards of Examination—which they report back, with a recommendation that it be passed.

Also Senate Bill No. 438—An Act to create Hastings' College of the Law in the University of the State of California—which they report back, with a recommendation that it be passed.

HAILE, Chairman.

NOTICE.

By Mr. Ellis:

MR. SPEAKER: I hereby give notice that I will, on next Monday, introduce a bill in regard to the establishing a State Hospital and Poor Farm.

REPORT.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 8th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 394—An Act to encourage the mining industry, and to suppress stock gambling—have had the same under consideration, have amended the same, and a majority of the committee hereby report it back, recommending its passage as amended.

TUTTLE, Chairman.

Accompanying the above report was a majority report from the Committee on Corporations on Assembly Bill No. 394, which, together with the bill as amended, was ordered printed.

On motion of Mr. Haile, Assembly Bill No. 289—An Act to provide for the adoption of text-books for use in the public schools; and Assembly Bill No. 604—An Act restraining the State Board of Education from making certain contracts, and to provide a system for text-books for use in the public schools in the several counties of this State—were made special orders for Tuesday next, immediately after the reading of the Journal.

SPECIAL ORDERS.

Assembly Bill No. 165—An Act to protect public health from infection from the bodies or remains of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed, previous to being moved or transported in or from this State, and to provide penalties for any violations of the provisions thereof.

[Mr. Giffen in the chair.]

[Speaker pro tem. in the chair.]

Pending discussion, Mr. Dinniene submitted privileged report from the Committee on Engrossment:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 179—An Act to regulate street railroads in the State of California.

349—An Act in relation to reclamation in the County of Colusa, and that part of Yolo County which is in Reclamation District Number One Hundred and Eight.

571—An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.

622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc

621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor

290—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square in said city and county.

369—An Act for the preservation of fish in the waters of Lake Tahoe.

605—An Act for the relief of the bondsmen of W W. Hill, late Treasurer of the County of Fresno.

247—An Act to regulate fees of office in certain counties.

648—An Act to regulate fees and salaries in the County of Los Angeles.

103—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County.

DINNIENE, for Committee

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker pro tem in the chair.

Roll called, and a quorum present.

On motion of Mr. Johnson, Assembly Bill No. 678 was made special order for Tuesday next, immediately after the reading of the Journal, and Assembly Bill No. 551 was made special order for Wednesday next, at one o'clock P. M.

On motion of Mr. May, the usual number of copies of the memorial of the Young Women's Christian Association was ordered printed.

Mr. Moffat moved that the Enrolling Clerk be instructed to return Assembly Bill No. 503, in accordance with the following message received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Resolution No. 139, requesting the Assembly to return to the Senate Assembly Bill No. 503 for amendment.

G. SECKEL, Assistant Secretary.

Motion adopted.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No. 260—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

No. 322—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the costs thereof.

No 90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State

No. 102—An Act to authorize the Board of Supervisors to pay the claim of Abner D. Sevier, ex-Sheriff of Humboldt County.

And were, at one o'clock P M., March seventh, eighteen hundred and seventy-eight, presented to the Governor for his approval

BRODERICK, Chairman.

MR SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 432—An Act to legalize the debt contracted in completing and furnishing a school house in Fairfield School District, and fencing the grounds thereof, and to provide for the payment thereof

No 234—An Act to provide for the extermination of squirrels in the County of San Mateo.
No. 461—An Act to provide for transcribing certain records in the County of Yuba.
No. 345—An Act to protect the Town of Fresno against fire.
No. 339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure, by adding a new subdivision thereto, relative to depositions of material witnesses.
No. 236—An Act restricting the herding of sheep to certain pastures in the County of Modoc.
No. 465—An Act concerning road poll tax and hospital poll tax for Tehama County
Assembly Joint Resolution No. 10—Relative to reserving the fresh waters upon public lands.
Substitute for Assembly Bills Nos. 34 and 52—An Act to amend the Political Code of the State of California, and other Acts concerning the National Guard.
And the same were, at eleven o'clock and thirty minutes A. M., March eighth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Sherman:

MR. SPEAKER: Your delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 454—entitled an Act to amend section four thousand seven hundred and ten of the Political Code, in and for the County of Santa Barbara—have had the same under consideration, and herewith submit a substitute for said bill, and recommend the passage of the substitute.
Also, Assembly Bill No. 453—An Act to amend an Act entitled an Act concerning the office of County Clerk of Santa Barbara County, approved March eleventh, eighteen hundred and seventy-six—have had the same under consideration, and report it back with amendments, and recommend the passage of the same as amended.

SHERMAN, for Delegation.

Assembly Bill No. 454, above reported, was ordered on the special file.
Assembly Bill No. 453, above reported, was taken up, amendments adopted, rules suspended, considered engrossed, read third time, and passed.
Title approved.
Three days' leave of absence was granted to Mr. Haile.
By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 443—An Act for the protection of stockholders in corporations—have had the same under consideration, and recommend that it do not pass.
Also, Assembly Bill No. 587—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz—and have amended the same, and recommend its passage as amended.
Also, Assembly Bill No 584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate fares and freights thereon—have had the same under consideration, and report it back, recommending its passage.

TUTTLE, Chairman.

By Mr. Hart:

MR SPEAKER Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 618—An Act to provide for the payment of certain Controller's warrants drawn upon the State treasury, also, Assembly Bill No. 488—An Act to provide for the payment of certain Controller's warrants drawn against the swamp land districts in this State—report the same back, and recommend their indefinite postponement.
Also, Assembly Bill No. 539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to restitution of money paid for land not the property of the State—report the same back with amendment, and recommend that the same do pass as amended.

HART, Chairman.

By Mr. Holloway.

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR SPEAKER The Los Angeles delegation, to whom was referred Senate Bill No. 398—An Act to provide for the building of a school house in Anaheim School District, in the County of Los Angeles, State of California—have had the same under consideration, and report it back, with recommendation that it pass.

ELLIS,
HOLLOWAY, } Delegation.

RESOLUTION.

By Mr. Meyers—Assembly Concurrent Resolution, relative to authorizing the Enrolling Clerk to correct Assembly Bill No. 41.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Griffith—An Act to confer additional powers upon 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. Conroy—An Act to amend an Act entitled an Act to authorize the State Board of Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Johnson—An Act ratifying and legalizing Reclamation District Number Fifty-four of this State, in Sacramento County, and the by-laws and proceedings thereof.

Also, an Act to establish Reclamation District Number Two Hundred and Fifty-two of this State, in Sacramento County.

Each of the above bills read first and second times, and referred to the Sacramento delegation.

By Mr. Mace—An Act for the relief of purchasers of swamp and overflowed lands.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, an Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum, located at Stockton.

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

By Mr. Coffey—An Act to amend section one thousand six hundred and seventy-eight of the Code of Civil Procedure, in relation to the partition or distribution of estates.

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

By Mr. Nealley—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.

Read first and second times, and referred to the Butte delegation.

By Mr. Gough—An Act to facilitate the course of business in the Justices' Court of the City and County of San Francisco.

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

By Mr. Ames—An Act to amend section three hundred and four of the Penal Code, in relation to the sale of liquors on the public highways, and also add a new section to the Penal Code, in reference to the impounding of animals.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Pauly—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

Read first and second times, and placed on special file.

By Mr. Hart—An Act to amend section eight hundred and sixty-nine of the Penal Code.

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

By Mr. Brooks—An Act to confer certain powers on the Board of Supervisors of the County of Butte.

Read first and second times, and referred to the Butte delegation.

By Mr. Ostrom—An Act entitled an Act to preserve the water channels of this State, and to prevent the filling up of the streams, rivers, and bays of this State with the tailings and debris from hydraulic mines.

Read first and second times, and referred to the Joint Committee on Mines and Mining, and Agriculture.

By Mr. Abbott—An Act concerning roads and highways in the County of Monterey.

Read first and second times. and referred to the Committee on Roads and Highways.

By Mr. Tobin—An Act to appropriate money to pay for fifty (50) copies of a work entitled "Grapes and Grape-vines of California," published under the auspices of the California State Vinicultural Association.

Read first and second times, and referred to the State Library Committee.

By Mr. Ewing—An Act in reference to water-rates of cities and towns containing a population of three thousand persons or more.

Read first and second times, and referred to the Committee on Irrigation.

REPORTS.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER The Butte delegation, to whom was referred Assembly Bill No 688—An Act to fix the salaries and compensation of certain officers of Butte County—have had the same under consideration, and report it back, with recommendation that it pass.

BROOKS, for Delegation.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company—report the same back, and recommend that it do pass. Fourteen members present and voting.

Also, Assembly Bill No 515—An Act to amend an Act entitled an Act to preserve the name of a street in the City and County of San Francisco, approved January fifteenth, eighteen hundred and seventy-eight—report the same back, and recommend that it do pass. Fourteen members present and voting.

J. V. COFFEY, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred substitute for Senate Bill No. 180—An Act for the relief of John Hoagland and others—have had the same under consideration, and report it back, and recommend that it do not pass

Also, Senate Bill No. 374—An Act to pay the claim of Hiram Clock—report it back, and recommend that it do pass.

OSTROM, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 207—An Act for the relief of John A Odell—have had the same under consideration, and report it back, with recommendation that it do pass

Also, Assembly Bill No 662—An Act granting to John C. Boggs a reward for the capture of Ah Sin, alias Gee Ah You, a noted murderer—have amended the same, and report it back, recommending its passage as amended.

Also, Senate Bill No. 183—An Act to provide for the payment of John Sutherland, Jr., for his services in destroying the Vasquez banditti—have had the same under consideration, and report it back, recommending that it do not pass.

OSTROM, Chairman.

On motion of Mr. DeWitt, Senate Bill No. 180 was recommitted to the Judiciary Committee.

On motion of Mr. Coffey, the usual number of copies of Senate substitute for Assembly Bill No. 153, and Senate substitute for Assembly Bill No. 200, were ordered printed and delivered to the San Francisco delegation.

On motion of Mr. Abbott, the special orders for this hour were postponed till two o'clock P. M.

By Mr. Johnson:

SACRAMENTO, March 9th, 1878.

MR SPEAKER The Sacramento delegation, having had under consideration Assembly Bill No 558—An Act to provide for the payment of certain outstanding road warrants of Sacramento County—report the same back, and recommend its passage

And having had under consideration Assembly Bill No 657—An Act to amend an Act entitled an Act to provide for the grading of public alleys and the construction of sewers therein in the City of Sacramento—report the same back and recommend its passage.

JOHNSON, Chairman Delegation.

By Mr. Ames.

ASSEMBLY CHAMBER,
SACRAMENTO, March 8th, 1878.

MR. SPEAKER: Your delegation, to whom was referred Assembly Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, and recommend its passage.

AMES, for Delegation.

By Mr. Haworth:

MR. SPEAKER The Committee on Commerce and Navigation, to whom was referred a petition in reference to a mail route between Cholame and San Marcos, in San Luis Obispo County, report the same back, and recommend that it be referred to the Committee on Federal Relations.

Also, Assembly Bill No 455—An Act to prevent the adulteration of coffee with the article known as chicory—report the same back with an amendment, and recommend that it do pass as amended

JAS. HAWORTH, Chairman.

By Mr. Allen:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER The Marin delegation, to whom was referred Assembly Bill No. 652—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, with the recommendation that it pass.

ALLEN

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No. 612—entitled an Act to create an irrigation district, to be called the Modesto Irrigation District—

have had the same under consideration, and herewith report a substitute bill therefor, and recommend the passage of the same.

EWING, Chairman.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 639—An Act in relation to the State Insane Asylums—have had the same under consideration, and report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

Mr. Haworth was granted leave of absence for the day.

House resumed consideration of Assembly Bill No. 165.

The rules were suspended, the bill considered engrossed, read third time, and on the passage of the bill the ayes and noes were demanded by Messrs May, Connolly, and Johnson.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Asmussen, Blackwell, Breen, Brooks, Byington, Coffey, Connolly, DeWitt, Dixon, Dorsey, Dunlap, Forsyth, Gough, Griffith, Hart, Hicks, Holloway, Hugg, Johnson, Mace, Mayfield, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pauly, Sherman, Smyth, Swift, Tobin, Tuttle, Warden, Welch, and Wilson—38.

NOES—Messrs. Abbott, Allen, Ames, Backus, Clark, Conroy, Cooley, Dare, Ellis, Farnum, Garvey, Hinshaw, May, McClure, McComas, Meyers, Murphy of San Francisco, Routier, Sargent, Waters, and Wheat—22

PAIRED—Mr Giffen.

Title approved.

RESOLUTION.

By Mr. Gough:

Resolved, That on Monday, March eleventh, eighteen hundred and seventy-eight, the general file be taken up directly after the reading of the Journal, and any objections being made to any bill the same shall be passed on file.

Adopted.

Motion to reconsider the vote on indefinite postponement of Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections, same Code, relating to public schools—was made the special order for March eleventh, at seven o'clock and thirty minutes P. M.

Motion to indefinitely postpone motion to reconsider vote on reconsideration of vote on Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys, etc.; and, motion to reconsider the vote by which Assembly Bill No. 28—An Act to protect the rights of married women—was indefinitely postponed, were made special orders for March nineteenth, at two o'clock P. M.

Senate Bill No. 35—An Act to confirm certain letters patent of the State of California to W. F. Montgomery et al.

Read third time, and passed.

Title approved.

On motion of Mr. Pauly, the vote by which the motion to reconsider the vote on indefinite postponement of Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections, same Code, relating to public schools—was made special order for Monday evening next, was reconsidered, and the motion to reconsider made special order for Wednesday next, immediately after the reading of the Journal.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Hart, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 11th, 1878.

House met pursuant to adjournment.
Speaker pro tem. in the chair.
Roll called, and a quorum present.
Prayer by the Rev. Mr. Rankin.
One day's leave of absence was granted to all absentees.
Journal of Saturday, March ninth, read and approved.

RESOLUTION.

By Mr. Johnson (by permission):

Resolved, That James M. Farrelly be and he is allowed the sum of fifty ($50 00) dollars, payable out of the Contingent Fund of the Assembly, for expenses incurred on the evening of February twentieth, eighteen hundred and seventy-eight, during the call of the House, and the Controller of State is hereby directed to draw his warrant on the State Treasurer for the above amount, and the Treasurer is directed to pay the same out of the said fund.

Mr. Waters moved the reference of the resolution to the Committee on Attachès and Employès, with instructions to report it back to-morrow morning.

So ordered.

Mr. Meyers moved to suspend the rules to take up Assembly Bill No. 173 out of order, upon which motion the ayes and noes were demanded by Messrs. Waters, Holloway, and Ostrom.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Ames, Breen, Clark, Coffey, Cooley, Dare, Dimmene, Dixon, Ewing, Farnum, Forsyth, Garver, Giffen, Hinshaw, Holloway, May, Mayfield, McComas, Meyers, Moffat, Montague, Pace, Russ, Sargent, Swift, Welch, and Young—28.

NOES—Messrs. Anderson, Backus, Blake, Byington, DeWitt, Dorsey, Dunlap, Hugg, Long, Miller, Murphy of Del Norte, Nealley, Ostrom, Pauly, Smyth, Tuttle, Warden, Waters, Wheat, and Whitlock—20.

RESOLUTION.

By Mr. Breen (by permission):

Resolved, That the Committee on Federal Relations be and they are hereby requested to report to this House Assembly Joint Resolution No. 38, on or before Tuesday, March twelfth, eighteen hundred and seventy-eight.

Adopted.

GENERAL FILE.

In accordance with a resolution adopted on Saturday, March ninth, the House took up the general file.

Assembly Bill No. 89—An Act in relation to the disposition of State lands.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 271—An Act to repeal section three hundred and fifteen of the Code of Civil Procedure.

Substitute amended and adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 26—An Act to amend section two hundred and ninety-nine of the Civil Code.

Amendment adopted, read third time, and passed

Title approved.

Assembly Bill No 435—An Act to amend the Penal Code by adding a new section thereto, to be numbered four hundred and one, concerning the sale of artificial or spurious honey.

Mr. Farnum moved to amend by inserting after the word "honey," in line four, and before the words "is guilty," the following words: "or sells, or offers for sale, any yeast powder adulterated with gypsum or plaster of Paris.

Adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title amended to conform to the title of the bill, and approved as amended.

Assembly Bill No. 496—An Act to amend sections three hundred and seven, three hundred and twelve, and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

Mr. Anderson moved to amend by striking out section one of the bill, and renumber the remaining sections to correspond.

Adopted.

Rules suspended, considered engrossed, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 159—An Act to amend sections one thousand and thirty-three and one thousand and thirty-five of the Penal Code, relative to the change of place of trial.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 189—An Act to amend section nine hundred and fifty-six of the Penal Code, in reference to injuries to person and property.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 241—An Act to regulate the rate of interest in the State of California.

Passed on file.

Assembly Bill No. 352—An Act to prohibit and punish the sale of adulterated syrup.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 138—An Act to amend section three thousand and sixty-one of the Political Code, relating to local Boards of Health.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 278—An Act for the relief of Richard Dudding and William Johnson.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 375—An Act to add a new section to the Civil Code, relating to corporations.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes.

Passed on file.

Senate Bill No. 108—An Act to amend section forty of the Civil Code.

Amendments adopted, and bill passed on file.

Senate Bill No. 114—An Act to amend section one thousand seven hundred and forty-six of the Political Code.

Continued on file.

Assembly Bill No. 438—An Act to amend section one thousand five hundred and seventy of the Political Code, in relation to the State Board of Education.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 62—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 482—An Act concerning Swamp Land District Number Thirty-eight.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 263—An Act to provide for the appointment of a Reporter of the decisions of the Supreme Court.

Continued on file.

Assembly Bill No. 385—An Act to amend section three thousand six hundred and seventy-four of the Political Code, concerning equalization of assessments.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 232—An Act to amend an Act entitled an Act to authorize the husband or wife, or next of kin of a deceased person,

to collect and receive of any savings bank any deposit in such bank, when the same does not exceed three hundred dollars, approved February eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 328—An Act to relieve the estates of deceased persons from costs of Probate Court, when below the value of fifteen hundred dollars.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 311—An Act to amend Article VIII, Chapter III, Title VII, of the Political Code, by adding thereto a section, to be numbered section four thousand two hundred and fifty-nine, fixing the qualifications of District Attorneys.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 363—An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 304—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relative to the taking of books from the State Library.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 451—An Act to amend section two thousand two hundred and ninety-five of the Political Code

Rules suspended, considered engrossed, read third time, and passed.

Title approved

RECESS.

The hour of recess having arrived the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

Mr Breen arose to a question of privilege, relative to Assembly Bill No. 627, and asked leave to withdraw the same.

Permission was granted.

On motion of Mr. Ewing, the usual number of copies of Assembly Bill No. 612 was ordered printed.

RESOLUTION.

By Mr. Moffat:

Resolved, That the Enrolling Clerk be authorized and directed to return to the Assembly Assembly Bill No. 503, in order that the same may be returned to the Senate as per request.

Adopted.

MEMORIAL.

By Mr. May—From Directors of the Elliott Library Institute, relative to an appropriation for that institution.

Referred to the Committee on Ways and Means, and the usual number of copies ordered printed.

REPORT.

By Mr. Anderson (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: Your Judiciary Committee, having considered the following bills, report them back, with recommendations as hereinafter severally indicated:

Senate Bill No. 327—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure, relating to witnesses—passage recommended.

Senate Bill No. 329—An Act to add a new section to the Penal Code, to be known as section one hundred and seventy-eight, in relation to obtaining divorces—passage recommended.

Senate Bill No. 336—An Act to amend section one thousand seven hundred and nine of the Code of Civil Procedure—passage recommended.

Senate Bill No. 335—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure—passage recommended.

Assembly Bill No. 333—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure—recommend that the author be allowed to withdraw the same.

Assembly Bill No. 627—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-one of the Code of Civil Procedure—recommend that the author be allowed to withdraw the same.

Assembly Bill No. 642—An Act to make undertakings in criminal actions liens upon real estate—recommend that the author be allowed to withdraw the same.

Assembly Bill No. 640—An Act to amend the Code of Civil Procedure, with respect to examining debtors on proceedings supplementary to execution—recommend amendment of the title, and passage as amended.

Senate Bill No. 314—An Act to amend the Code of Civil Procedure, in relation to attachments—passage recommended.

Senate Bill No. 276—An Act to add another section to the Penal Code, to be designated as section five hundred and ninety-two—with amendments, passage as amended recommended.

Substitute for Senate Bill No. 236—An Act to add a section to the Penal Code, to be known as section three hundred and eighteen—recommend that it do not pass.

Senate Bill No. 306—An Act to amend section four hundred and eighty-seven of the Penal Code, in relation to the crime of grand larceny—passage recommended.

Assembly Bill No. 456—An Act to amend section three thousand eight hundred and twenty-four of the Political Code, relative to the return of taxes upon personal property when excess of rate has been charged—recommend that it do not pass.

Senate Bill No. 197—An Act to amend section one thousand seven hundred and twelve of the Political Code—recommend that it do not pass.

Senate Bill No. 274—An Act to amend section one thousand one hundred and sixty of the Civil Code—recommend passage as amended.

Senate Bill No. 277—An Act to amend sections three thousand eight hundred and fifty-seven and three thousand eight hundred and fifty-eight of the Political Code—passage recommended.

Senate Bill No. 279—An Act to amend section three hundred and fifty-seven of the Penal Code—passage recommended.

ANDERSON, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 91—An Act to provide for the payment of certain outstanding bonds of the State of California.

Continued on file.

Assembly Bill No. 42—An Act to amend section three thousand four hundred and seventy-one of the Political Code.

Continued on file.

Assembly Bill No. 130—An Act for the relief of Amelia C. Cowne, by authorizing the issuance to her of a patent for survey number six hundred and one of the swamp and overflowed lands in Sacramento County.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.
Assembly Bill No. 441—An Act to add two sections to the Code of Civil Procedure, relating to compromise.
Rules suspended, considered engrossed, read third time, and passed.
Title approved.
Assembly Bill No. 442—An Act to add a new section to the Code of Civil Procedure, relating to witnesses.
Enacting clause amended to correct clerical error, rules suspended, considered engrossed, read third time, and passed.
Title approved.
Assembly Bill No. 445—An Act to add a new section to the Code of Civil Procedure, relating to pleadings.
Indefinitely postponed.
Assembly Bill No. 464—An Act to add a new section to the Political Code, to be known as section three thousand eight hundred and seventeen, to provide for the redemption by delinquent owners of property sold to the State.
Mr. Farnum moved to amend by adding a new section, and numbering the remaining sections to correspond.
Adopted.
The rules were suspended, the bill considered engrossed, read third time, and passed.
Title amended to conform to the body of the bill, and approved as amended.
Mr. Waters gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.
Assembly Bill No. 36—An Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure.
Continued on file.
Assembly Bill No. 517—An Act to create a Board of Health in each of the counties of this State.
Recommitted to the Committee on Hospitals.
Senate Bill No. 281—An Act to add a new section to the Penal Code, in relation to the adulteration of candies.
Read third time, and passed.
Title approved.
Assembly Bill No. 514—An Act to appropriate money for the relief of Elizabeth J. Wimmer.
Continued on file.
Senate Bill No. 144—An Act for the relief of Wells, Fargo & Co.
Considered in Committee of the Whole.
[Speaker pro tem. in the chair]
The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]
The report of the committee was adopted, the bill read third time, and passed.
Title approved.
Assembly Bill No. 576—An Act to amend sections six hundred and eighty and six hundred and eighty-one of the Political Code, relating to the purchase of bonds for the State School Fund.
Recommitted to the Committee on Ways and Means.

REPORT.

By Mr. Russ:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 487—An Act in relation to the collection of licenses in Alameda County.

No. 502—An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six

No. 559—An Act to provide for the payment of interest upon certain warrants of Butte County.

No 444—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

No. 440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

No. 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue.

No. 509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.

No. 446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein

No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

No. 380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda

No. 80—An Act to amend section eight hundred and eighty-two of the Penal Code

No. 335—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

No 489—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four.

No. 450—An Act relative to the apportionment of moneys by the Common Council of the City of Oakland, to provide benevolent societies out of the public funds of said city

No. 403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.

No. 449—An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.

No. 484—An Act to authorize the formation of a new school district, out of portions of other school districts in Lake County.

No. 399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles

No. 129—An Act for the relief of S L. Marks, Terrence Burke, J. R. Deardoff, and Milo Hoadley.

No. 448—An Act for the relief of Thomas Molloy, Road Overseer of Brooklyn Road District, Alameda County.

No 354—An Act for the relief of Joseph O'Neil.

No. 181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo.

No. 398—An Act amendatory of an Act entitled an Act to protect agriculture, and to prevent trespassing of animals upon private property, in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.

No 258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa.

No. 531—An Act to authorize the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county

No. 462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the fund arising therefrom, approved May eighteenth, eighteen hundred and seventy-six.

No 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

Substitute for No. 68—An Act to authorize the Board of Supervisors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to Dexter's Wells, in said county and State.

No. 396—An Act authorizing the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

No. 560—An Act to authorize Dockery School District to issue bonds for building purposes.

No. 205—An Act to incorporate the Town of Anaheim.

And were, this eleventh day of March, eighteen hundred and seventy-eight, at eleven o'clock and fifty minutes A. M., presented to the Governor for his approval.

RUSS, for Committee.

Assembly Bill No. 217—An Act for the relief of R. M. Wilson.

Continued on file.

Assembly Bill No. 157—An Act to provide for the payment of certain outstanding Indian war bonds, issued by the State of California under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Continued on file.

Assembly Bill No. 374—An Act to prevent extortion by gas companies in the State of California.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 294—An Act to amend section two hundred and eighty-seven of the Civil Code, in reference to the formation of corporations..

Continued on file.

Assembly Bill No. 353—An Act to protect stockholders and persons dealing with corporations in this State.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 372—An Act regulating the issuance and transfer of stock, or certificates thereof, in incorporated companies in the State of California.

Recommitted to the Committee on Corporations.

Assembly Bill No. 486—An Act concerning gas companies.

Amendments adopted, and bill continued on file.

Assembly Bill No. 506—An Act to amend section three hundred and twenty-two of the Civil Code, in reference to the liabilities of stockholders of corporations.

Continued on file.

Assembly Bill No. 476—An Act to amend section six hundred and ninety of the Code of Civil Procedure, so far as to exempt fifty hives of bees from execution.

Withdrawn by author.

Assembly Bill No. 409—An Act to amend section three thousand three hundred and eighty-five of the Political Code, in relation to animals kept for propagation.

Indefinitely postponed.

Senate Bill No. 224—An Act to amend section three thousand three hundred and eighty-two of the Political Code, by removing taxation from the manufactured products of wheat.

Continued on file.

[Mr. Dare in the chair.]

Senate Bill No. 1—An Act to establish and maintain free public libraries and reading-rooms.

Read third time, and passed,

Title approved.

Senate Bill No. 239—An Act to consolidate certain funds and to create therefrom a permanent Endowment Fund for the University of California, of which the interest only shall be used by the Board of Regents to meet contingent expenses.

Amendment adopted, read third time, and passed.

Title approved.

Assembly Bill No. 350—An Act to add a new section to the Penal Code, to prevent impositions from being practiced on settlers by fraudulent publications.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 473—An Act to provide for the payment of a claim for collecting delinquent purchases of school lands

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Dare in the chair.]

The report of the committee was received, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 565—An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Dare in the chair.]

The report of the committee was received and adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 317—An Act to confirm the title to certain property on the water front in the City and County of San Francisco.

Continued on file.

Assembly Bill No. 595—An Act to amend section four thousand two hundred and seventeen of the Political Code, in relation to the duties of County Auditors.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No 60—An Act to provide for the payment of certain coupons upon bonds issued to the Central Pacific Railroad Company, and known as State aid bonds.

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY

[Mr. Dare in the chair.]

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

Assembly Bill No. 485—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 494—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 29—An Act to give relief to unemployed workingmen of California.

Continued on file.

Assembly Bill No. 592—An Act to provide for the payment of taxes, licenses, salaries, fees, debts and liabilities in any lawful money of the United States, whether gold, silver, or legal tender paper.

Withdrawn by its author.

Assembly Bill No. 549—An Act to amend section three thousand eight hundred and sixteen of the Political Code, in relation to the collection and distribution of taxes.

Withdrawn by its author.

Senate Bill No. 244—An Act to provide for the payment by the State of California of the costs of certain criminal cases.

Continued on file.

Substitute for Senate Bill No. 212—An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco.

Continued on file.

Assembly Bill No. 574—An Act making an appropriation for deficiency in the support of the Napa State Asylum for the Insane, for the fiscal year ending January thirtieth, eighteen hundred and seventy-six.

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Dare in the chair.]

The report of the committee was adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 260—An Act to amend sections one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine of the Code of Civil Procedure.

Continued on file.

Assembly Bill No. 557—An Act for the relief of Mrs. T. M. Logan.

Continued on file.

Assembly Bill No. 554—An Act for the relief of Frederick Kuhnle.

Continued on file.

Assembly Bill No. 555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 543—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Ostrom moved to take up Assembly Bill No. 554, passed on file this day.

So ordered.

Assembly Bill No. 554—An Act for the relief of Frederick Kuhnle.

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Dare in the chair.]

The report of the committee was adopted, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 550—An Act to amend section three thousand seven hundred and eighty of the Political Code, in relation to the redemption of property sold for taxes.

Continued on file.

Senate Bill No. 356—An Act to amend sections three thousand and seventy-four, three thousand and seventy-seven, three thousand and seventy-nine, and three thousand and eighty-one of the Political Code, and to add a new section thereto, to be numbered section three thousand and eighty-three, relative to the registration of births, marriages, and deaths.

Read third time, and passed.

Title approved.

Assembly Bill No. 537—An Act continuing the appropriation for the relief of J. W. Marshall.

Continued on file.

Assembly Bill No. 279—An Act to amend section two thousand nine hundred and six of the Political Code, relative to the powers of Boards of Supervisors respecting the construction of wharves.

Indefinitely postponed.

Assembly Bill No. 413—An Act in relation to County Surveyors.

Indefinitely postponed.

Assembly Bill No. 325—An Act to provide for the registration of policies of life insurance.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 407—An Act to amend section six hundred and two of the Political Code, in relation to insurance.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 561—An Act to regulate certain corporations in this State, by compelling the publication of statements of unclaimed accounts and dividends.

Amendments adopted.

Mr. Swift moved to amend as follows: Amend section two by adding after the word "publish," on line three of said section, the words "on or before the fourth day of July of."

Adopted.

Also, amend section two by adding thereto the following: "*Provided*, that nothing herein contained shall be deemed to require the publication of unclaimed accounts, where the same have been opened or made for the benefit of any minor child or children, to remain until such child or children shall reach the age of majority, but such accounts need not be published until four years after the expiration of such period. Nor shall it apply to any account where the party

or parties in interest shall file with the bank a written request that it shall not be so published."

Adopted.

The rules were now suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 600—An Act to protect stockholders in corporations in this State, by stopping their officers from depositing the corporation funds in bank to their individual credit.

Amendments adopted.

Passed on file.

Assembly Bill No. 31—An Act to amend sections six hundred and sixty-seven and six hundred and eighty-two of the Code of Civil Procedure, and thereby to repeal the so-called specific contract law.

Passed on file.

[Speaker pro tem. in the chair.]

Assembly Bill No. 507—An Act to provide for the better protection of depositors in savings banks.

Mr. May moved to amend as follows: After the word "bank," at the end of third line, add the words "or commercial banks."

Adopted.

Passed on file.

Assembly Bill No. 326—An Act to amend sections three thousand six hundred and ninety-six, three thousand seven hundred and fifty-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes, and settlement of County Treasurers with the Controller of State.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 365—An Act to divide the Third Judicial District, and to create therefrom the Twenty-third Judicial District.

Continued on file.

Assembly Bill No 564—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in regard to the title conveyed by deed to purchasers of lands for delinquent taxes, and the entry of State lands sold at a delinquent sale.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 351—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County.

Ordered placed at the head of the special file for this evening.

Assembly Bill No. 218—An Act to permit John J. Wesselhoft to redeem certain lands sold to the State for delinquent taxes, for the fiscal year eighteen hundred and seventy-five and eighteen hundred and seventy-six.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 44—An Act to amend certain sections of the Code of Civil Procedure.

Passed on file

Assembly Bill No. 452—An Act to amend section nine hundred and fifty-four of the Code of Civil Procedure, in relation to appeals to the Supreme Court.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 299—An Act to amend section seven hundred and ninety-one of the Political Code.

Amendment rejected, rules suspended, bill read third time, and passed.

Title approved.

Assembly Bill No. 342—An Act to authorize R. C. Ball to sue the State of California for pay for services as architect of the Branch State Prison at Folsom.

Continued on file.

Assembly Bill No. 601—An Act to authorize the Surveyor-General to collect from the United States moneys that may become due the State of California on account of sales of lands in this State.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No 309—An Act to amend section eight hundred and eighty-eight of the Code of Civil Procedure.

Passed on file

Assembly Bill No. 362—An Act to add a new section to the Political Code, to be numbered section ——, relative to the publication of newspapers.

Indefinitely postponed.

Assembly Bill No. 424—An Act to amend section eight hundred of the Political Code, relative to the oath of office of Notaries.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 425—An Act to amend section four hundred and nine, of the Political Code, relative to the oath of office of County Judges and County Clerks.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 423—An Act to amend section eight hundred and seventy-one of the Code of Civil Procedure, relative to default in Justices' Courts.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 538—An Act to protect the rights of stockholders in mining corporations, by causing the tailings of the mines to be worked for the benefit of the stockholders.

Continued on file.

Assembly Bill No. 415—An Act to amend section four hundred and thirty-seven of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 456—An Act to amend section three thousand eight hundred and twenty-four of the Political Code, relative to the return of taxes upon personal property, when excess of rate has been charged.

Withdrawn by its author.

Assembly Bill No. 412—An Act to cure defects in the application of John D. Justice to purchase lands from the State.

Rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 173—An Act for the incorporation of mutual fire insurance companies, and defining their duties and powers.

Substitute adopted, rules suspended, bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 480—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Continued on file.

Assembly Bill No. 540—An Act to amend section one thousand seven hundred and fifty-five of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 578—An Act to reorganize and simplify the school system of public education of the State of California.

Continued on file.

Assembly Bill No. 21—An Act to prescribe the manner of furnishing text-books for the public schools of this State.

Continued on file.

Assembly Bill No. 603—An Act for the relief of Edward Christy.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back with an amendment, recommending passage as amended.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, the amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Gildea, substitute for Senate Bill No. 212—An Act to amend sections two thousand five hundred and twenty-seven and two thousand five hundred and thirty-six of the Political Code, concerning the construction of the sea-wall of San Francisco—passed on file this day, was taken up.

Amendments adopted, and Mr. Gildea moved to further amend as follows: Amend the amendment to section two by striking out the word "proper," and inserting after the word "penalties" the words "of forfeiture of contract at the option of the Commissioners."

Adopted.

The bill was then read third time, and passed.

Title approved.

Assembly Bill No. 43—An Act to give employment to the workingmen of California.

Continued on file.

Assembly Bill No. 638—An Act to amend an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March sixth, eighteen hundred and seventy-six.

Continued on file.

Assembly Joint Resolution No. 59—Relative to the manufacture of sugar from beets, melons, etc.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 617—An Act concerning Tax Collectors and Administrators of intestate estates, and providing for the disposition of public moneys collected by them.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Joint Resolution No. 37—In regard to a cemetery for San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 366—An Act to create a State Board on Text-books, and to provide for compilation and printing of a series of Readers for the public schools of this State.

On motion of Mr. Johnson, made special order to be considered in committee, with other bills relating to text-books, on to-morrow.

Assembly Bill No. 636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 285—An Act to amend section one thousand seven hundred and seventy of the Political Code, relative to County Board of Examination.

Read third time, and passed.

Title approved.

Senate Bill No. 438—An Act to create Hastings' College of the Law in the University of the State of California.

Continued on file.

Assembly Bill No. 394—An Act to encourage the mining industries and prevent stock gambling.

Made special order for Thursday next, immediately after the reading of the Journal.

Assembly Bill No. 443—An Act for the protection of stockholders in corporations.

Continued on file.

Assembly Bill No. 618—An Act to provide for the payment of certain Controller's warrants drawn upon the State treasury.

Continued on file.

Assembly Bill No. 488—An Act to provide for the payment of certain Controller's warrants drawn against the swamp land districts in this State.

Continued on file.

Assembly Bill No. 539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

Amendments adopted, and bill continued on file.

Senate Bill No. 180—An Act for the relief of John Hoagland and others.

Referred to the Judiciary Committee.

Senate Bill No. 374—An Act to pay the claim of Hiram Clock; and Senate Bill No. 207—An Act for the relief of John A. Odell.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bills back, recommending their passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee on Senate Bills Nos. 374 and 207 was adopted, and each of the above bills were read third time, and passed, and the title of each approved.

Senate Bill No. 183—An Act to provide for the payment of John Sutherland, Jr., for his services in destroying the Vasquez banditti.

Continued on file.

Assembly Bill No. 455—An Act to prevent the adulteration of coffee with the article known as chicory.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title amended by striking out all after the word "coffee," and approved as amended.

Assembly Bill No 632—An Act granting to John C. Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back with an amendment, recommending passage as amended.

IN ASSEMBLY.

[Speaker pro tem in the chair.]

The report of the Committee was received, and the bill continued on file.

Assembly Bill No. 639—An Act in relation to the State Insane Asylum.

Considered in Committee of the Whole.

[Speaker pro tem in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker pro tem in the chair.]

The report of the committee was received and adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Mr. Dixon gave notice that on to-morrow he would move a reconsideration of the vote by which Senate Bill No. 299 was passed.

On motion of Mr. Johnson, Assembly Bill No. 632, continued on file this day, was taken up for consideration.

Mr. Johnson moved that the report of the Committee of the Whole, recommending the adoption of amendment, be concurred in.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the adoption of the amendment to strike out "six hundred" and insert "one thousand," the ayes and noes were demanded by Messrs. Smyth, Cooley, and Ostrom.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Adams, Allen, Ames, Backus, Dinniene, Farnum, Forsyth, Gildea, Gough, Haworth, Holloway, Johnson, Mace, Mayfield, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Routier, Russ, Sargent, Tobin, Warden, Whitlock, and Wilson—26.

NOES—Messrs. Anderson, Asmussen, Blackwell, Clark, Coffey, Cooley, Dixon, Dorsey, Hanna, Hinshaw, Hugg, Long, May, McComas, Miller, Nott, Ostrom, Pace, Pauly, Sherman, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, and Young—27.

The amendment recommended by the committee was adopted, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

RECESS.

At four o'clock and forty-five minutes P. M. Mr. Dare moved to take a recess till seven o'clock and thirty minutes P. M.

Mr. Gildea moved to adjourn.

Lost.

The question recurring upon the motion to take a recess, it was adopted.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Assembly Bill No. 351—An Act to extend the time for the redemption of property sold for taxes in Plumas County.

Mr. Whitlock moved that the rules be suspended, the bill considered engrossed, and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. Whitlock, Ostrom, and Haworth.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Backus, Blackwell, Broderick, Connolly, Dinniene, Dorsey, Dunlap, Ellis, Farnum, Forsyth, Giffen, Haworth, Hugg, Mace, May, Mayfield, McComas, Miller, Montague, Murphy of Del Norte, Pauly, Routier, Russ, Sargent, Wheat, Whitlock, and Wilson—30.

NOES—Messrs. Asmussen, Byington, Cooley, Dare, Gough, Haile, Hanna, Hinshaw, Long, Ostrom, Pace, Sherman, Smyth, Waters, and Young—15.

The bill was then read third time, and passed.

Title approved.

Mr. Waters gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Assembly Bill No. 290—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square in said city and county.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Swift, Mace, and Byington.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Allen, Ames, Backus, Blackwell, Connolly, Dunlap, Ellis, Farnum, Forsyth, Giffen, Gough, Hart, Hugg, Johnson, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Thompson, Whitlock, and Wilson—24.

NOES—Messrs. Adams, Asmussen, Broderick, Byington, Coffey, Cooley, Dare, Dinniene, Dorsey, Ewing, Hanna, Haworth, Hinshaw, Long, Mace, May, Mayfield, McComas, Miller, Montague, Nott, Ostrom, Pace, Smyth, Swift, Warden, Waters, Wheat, and Young—29.

Mr. Dinniene gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was refused passage.

Assembly Bill No. 296—An Act to create and organize Reclamation District Number Two Thousand and Fifty-one, and to define its boundaries, and provide for its government.

Amendment recommended by the Committee on Swamp and Overflowed Lands was adopted, and Mr. Johnson moved to further amend, as follows: Amend section one by striking out all after the word "river," in line four, up to and including the word "levee," in line nine, and insert in lieu thereof the following, "at a point on the east bank of the Sacramento River, twenty-five chains below the west end of the Pierson Levee, thence running in a northeasterly direction to the highest point on the mound commonly known as the Odell Mound; thence following the line of said mounds northerly to the southeasterly corner of the said Pierson Levee, on the Snodgrass Slough."

Adopted.

The rules were now suspended, the bill considered engrossed, read third time, and passed.

Assembly Bill No. 319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds and to provide for the payment of the same.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 518—An Act to prevent certain kinds of stock from running at large in the County of Humboldt.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 420—An Act to prevent the trespassing of goats on inclosed land in the County of Amador.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed by a unanimous rising vote, out of respect to the memory of the late Honorable Robert Ludgate, its author.

Title approved.

Assembly Bill No. 646—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 113—An Act to provide for reorganizing and

better regulating the Paid Fire Department of the City and County of San Francisco.

Mr. Coffey moved that the bill be passed on file.

Mr Broderick moved that the bill be placed at the head of the special file for Wednesday evening.

So ordered.

Assembly Bill No. 405—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia streets, in the City and County of San Francisco.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 589—An Act to provide for a law library of the corporation known as the Oakland Law Library Association, and to secure use of the same to the Courts held at Oakland, Alameda County, the bar, the City of Oakland, the county government, the law students of the University, and the people of the City of Oakland, and the County of Alameda.

Mr. Farnum moved that the bill be recommitted to the Alameda delegation.

So ordered.

Senate Bill No. 422—An Act authorizing the Mayor and Common Council of the City of San José to establish and provide for the maintenance of a Board of Health.

Read third time, and passed.

Title approved.

Assembly Bill No. 504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No 386—An Act to confer further powers on the Common Council of the City of Santa Barbara.

Read third time, and passed.

Title approved.

Senate Bill No. 44—An Act to fix the bonds of the county officers of Ventura County.

Amendment adopted, read third time, and passed.

Title approved.

Assembly Bill No. 653—An Act amendatory of and supplementary to an Act to regulate the fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill 476—An Act to amend an Act entitled an Act for the improvement of the streets of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 141—An Act to amend section two thousand five hundred and fifty-two of an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred

and seventy-two, and to add a new section thereto, approved February twenty-eighth, eighteen hundred and seventy-six.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 143—An Act to authorize the payment for work done in Swamp Land District Number Two.

Amendment adopted, and Mr. Gough moved that the bill be passed on file.

Lost.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 677—An Act fixing the amount of the official bonds of Colusa County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 667—An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meetings.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 316—An Act for the relief of James T. Boyd.

Recommitted to the San Francisco delegation.

Assembly Bill No. 548—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachment of the National Guard, and other expenses appertaining thereto.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 411—An Act to authorize the Trustees of the I. O. O. F. of the City of San Francisco to lease the lot of land in the City of San Francisco held by said Trustees for the I. O. O. F. of said city.

Read third time, and passed.

Title approved.

Mr. Sargent was excused for the evening.

Assembly Bill No. 594—An Act to establish and maintain a free dispensary in the City and County of San Francisco.

Mr. May moved to amend by striking out all after the word "one," in last line, and add "free medical dispensary of each established system of medicine in said city."

Adopted.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 346—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and

upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read third time, and passed.

Title approved.

Senate Bill No. 273—An Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 321—An Act concerning certain property within the City and County of San Francisco.

Passed on file.

Mr. Haile was granted leave of absence for the evening.

Mr. Farnum moved to take up the order of Senate messages.

Lost.

Assembly Bill No. 223—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Sixteenth Street, in said city and county, from the westerly line of Guerrero Street to the easterly line of Church Street, and to condemn property for roadway of said street.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 497—An Act to amend an Act entitled an Act to establish a Municipal Criminal Court in the City and County of San Francisco, approved March thirty-first, eighteen hundred and seventy.

Passed on file.

Assembly Bill No. 9—An Act to change the grade of certain streets in the City and County of San Francisco.

Passed on file.

Senate Bill No. 310—An Act to increase the appropriations for the support of the Hospital and Alms-house of the City and County of San Francisco.

Read third time, and passed.

Title approved.

Senate Bill No. 269—An Act to ratify and confirm order number one thousand four hundred and four of the Board of Supervisors of the City and County of San Francisco.

Ordered on the special file for Wednesday evening.

Senate Bill No. 479—An Act to amend certain sections of an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Read third time, and passed.

Title approved.

Senate Bill No. 405—An Act to amend an Act entitled an Act to incorporate the Town of Alameda, approved February twenty-first, eighteen hundred and seventy-eight.

Passed on file.

Assembly Bill No. 526—An Act to fund certain indebtedness of San Diego County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 556—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 577—An Act in relation to the county officers of Monterey County, their fees and salaries.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 679—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 680—An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 685—An Act to fix the salaries of certain officers of El Dorado County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 686—An Act to divide the County of El Dorado into revenue districts, and to provide for the assessment, collection, and equalization of taxes therein.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 689—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting on inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 690—An Act for the scaling of logs in the County of Humboldt.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 691—An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 692—An Act relating to fees of Justices of the Peace in Colusa County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 390—An Act to amend sections one thousand and ninety-eight, one thousand one hundred, and one thousand one hundred and one of the Political Code, in relation to the registration of voters.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 454—An Act to amend section two thousand seven hundred and ten of the Political Code, in and for the County of Santa Barbara.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

On motion of Mr. Coffey, the vote by which Senate Bill No 273 was passed was reconsidered, and Mr. Coffey moved to amend as follows: Amend by inserting the word "personal" after the word "all," in line one, of section one, and striking out after the word "property," same line, the words "both real and personal."

Adopted.

The bill was then read third time, and passed.

Title approved.

Assembly Bill No. 587—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate freights and fares thereon.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 398—An Act to provide for the building of a school house in Anaheim School District, in the County of Los Angeles, State of California.

Read third time, and passed.

Title approved.

Assembly Bill No. 688—An Act to fix the salaries and compensation of certain officers of Butte County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read third time, and passed.

Title approved.

Assembly Bill No. 515—An Act to amend an Act entitled an Act to preserve the name of a street in the City and County of San Francisco, approved January fifteenth, eighteen hundred and seventy-eight.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 558—An Act to provide for the payment of certain outstanding road warrants of Sacramento County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 652—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 612—An Act to create an irrigation district, to be called the "Modesto Irrigation District."

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 657—An Act to amend an Act entitled an Act to provide for the grading of a public alley and the construction of sewers therein in the City of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 703—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

REPORT.

By Mr. Miller (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 7th, 1878.

MR. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 669—An Act to amend an Act entitled an Act to prevent persons passing through inclosed lands and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California—have had the same under consideration, and report it back, with an amendment, recommend the adoption of the amendment, and passage as amended.

MILLER,
NOTT,
} Delegation.

Assembly Bill No. 669, above reported, taken up, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Johnson moved to take up the order of Senate messages.

Lost.

ADJOURNMENT.

At ten o'clock P. M., on motion of Mr. Smyth, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 12th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

One day's leave of absence was granted to Mr. Dixon.

Journal of yesterday read and approved.

Mr. McClure moved a reconsideration of the vote by which Senate Bill No. 299 was passed, and the motion to reconsider was made the special order for Thursday next, at one o'clock P. M.

Pursuant to notice, Mr. Dinniene moved a reconsideration of the vote by which the House refused to pass Assembly Bill No. 290, and, on the motion to reconsider, the ayes and noes were demanded by Messrs. Backus, Dinniene, and Swift.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Backus, Barstow, Conroy, Dinniene, Ellis, Farnum, Forsyth, Gildea, Gough, Hugg, Johnson, McComas, Murphy of Del Norte, Routier, Russ, Sargent, Sherman, Warden, and Whitlock—19.

NOES—Messrs. Adams, Allen, Anderson, Asmussen, Blackwell, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dare, DeWitt, Dorsey, Dunlap, Ewing, Garvei, Haile, Hanna, Haworth, Hinshaw, Kercheval, Long, Mace, May, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—45.

EXCUSED—Mr. Welch—1.

RESOLUTION.

By Mr. Young (by permission):

Resolved, That the Engrossing Clerk be and he is hereby authorized to insert the word "Civil" after the word "of" and before the word "Code," in section five, line thirteen, of Assembly Bill No. 296, the same having been omitted in the original bill.

Adopted.

REPORT.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 47—Relative to the land grant to the Southern Pacific Railroad Company in California—have had the same under consideration, and report it back without recommendation.

Also, Assembly Joint Resolution No. 38—Relative to the land grant to the Southern Pacific Railroad Company in California—report the same back without recommendation.

Also, Assembly Joint Resolution No 56—Relative to the Atlantic and Pacific Railroad land grant—have had the same under consideration, report it back, and recommend its passage.

GILDEA, Chairman.

RESOLUTION.

By Mr. Sherman—Assembly Concurrent Resolution, relative to the construction of a sea-wall or breakwater in the Harbor of Santa Barbara.

Referred to the Committee on Federal Relations.

The special orders for this hour were postponed till eleven o'clock A. M.

REPORT.

By Mr. Adams:

ASSEMBLY CHAMBER,
SACRAMENTO, March 12th, 1878.

MR SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bills Nos 367, 563, 625, and 633—An Act to appoint guardians for habitual drunkards, also, an Act relative to social drinking, also, an Act to add another section to the Penal Code, relating to misdemeanors; also, an Act to suppress the practice of social drinking at public bars, and to create a revenue from the same that shall in part be commensurate to the evil it engenders—have had the same under consideration, and report them back without recommendation.

ADAMS, Chairman.

RESOLUTION.

By Mr. Hart:

Resolved, That the Senate be requested to return to this House Assembly Bill No. 616 for correction and amendment.

Adopted.

REPORTS.

By Mr. Hinshaw:

MR. SPEAKER: Your Joint Committee on Elections, to whom was referred Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections—have had the same under consideration, and have made amendments thereto. We ask leave to report it back, and recommend its passage as amended.

HINSHAW, Chairman.

Assembly Bill No. 315, above reported, was ordered second on the general file for Thursday next.

By Mr. Allen:

ASSEMBLY CHAMBER,
SACRAMENTO, March 12th, 1878.

MR. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 651—An Act concerning the election of Road Overseer, in Marin County—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

ALLEN.

By Mr. DeWitt:

MR. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No. 389—An Act to prevent the trespassing of animals upon private property, in the County of Yolo—have had the same under consideration, and report the same back, recommend its passage, and ask that the rules be suspended, and the bill be passed.

W. M. DEWITT.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, March 12th, 1878.

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 700—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases; also, Assembly Bill No. 705—An Act to confer certain powers on the Board of Supervisors of the County of Butte—have had the same under consideration, and report them back, and recommend their passage.

NEALLEY, for delegation.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 12th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 204—An Act to pay the claim of Mary M Springer, widow and heir of Thomas A. Springer, late State Printer, deceased—have amended the same, and report it back, and the majority of the Committee, consisting of Messrs. Garver, Smyth, Hinshaw, Thompson, Blake, and McComas, recommend that it pass as amended.

OSTROM, Chairman.

By Mr. Mayfield:

MR SPEAKER: The Napa delegation, to whom was referred Assembly Bills Nos. 661, 663, 665, 667, and 668—having had the same under consideration, beg leave to report them back, and recommend their passage as amended.

MAYFIELD, for Delegation.

By Mr. Russ:

ASSEMBLY CHAMBER,
SACRAMENTO, March 11th, 1878.

MR SPEAKER: The delegations from the Counties of Humboldt, Siskiyou, Del Norte, and Alameda, to whom was referred Assembly Bill No 566—An Act to amend an Act entitled an Act to prevent the propagation of the Scotch or Canada thistle in the Counties of Humboldt, Siskiyou, Del Norte, Sutter, and Alameda, approved March the second, eighteen hundred and seventy-two—herewith report the same back, with a substitute therefor, and a majority of said delegations recommend the adoption and passage of the substitute.

RUSS, for the Delegations.

The special orders for this day were further temporarily postponed.

SENATE MESSAGES.

On motion of Mr. Gildea, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 8th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth day of March, passed Senate Bill No 164—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Substitute for Senate Bill No 176—An Act supplemental to and amendatory of an Act entitled an Act to regulate the practice of medicine in the State of California, approved April third, eighteen hundred and seventy-six.

Senate Bill No. 376—An Act for the relief of J F. Dillon, Assessor of Inyo County.

Senate Bill No. 384—An Act for the relief of John G. Hendricks, Charles Carroll, and R. D. Hubbard

Senate Bill No. 387—An Act to amend an Act entitled an Act in relation to the county officers of Santa Cruz County, their fees and salaries, approved March thirtieth, eighteen hundred and seventy-six.

Senate Bill No. 402—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four

Senate Bill No. 407—An Act to amend the Code of Civil Procedure.

Senate Bill No. 408—An Act to amend the Penal Code, in relation to fugitives from justice.

Senate Bill No 414—An Act to amend the Penal Code.

Senate Bill No. 434—An Act for the relief of Klamath School District, Siskiyou County, California.

Senate Bill No. 444—An Act to quiet title to town lots in the City of Visalia.

Senate Bill No. 468—An Act to amend section fifty-nine of the Code of Civil Procedure.

On March seventh, passed, and ordered transmitted to the Assembly without engrossment, under suspension of the rules, Senate Bill No. 496—An Act to establish a public pound in the Yosemite Valley.

Also, Senate Bill No 499—An Act to amend and repeal certain sections of the Political Code, relating to elections.

Also, concurred in Assembly amendments to Senate Bills Nos. 163 and 82.

Also, on March fourth, under suspension of the rules, passed Senate Bill No. 135—An Act to add two new sections to the Civil Code, to be numbered sections two hundred and thirty-one and two hundred and thirty-two.

Also, passed Senate Bill No. 205—An Act granting relief to the taxpayers whose lands have been sold to the State.

Also, passed Senate Bill No. 264—An Act to authorize the Trustees of Snelling School District, of Merced County, to pay the debt of said district.

Also, passed Senate Bill No. 303—An Act to add a section to Title XII, of Part IV, of the first section of the Civil Code.

Also, passed Senate Bill No. 364—An Act to provide compensation for the Township Assessor of the Township of Oakland, County of Alameda.

Also, passed Senate Bill No. 373—An Act to add a new section to the Civil Code.

Also, Senate Bill No. 210—An Act concerning certain street contracts.

Also, on the fourth day of March, eighteen hundred and seventy-eight, passed Senate Joint Resolution No. 42—Relating to the office of United States Surveyor-General for California.

Also, Senate Bill No. 464—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade.

And, on the fifth day of March, eighteen hundred and seventy-eight, passed Senate Bill No. 361—An Act to authorize the issuance of bonds for the payment of damages for the widening and extension of Los Angeles Street, in the City of Los Angeles.

Also, Senate Bill No. 305—An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco

And, Senate Bill No 291—An Act to amend an Act entitled An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

And, on the seventh day of March, eighteen hundred and seventy-eight, passed Senate Bill No 495—An Act to appropriate money for the relief of the sufferers of the late floods—and ordered it to the Assembly without engrossment.

On this day, appointed as a Committee of Free Conference, on Assembly Bill No 346, Senators Lewis, Pierson, and Hilborn.

Also, on March eighth, passed Assembly Bill No 68—An Act to authorize the Board of Supervisors of Mono County, State of California, to issue bonds for the construction of a wagon road from Antelope Valley to the Town of Benton, in said county.

Also, passed Assembly Bill No. 80—An Act to amend section eight hundred and eighty-two of the Penal Code.

Also, passed Assembly Bill No. 83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office

Also, passed Assembly Bill No. 129—An Act for the relief of S. L. Marks and others.

Also, passed Assembly Bill No. 181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo.

Also, passed Assembly Bill No. 193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue

Also, passed Assembly Bill No. 201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code

Also, passed Assembly Bill No 258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa.

Also, passed Assembly Bill No. 354—An Act for the relief of Joseph O'Neil.

Also, passed Assembly Bill No. 396—An Act authorizing the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

Also, passed Assembly Bill No. 398—An Act amendatory of an Act entitled an Act to protect agriculture, and to prevent trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles.

Also, amended and passed Assembly Bill No. 402—An Act for the relief of W. J. Johnson and others.

Also, passed Assembly Bill No. 403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 444—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

Also, passed Assembly Bill No. 446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein.

Also, passed Assembly Bill No 448—An Act for the relief of Thomas Malloy, Road Overseer of Brooklyn Road District, Alameda County.

Also, passed Assembly Bill No. 449—An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.

Also, passed Assembly Bill No. 450—An Act relative to the appropriation of moneys by the Common Council of the City of Oakland to certain benevolent societies out of the public funds of said city.

Also, passed Assembly Bill No. 462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the fund arising therefrom.

Also, passed Assembly Bill No 484—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County.

Also, passed Assembly Bill No 487—An Act in relation to the collection of licenses in Alameda County.

Also, passed Assembly Bill No 489—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 502—An Act to amend an Act entitled an Act to fix the com-

pensation of the Assessor of Inyo County, approved February twenty-fifth, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 503—An Act to amend an Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

Also, passed Assembly Bill No. 509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.

Also, passed Assembly Bill No. 559—An Act to provide for the payment of interest upon certain warrants of Butte County.

Also, passed Assembly Bill No 205—An Act to incorporate the Town of Anaheim.

Also, passed Assembly Bill No. 560—An Act to authorize Dockery School District to issue bonds for building purposes.

Also, passed Assembly Bill No. 531—An Act authorizing the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.

Also, passed Assembly Bill No 335—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

Also, concurred in Assembly Concurrent Resolution No. 51—Relative to paying for translating the Governor's message in Spanish.

Also, concurred in Assembly Concurrent Resolution No 60—Relative to publishing Statutes.

Also, indefinitely postponed Assembly Bill No 528—An Act to consolidate a portion of Magnolia School District, Nevada County, into Lone Star School District, in the County of Placer.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 11th, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the ninth day of March, eighteen hundred and seventy-eight, passed Senate Bill No 271—An Act conferring additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco

Senate Bill No. 352—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests, approved March sixth, eighteen hundred and sixty-eight.

Senate Bill No. 460—An Act for the improvement and preservation of the Yosemite Valley, and the Mariposa Big Tree Grove—and ordered sent to the Assembly without engrossment.

Senate Bill No 516—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Senate Bill No. 517—An Act to provide for the opening of new streets, and for the extending and widening of existing streets, in the City of San José—and ordered same sent to the Assembly without engrossment.

Senate Bill No. 522—An Act to amend an Act entitled an Act concerning trespassing of animals on private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight—and ordered the same sent to the Assembly without engrossment.

Also, Assembly Joint Resolution No. 57—Relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County.

And concurred in report of Conference Committee on Assembly Bill No. 386.

Also, this day, adopted Assembly Concurrent Resolution No. 64—Relative to correcting Assembly Bill No. 41—and ordered the same transmitted to the Assembly forthwith.

And, on the eighth day of March, eighteen hundred and seventy-eight, passed Senate Bill No. 397—An Act to add another section to the Code of Civil Procedure, to be known as section four hundred and seventeen.

Also, adopted and passed substitute for Senate Bill No 8—An Act for the relief of Otto Kloppenberg.

Also, Senate Bill No. 507—An Act to amend an Act entitled an Act to re-incorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, and supplemental thereto.

And, substitute for Senate Bill No. 297—An Act to amend sections three and five of an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 11th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, this day, amended and passed Assembly Bill No 492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six

Passed Assembly Bill No. 527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county

Also, Assembly Joint Resolution No. 3—Relative to granting public lands to corporations

Also, Assembly Joint Resolution No. 62—Asking increased mail facilities in San Luis Obispo County.

Amended and passed Assembly Joint Resolution No 55—Relative to mail routes in Fresno and Tulare Counties.

Passed Assembly Joint Resolution No. 32—Relative to certain Indians in southern counties of the State of California

Assembly Joint Resolution No. 43—Relative to the import duty on mohair.

Assembly Joint Resolution No. 44—Relative to the recognition of the Diaz Government of Mexico.

Assembly Joint Resolution No. 46—Relative to a change in the import duty on wool.

Assembly Joint Resolution No. 50—Relative to a a mail route in Butte County.

R. SHOEMAKER, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 402, Assembly Bill No. 492, and Assembly Joint Resolution No. 55, taken up, and Senate amendments concurred in.

Senate Bill No. 271, substitute for Senate Bill No. 297, Senate Bill No 464, Senate Bill No. 305, and Senate Bill No. 210, each read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 397, Senate Bill No. 408, Senate Bill No. 407, Senate Bill No. 303, Senate Bill No. 373, Senate Bill No. 414, Senate Bill No. 468, and Senate Bill No. 135, each read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 352, read first and second times, and referred to the Colusa delegation.

Senate Bill No. 460, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 516, read first and second times, and referred to the Yolo delegation.

Senate Bill No. 517, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 522, read first and second times, and referred to the Mendocino delegation.

Substitute for Senate Bill No. 8, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 507, read first and second times, and referred to the Solano delegation.

Senate Joint Resolution No. 42, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 499, read first and second times, and referred to the Special Committee on Elections.

Senate Bill No. 364, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 164, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 495, read first and second times, and referred to the Committee on Ways and Means, with instructions to report on to-morrow.

Senate Bill No. 361, read first and second times, and referred to the Los Angeles delegation.

Substitute for Senate Bill No. 176, read first and second times, and referred to the Committee on Hospitals.

Senate Bill No. 291, read first and second times, and referred to the Santa Cruz delegation.

Senate Bill No. 376, read first and second times, and referred to the Mono and Inyo delegation.

Senate Bill No. 387, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 434, read first and second times, and referred to the Modoc delegation.

Senate Bill No. 402, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 384, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 205, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 496, read first and second times, and ordered on the general file.

Senate Bill No. 264, read first and second times, and ordered on the special file.

Senate Bill No. 444, read first and second times, and referred to the Fresno delegation.

On motion of Mr. Tuttle, Senate Bill No. 503 was ordered transmitted to the Senate in accordance with the request of that body.

On motion of Mr. Anderson, the special orders for this hour were further continued till one o'clock P. M.

Assembly Bill No. 23 and Senate Bill No. 382 were made special orders for Thursday next, at one o'clock P. M.

INTRODUCTION OF BILLS.

By Mr. Adams—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

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

By Mr. Mace—An Act in relation to the distribution of school moneys in Fresno County.

Read first and second times, and referred to the Fresno delegation.

By Mr. Thompson—An Act to fix the salary of the County Judge of San Joaquin County.

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

By Mr. Nott—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes, in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.

Read first and second times, and ordered on the special file.

By Mr. Waters—An Act to amend section one thousand one hundred and eighty-five of the Civil Code, relating to acknowledgments.

Also, an Act to add a new section to the Civil Code, relating to acknowledgments.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

By Mr. Smyth—An Act supplemental to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight.

Read first and second times, and ordered on the special file.

By Mr. Johnson—An Act to prescribe the number of the members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation.

Also, an Act to provide for the widening of the public road leading from the City of Sacramento to the American River bridge.

Also, an Act providing for the payment of a judgment obtained in the Sixth District Court against the County of Sacramento.

Each of the above bills read first and second times, and referred to the Sacramento delegation.

By Mr. Kercheval—An Act to provide for the payment of the indebtedness of certain swamp land districts.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

REPORTS.

By Mr. Tuttle:

SACRAMENTO, March 12th, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 495—An Act to amend section thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and, also, to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy-six—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 654—An Act to amend section five hundred and fifty-two of the Civil Code, relative to the rights of purchasers of water for irrigating purposes—and report it back, with the recommendation that it be referred to the Judiciary Committee.

Also, substitute for Senate Bill No. 257—An Act imposing a tax on the issue of certificates of stock corporations—and recommend that it do not pass.

Also, Senate Joint Resolution No. 27—Relative to transcontinental railroads—and recommend that it do not pass.

TUTTLE, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 12th, 1878.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 586—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, relative to eminent domain—report the same back, and recommend its passage,

Also, Assembly Bill No. 239—An Act to amend an Act entitled an Act to provide for the collection of delinquent taxes in the City and County of San Francisco, approved April third, eighteen hundred and seventy-six—and recommend its passage.

Also, Assembly Bill No. 324—An Act for the relief of W. S. Safford—report the same with an amendment, and recommend passage as amended.

ANDERSON, Chairman.

By Mr. Sherman—A report from the committee appointed to investigate the alleged undervaluation of lands in Kern County, which, together with a copy of the testimony taken by the committee, was ordered printed.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House took up the special order for this hour.

Assembly Bill No 289—An Act to provide for the adoption of textbooks for use in the public schools.

Mr. Tuttle moved to amend, in section one, by striking out "six" and inserting "four."

Lost.

Mr. Barstow moved that the bill be made special order for Friday, at one o'clock P M.

On motion of Mr. Gildea, the motion was amended to make the bill special order for Thursday, at one o'clock P. M., together with Assembly Bill No. 604 and Assembly Bill No. 366.

The question being upon the adoption of the motion as amended, the ayes and noes were demanded by Messrs. Tuttle, Haile, and Anderson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barstow, Connolly, Conroy, DeWitt, Dorsey, Farnum, Garver, Gildea, Gough, Griffith, Hanna, Hicks, Hinshaw, Holloway, Johnson, Mayfield, Murphy of Del Norte, Murphy of San Francisco, Routier, Sherman, Tobin, Warden, and Welch—23.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dare, Dunlap, Ewing, Forsyth, Giffen, Haile, Hart, Haworth, Hugg, Long, Mace, May, McClure, McComas, Meyers, Miller, Moffat, Nealley, Ostrom, Pace, Pauly, Russ, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—43.

The substitute recommended by the Committee on Education was adopted.

Mr. Murphy of Del Norte moved to re-commit the bill to the Committee on Education, with instructions to that committee to report a bill submitting the whole question of text-books to a vote of the people, upon which motion the ayes and noes were demanded by Messrs. Murphy of Del Norte, Young, and Dare.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barstow, Connolly, Conroy, DeWitt, Dorsey, Gildea, Griffith, Hanna, Hicks, Hinshaw, Holloway, Hugg, Johnson, Murphy of Del Norte, Murphy of San Francisco, Smyth, Warden, and Welch—18.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Clark, Coffee Cooley, Dare, Dimmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Haile, Hart, Haworth, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Nealley, Ostrom, Pace, Pauly, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—57.

Mr. Tuttle moved to amend as follows: Amend section three by adding thereto the following: "*Provided*, that no books shall be adopted at a higher price than corresponding series now in use; *and provided further*, that should any book or books now in use in the schools of this State be displaced by other books, the publishers of such other book, or books, at his own expense, shall deliver at the various school districts throughout the State the book or books to be introduced, and exchange them free of cost to the owners of the displaced books, book for book."

[Mr. Dare in the chair.]

Mr. Gildea submitted a substitute for the bill.

Pending discussion, Mr. DeWitt moved that the whole subject matter be made special order for two o'clock P. M. to-morrow, upon which motion the ayes and noes were demanded by Messrs. Haile, Gildea, and Tobin.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Clark, Coffey, Connolly, DeWitt, Ewing, Farnum, Gildea, Hanna, Hart, Hicks, Hinshaw, Johnson, Miller, Murphy of Del Norte, Sherman, Smyth, Thompson, Tobin, Tuttle, and Warden—20.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Conroy, Cooley, Dare, Dinniene, Dorsey, Dunlap, Ellis, Forsyth, Garver, Giffen, Gough, Griffith, Haile, Haworth, Holloway, Hugg, Kercheval, Long, Mace, May, Mayfield, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Routier, Russ, Sargent, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—52.

The previous question being moved by the requisite number, and the question being, "Shall the main question be now put?" the ayes and noes were demanded by Messrs. Johnson, Haile, and Broderick.

The roll was called, and the House refused to order the previous question by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Blake, Byington, Cooley, Dare, Ellis, Ewing, Forsyth, Giffen, Gough, Haile, Hart, Haworth, Long, Mace, May, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Nott, Sargent, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr Speaker—35.

NOES—Messrs. Backus, Blackwell, Broderick, Clark, Coffey, Connolly, Conroy, DeWitt, Dinniene, Dorsey, Dunlap, Farnum, Garver, Gildea, Griffith, Hanna, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Mayfield, Miller, Montague, Murphy of Del Norte, Ostrom, Pace, Pauly, Routier, Russ, Sherman, Smyth, Swift, Thompson, Tobin, Tuttle, and Warden—38.

The question recurring upon the substitute as offered by Mr. Gildea, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Pauly, and Nealley.

Pending discussion, Mr. Griffith moved that the House adjourn.

Ayes and noes were demanded by Messrs. Haile, Berry, and Nott.

Roll called, and motion lost by the following vote:

AYES—Messrs. Blackwell, Clark, Coffey, Connolly, Conroy, Griffith, Hanna, Hicks, Johnson, Murphy of Del Norte, Nealley, Smyth, and Warden—13.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blake, Breen, Broderick, Byington, Cooley, Dare, DeWitt, Dinniene, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hart, Haworth, Hinshaw, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—61.

Question recurs upon the substitute offered by Mr. Gildea.

Mr. Gildea moved that all bills referring to educational matters be made special order for to-morrow, immediately after the reading of the Journal.

Adopted.

On motion of Mr. Abbott, Assembly Bill No. 678 was made special order for Thursday next, at one o'clock P. M.

ADJOURNMENT.

At five o'clock and fifty minutes P. M., on motion of Mr. Broderick, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 13th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.
Journal of yesterday read and approved.
[Mr. Waters in the chair.]

RESOLUTION.

By Mr. Holloway (by permission):

Resolved, That the Engrossing Clerk be authorized to insert the word "Code" after the word "Political," in the last line of the amendment to section seven of Assembly Bill No. 319.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Hart (by permission)—An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes.

Read first and second times, and, by unanimous consent, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Mr. Long moved that whatever committee has Senate Bill No. 31 in its possession be instructed to report it back on to-morrow.

Motion adopted.

Mr. Coffey moved that the special orders for this hour be temporarily postponed.

Lost.

SPECIAL ORDERS.

Assembly Bill No. 289—An Act to provide for the adoption of textbooks for use in the public schools—was taken up, the question being upon the adoption of the substitute as offered by Mr. Gildea on yesterday.

RECESS.

Pending discussion of the substitute, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

RESOLUTION.

By Mr. Murphy of Del Norte (by permission)—Assembly Concurrent Resolution, relative to a memorial to Congress, relative to settlers on the Klamath Reservation.

Rules suspended, and the resolution passed, and ordered transmitted to the Senate forthwith.

Mr. Haile moved that Assembly Bill No. 551, the special order for this hour, be temporarily postponed.

Mr. Swift moved that Assembly Bills Nos. 289, 604, and 366 be made special orders for three o'clock P. M. this day, or to be taken up before that time should Assembly Bill No. 551, special order, be disposed of sooner.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 551—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications, and to prohibit certain publications.

Mr. Johnson moved to amend section one by striking out the words "or corporation," in both places where it occurs, in line four of the printed bill, and inserting the words "or any" between the words "officer" and "person," in the place where said words occur in said line, and inserting the word "or," between the words "officer" and "person," in the place where said words occur second in said line.

Adopted.

Mr. Waters moved to further amend by striking out the words "defamatory statement or."

Adopted.

Mr. Johnson moved to amend section two by striking out the words "or corporation," in line two of the printed bill, and inserting between the words "officer" and "person," in said line of said section, the word "or."

Also, amend section two by striking out the words "or in case of a corporation, verified by the oath of its President, Secretary, or Managing Director," in lines four, five, and six of said section:

Adopted.

Also, amend section three by striking out the words "or defamatory," in line seven of said section.

Adopted.

Mr. Cooley moved to amend section two by striking out the words "or defamatory," where it occurs in the section.

Adopted.

Mr. Johnson moved to amend as follows: Amend section four by inserting the word "heard," in line four of said section, before the words "unless the Court shall, after the filing of said answer, continue, for good cause shown, the said hearing to a future day."

Adopted.

Also, amend section four, by striking out the words "or corporations," in lines eleven and twelve of said section, and by striking out the words "or corporation," in line twelve of said section, and by inserting the word "or," between the words "officer" and "person," in line eleven of said section, and by inserting the word "or" between the words "officer" and "person," in line twelve of said section.

Adopted.

Also, amend section five by striking out the words "or defamatory," in line six of said section, and by striking out the words "or defamatory," in line ten of said section, and by striking out the words "or defamatory," in line twelve of said section, and by striking out the words "or defamatory," in line fifteen of said section.

Adopted.

Mr. Dinniene moved to amend section ten, in line two, by striking out the words "or corporation."

Adopted.

Mr. Johnson moved to amend section six, by striking out the word "five," in line two, and inserting the word "ten."

Adopted.

Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage.

Mr. Waters moved the indefinite postponement of the bill.

[Speaker pro tem. in the chair.]

Pending discussion, on motion of Mr. Haile, Assembly Bills Nos. 289, 604, and 336, special orders for this hour (three o'clock P. M.), were temporarily postponed.

[Speaker in the chair.]

Mr. Haile moved that Assembly Bills Nos. 289, 604, and 366, and Senate Bill No. 73, be made special orders for Friday, immediately after the reading of the Journal.

Mr. Pauly moved to amend by making the bills special orders for to-morrow, at eleven o'clock A. M.

Adopted, and the motion as amended was adopted.

RESOLUTION.

By Mr. Barstow (by permission):

Resolved, That the Engrossing Clerk be authorized to insert the enacting clause in Assembly Bill No 515, the same being omitted in the original bill.

Adopted.

The question recurring upon the motion to indefinitely postpone Assembly Bill No. 551, pending discussion the previous question being moved by the requisite number, it was so ordered by the House.

Upon the indefinite postponement of the bill the ayes and noes were demanded by Messrs Murphy of San Francisco, Farnum, and Clark.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Anderson, Asmussen, Barstow, Blackwell, Breen, Byington, Clark, Coffey, Connolly, Dare, Dinniene, Dixon, Garver, Gildea, Gough, Haile, Hanna, Hart, Hicks, Hinshaw, Johnson, May, McComas, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pace, Sargent, Sherman, Smyth, Thompson, Tobin, Waters, Wheat, Young, and Mr. Speaker—38.

NOES—Messrs. Abbott, Allen, Ames, Blake, Broderick, Brooks, Cooley, Dunlap, Ellis, Farnum, Forsyth, Giffen, Haworth, Hugg, Kercheval, Long, Mayfield, McClure, Moffat, Nealley, Pauly, Robertson, Routier, Russ, Tuttle, Warden, Welch, and Whitlock—28.

Mr. Johnson gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

On motion of Mr. Miller, Assembly Bills Nos. 22 and 43 were made special orders for Friday next, immediately after the reading of the Journal.

ADJOURNMENT.

At five o'clock and fifty minutes P. M., on motion of Mr. Barstow, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 14th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
One day's leave of absence was granted to Mr. Nott.
Journal of yesterday read and approved.
Mr. Tobin arose to a question of privilege, relative to a report in the San Francisco papers of the report of the committee appointed to investigate the labor question.
Pursuant to notice, Mr. Johnson moved to reconsider the vote by which Assembly Bill No. 551 was indefinitely postponed, upon which motion the ayes and noes were demanded by Messrs. Sargent, Coffey, and Ostrom.
The roll was called, and the motion to reconsider prevailed by the following vote.

AYES—Messrs. Abbott, Adams, Allen, Ames, Blackwell, Blake, Broderick, Brooks, Connolly, Conroy, Cooley, Dorsey, Dunlap, Ellis, Farnum, Forsyth, Garvey, Giffen, Gough, Griffith, Hart, Haworth, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Thompson, Tuttle, Warden, Waters, Welch, Wheat, and Whitlock—49.
NOES—Messrs. Anderson, Barstow, Breen, Byington, Clark, Coffey, Dare, Dixon, Hale, Hanna, Hicks, Hinshaw, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pace, Smyth, Swift, Tobin, and Mr. Speaker—20.

On motion of Mr. Johnson, the bill was referred to the Judiciary Committee, with instructions to report one week from to-day.
On motion of Mr. Tuttle, Assembly Bills Nos. 394 and 315 were made special orders for this day, at two o'clock P. M.

REPORTS.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 165—An Act to protect public health from infection from the bodies of deceased persons which have been exhumed from vaults, cemeteries, or receptacles of the dead, and to prescribe the manner in which the bodies, bones, or remains of persons deceased ten or more days shall be coffined or inclosed previous to being moved or transported in or from this State, and to prescribe penalties for any violation of the same.
453—An Act to amend an Act entitled an Act concerning the office of County Clerk of Santa Barbara County, approved March eleventh, eighteen hundred and seventy-six.
89—An Act in relation to the disposition of State lands.
271—An Act to repeal section three hundred and fifteen of the Code of Civil Procedure.
435—An Act to amend the Penal Code by adding a new section thereto, to be numbered four hundred and one, concerning the sale of artificial or spurious honey, etc.
496—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations
159—An Act to amend sections one thousand and thirty-three and one thousand and thirty-five of the Penal Code, relative to the change of place of trial
189—An Act to amend section nine hundred and fifty-six of the Penal Code, in reference to injuries to persons and property.
352—An Act to prohibit and punish the sale of adulterated syrup.
278—An Act for the relief of Richard Dudding and William Johnson.
375—An Act to add a new section to the Civil Code, relating to corporations.

438—An Act to amend section one thousand five hundred and seventeen of the Political Code, in relation to the State Board of Education.

62—An Act to amend section three thousand four hundred and eighty-one of the Political Code.

482—An Act concerning Swamp Land District Number Thirty-eight.

385—An Act to amend section three thousand six hundred and seventy-four of the Political Code, concerning equalization of assessment.

232—An Act to amend an Act entitled an Act to authorize the husband, or wife, or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of three hundred dollars, approved February eighteenth, eighteen hundred and seventy-four.

328—An Act to relieve the estate of deceased persons from costs of Probate Court when below the value of fifteen hundred dollars.

311—An Act to amend Article VIII, Chapter III, Title VII, of the Political Code, adding thereto a section, to be numbered section four thousand two hundred and fifty-nine, fixing the qualifications of District Attorneys.

363—An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services.

475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.

304—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relative to the taking of books from the State Library.

451—An Act to amend section two thousand two hundred and ninety-five of the Political Code.

130—An Act for the relief of Amelia C. Cowne, by authorizing the issuance to her of a patent for survey number six hundred and one of the swamp and overflowed lands in Sacramento County.

441—An Act to add two sections to the Code of Civil Procedure, relating to compromise.

442—An Act to add a new section to the Code of Civil Procedure, relating to writings.

374—An Act to prevent extortion by gas companies in the State of California.

353—An Act to protect stockholders and persons dealing with corporations in this State.

350—An Act to add a new section to the Penal Code, to prevent impositions from being practiced on settlers by fraudulent publications.

473—An Act to provide for the payment of a claim for collecting purchases of school lands.

565—An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.

595—An Act to amend section four thousand two hundred and seventeen of the Political Code, in relation to the duties of County Auditors.

485—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

494—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessor.

574—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.

555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage

543—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six.

554—An Act for the relief of Frederick Kuhnle

325—An Act to provide for the registration of policies of life insurance.

561—An Act to regulate certain corporations in this State by compelling the publication of statements of unclaimed accounts and dividends.

326—An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlement of County Treasurers with the Controller of State.

564—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in regard to the title conveyed by deed to purchasers of lands sold for delinquent taxes, and the entry of State lands sold at a delinquent sale.

218—An Act to permit John J. Wesselhoft to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-five-six.

452—An Act to amend section nine hundred and fifty-four of the Code of Civil Procedure, in relation to appeals to the Supreme Court.

601—An Act to authorize the Surveyor-General to collect from the United States moneys that may become due the State of California on account of sales of lands in this State

424—An Act to amend section eight hundred of the Political Code of California, relating to the oath of office of Notaries Public.

425—An Act to amend section nine hundred and nine of the Political Code of California, relative to oath of office of County Judges and County Clerks.

423—An Act to amend section eight hundred and seventy-one of the Code of Civil Procedure, relative to defaults in Justices' Courts.

412—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California.

Substitute for Assembly Bill No 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Assembly Bills Nos. 540—An Act to amend section one thousand seven hundred and fifty-five of the Political Code.

603—An Act for the relief of Edward Christy.

636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.

617—An Act concerning Tax Collectors and Administrators of intestate estates, and providing for the disposition of public moneys collected by them.

Assembly Joint Resolution No. 59—Relative to the production of sugar from beets and melons, etc.

Assembly Bills Nos. 455—An Act to prevent the adulteration of coffee.

639—An Act in relation to the State Insane Asylum.

319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and to provide for the payment of the same.

518—An Act to prevent certain kinds of stock from running at large in the County of Humboldt.

296—An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government.

420—An Act to prevent the trespassing of goats on inclosed land in Amador County.

646—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

YOUNG, Chairman.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 623—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and providing public and private roads in Colusa County, approved March twenty-sixth, eighteen hundred and seventy-four.

No 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county.

Assembly Joint Resolution No. 55—Relative to a mail route in Fresno and Tulare Counties.

Assembly Joint Resolution No. 50—Relative to a mail route in Butte County.

Assembly Joint Resolution No. 62—Asking increased mail facilities in San Luis Obispo County.

Assembly Bills No. 402—An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, W L. Tomlin, and M. V. Dixon.

No. 492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six.

No. 570—An Act to authorize the Auditor and Treasurer of Butte County to cancel certain certificates of the Register of the State Land Office, and also certain Controller's warrants

No. 590—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

No. 637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

And the same were, at one o'clock and thirty minutes P. M., March thirteenth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Also:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

Assembly Joint Resolution No. 46—Relative to a change in the import duty on wool.

Assembly Joint Resolution No. 57—Relative to the relinquishment by the United States of the site of Camp Independence, in Inyo County.

Assembly Joint Resolution No. 3—Relative to granting public lands to corporations.

Assembly Joint Resolution No. 43—Relative to the import duties on mohair.

Also, Assembly Bill No 41—Reenrolled per order of Joint Resolution No. 64.

Assembly Joint Resolution No. 32—Relative to certain Indians in southern counties of the State of California.

Assembly Joint Resolution No. 44—Relative to the recognition of the Diaz Government of Mexico.

Assembly Bill No. 527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

And the same were, at one o'clock and forty minutes P. M., March twelfth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

PETITIONS.

By Mr. Johnson—From citizens of Sacramento, relative to the repeal of the so-called specific contract law.

Ordered filed.

By Mr. Allen—From citizens of Marin County, relative to a change in the road law.

Referred to the Marin delegation.

REPORTS OF STANDING COMMITTEES.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR SPEAKER: Your Committee on Elections, to whom was referred Senate Bill No. 499—An Act to amend, and also to repeal, certain sections of the Political Code, relating to elections—and, in the opinion of your committee, there has been a law passed, known as the Swift Bill, relating to the same subject matter as is herein contained, and we therefore report this bill back, recommending its indefinite postponement.

NEALLEY,
BROOKS,
GRIFFITH,
HOLLOWAY,
ELLIS,
FORSYTH,
GIFFEN,
} Committee.

By Mr. Waters:

SACRAMENTO, March 12th, 1878.

MR. SPEAKER: Your Committee on Ways and Means have had under consideration Senate Bill No 495—An Act to appropriate money for the relief of the sufferers of the late flood—and a majority of the committee recommend that the bill be amended so as to read "five thousand dollars," instead of "ten"—said majority consisting of Messrs. Waters, Tuttle, Garver, and Gildea; Mr. Kercheval favoring the bill without amendment, and Mr. Nott being opposed to any appropriation.

NOTT, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street, to the northwestern line of Mission Street—report the same with amendments, and recommend that it do pass as amended. Eighteen members present and voting.

Also, Senate substitute for Senate Bill No. 81—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams—report the same, and a majority recommend that it do pass. Twenty members present and voting; ten ayes, nine noes, excused one

Also, Assembly Bill No. 628—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Baker Street graded—report the same with amendments, and a majority recommend that it do pass as amended. Sixteen members present and voting; nine ayes, seven noes.

J. V. COFFEY, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: A minority of the San Francisco delegation, to whom was referred Senate substitute for Senate Bill No. 81—An Act for the relief of Henry F Williams, and to provide for the payment of certain money equitably due said Williams—respectfully dissent from the recommendation of the majority of the delegation.

J. V. COFFEY, Chairman,
WM. B. MAY,
R. W. MURPHY,
S. B. BLAKE,
A. ASMUSSEN,
S. W. BACKUS.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No 271—An Act conferring additional powers upon the Board of Supervisors, and the Auditor, and Treasurer of the City and County of San Francisco—report the same, and recommend that it do pass. Fifteen members present and voting.

Also, Assembly Bill No 643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco, in case of urgent necessity—report the same, and recommend that it do pass. Fifteen members present and voting.

J. V. COFFEY, Chairman.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 687—An Act to refund certain moneys to the County of Mendocino—have had the same under consideration, and report it back with amendment, and recommend its passage as amended.

OSTROM, Chairman.

By Mr. Dunlap:

ASSEMBLY CHAMBER,
SACRAMENTO, March 9th, 1878.

MR. SPEAKER; Your Committee on Internal Improvements, to whom was referred Assembly Bill No. 493—An Act to authorize and empower the Board of Supervisors of the County of San Mateo to take and subscribe to the capital stock of a railroad in said county, to be constructed from the City and County of San Francisco to the City of Santa Cruz, and to provide payment for the same, and other matters relating thereto—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

DUNLAP, Chairman.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: Your Judiciary Committee have had under consideration Senate Bill No. 97—An Act to create a new Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco—report the same back, and recommend the passage thereof.

Also Senate Bill No 31—An Act to amend section one thousand five hundred and seventy-six of the Political Code—and recommend passage thereof.

Also, Senate Bill No. 303—An Act to add a section to Title XII, of Part IV, of First Division of the Civil Code—and recommend passage thereof.

Also, Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code—report the same back, and recommend that the Assembly do not concur in the Senate amendment.

ANDERSON, Chairman.

By Mr. Dixon:

MR SPEAKER Your Committee on Attachés and Employés, to whom was referred the resolution allowing the Sergeant-at-Arms the sum of fifty dollars for services and expenses incurred by reason of the call of the House of February twentieth, beg leave to report the same back, without recommendation.

DIXON, Chairman.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR SPEAKER. Your Committee on Agriculture, to whom was referred Assembly Bill No. 361—An Act to prevent the spread of glanders among horses, and to punish the sale or bartering in horses affected with glanders—report the same back, and unanimously recommend that it be indefinitely postponed

Also, Senate Bill No. 248—An Act for the increase and preservation of forest areas of the State—report the same back, and recommend that it do pass.

THOMPSON, Chairman.

By Mr. Haworth:

MR. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 270—An Act to authorize certain payments by the Board of State Harbor Commissioners—report the same back, and recommend that it do pass.

Also, Assembly Bill No. 567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream—report the same back with an amendment, and recommend that it do pass as amended.

Also, Assembly Bill No. 624—An Act to amend sections three thousand four hundred and forty-three and three thousand four hundred and forty-five of the Political Code, in relation to sale of tide lands—report the same back, and recommend that it be referred to the Committee on Judiciary.

Also, Senate Bill No. 164—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto—report the same back, and recommend that it do pass.

JAMES HAWORTH, Chairman.

By Mr. Tobin:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 708—An Act to appropriate money to pay for fifty copies of a work entitled "Grapes and Grape-vines of California"—have had the same under consideration, and report it back, with recommendation that it pass.

JOHN J. TOBIN, Chairman.

REPORTS OF SELECT COMMITTEES.

By Mr. Robertson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 434—An Act for the relief of Klamath School District, Siskiyou County, California—have had the same under consideration, and report it back, and recommend its passage.

ROBERTSON, for Delegation.

By Mr. Warden:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 585—An Act supplementary to an Act fixing the salaries and compensations of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with a recommendation that it do pass.

WARDEN, Delegation.

By Mr. Adams:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: Your delegation, to whom was referred Senate Bill No. 444—An Act to quiet title to town lots in the City of Visalia—have had the same under consideration, and report it back, with recommendation that it do pass.

ADAMS, Delegation.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

THOMPSON, for Delegation.

By Mr. Ellis:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 361—An Act to authorize the issuance of bonds for the payment of damages for the widening and extension of Los Angeles Street, in the City of Los Angeles—have had the same under consideration, report it back, and recommend its passage.

ELLIS, for Delegation

By Mr. Pace:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No. 291, having considered the same, respectfully report the same back, and recommend its passage.

GEO. PACE, Delegation.

By Mr. Mace:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER The Fresno delegation, to whom was referred Assembly Bill No. 711—An Act in relation to the distribution of school moneys in Fresno County—have had the same under consideration, and report it back with the recommendation that it pass.

R. P. MACE, Delegation.

On motion of Mr. Swift, the special order for this hour was temporarily postponed.

By Mr. Nealley:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER The Butte delegation, to whom was referred Assembly Bill No. 659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

NEALLEY, for Committee.

By Mr. Farnum:

MR. SPEAKER The delegation, to whom was referred Assembly Bill No. 589—An Act entitled an Act to provide for a law library of the corporation known as the Oakland Law Library Association, and to secure the use of the same to the Courts held at Oakland, Alameda County, the bar of the City of Oakland, the county government, the law students of the University, and the City of Oakland, and County of Alameda—have had the same under consideration, and report the same back amended, and recommend its passage as amended.

FARNUM, of the Delegation.

Also.

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 662—An Act entitled an Act relative to the powers and duties of the Sheriff of Alameda County, in the matter of attachments of property in said county—have had the same under consideration, and report it back amended, and recommend its passage as amended

DIXON,
FARNUM, } Of the Delegation.

INTRODUCTION OF BILLS.

By Mr. Swift—An Act to sustain a Free Youths' Directory, Home, and Intelligence Bureau, in San Francisco.

Read first and second times, and referred to the Committee on the Labor Question.

By Mr. Dinniene—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

By Mr. Anderson—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, in relation to the collection of poll taxes.

Each of the above bills read first and second times, and referred to the San Francisco delegation.

[Mr. Haile in the chair.]

By Mr. Anderson—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred and ninety-four, relating to Coroners.

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

By Mr. Gildea—An Act to sustain a Free Youths' Directory, Home, and Intelligence Bureau, in San Francisco.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Berry—An Act to incorporate the Town of Yuba City.

Read first and second times, and referred to the Sutter delegation.

By Mr. Coffey—An Act to amend section one thousand one hundred and ninety-two of the Political Code, in relation to the distribution of election tickets

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

By Mr. Murphy of San Francisco—Assembly Concurrent Resolution, relative to expenses of traveling committees of the Senate and Assembly.

Read first and second times, and referred to the Joint Committee on Rules and Regulations.

By Mr. Warden—An Act in relation to the fees to be received by the County Recorder of San Luis Obispo County.

Also, an Act supplementary to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Also, an Act amendatory of and supplemental to an Act entitled an Act to authorize the Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

Each of the above bills read first and second times, and referred to the San Luis Obispo delegation.

By Mr. Mayfield (by request)—An Act defining in what cases writs of attachment may issue in civil actions.

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

By Mr. Ellis—An Act to provide for the extermination of squirrels in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

[Speaker in the chair.]

By Mr. Cooley—An Act to repeal an Act entitled an Act to authorize Isaac Bluxome to remove from his private property, on the Rancho de Mircelacon, in Sonoma County, State of California, certain dead bodies, to a public graveyard, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and ordered on file.

Also, an Act to amend section three thousand eight hundred and eighty-eight of the Political Code, in relation to the kind of money with which taxes must be paid.

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

By Mr. Young—An Act to confer additional power on the Board of Supervisors of the County of Contra Costa.

Read first and second times, and ordered on special file.

By Mr. Swift (by request)—An Act to authorize the appointment of additional Commissioners for this State to the Paris Exposition.

Read first and second times, and ordered to the general file.

RESOLUTION (BY PERMISSION).

By Mr. Mace (by request):

Resolved, That the sum of two hundred and forty dollars be and the same is hereby appropriated out of the fund for contingent expenses of the Assembly, to be paid to Patrick Levy

for extra services rendered in lighting and taking care of the gas burners and fixtures in the Assembly Chamber and rooms used by the officers and committees thereof, and for repairing locks, keys, desks, etc., in said chamber and rooms during the session of eighteen hundred and seventy-five and six, and for the present session of the Assembly.

Referred to the Committee on Employés and Attachés.

REPORT.

By Mr. Farnum (by permission):

MR SPEAKER The delegation, to whom was referred Senate Bill No. 364—An Act entitled an Act to provide compensation for the Township Assessor of the Township of Oakland, County of Alameda—have had the same under consideration, and report the same back amended, and recommend its passage as amended.

FARNUM, for the Delegation

On motion of Mr. Tuttle, motion to reconsider the vote on indefinite postponement of Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections, same Code, relating to public schools—was made special order for to-morrow, at two o'clock P. M.

SPECIAL ORDER.

Assembly Bill No. 289—An Act to provide for the adoption of textbooks for use in the public schools—was taken up.

Pending discussion of the substitute, as offered by Mr. Gildea, the hour of recess having arrived, the House took a recess of one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence was granted to Mr. Ewing.

Mr. Haile moved that the special orders for this hour (one o'clock P. M.) be temporarily postponed.

So ordered.

House resumed consideration of Assembly Bill No. 289, the question being upon the substitute offered by Mr. Gildea.

On motion of Mr. Tuttle, the special orders for this hour, two o'clock P. M., were postponed till twenty-five minutes past two.

Pending discussion, on motion of Mr. Tuttle, the special orders for twenty-five minutes past two were further temporarily postponed.

[Speaker pro tem. in the chair.]

The question recurring upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Haile, Dare, and Pauly.

The roll was called, and the substitute rejected by the following vote:

AYES—Messrs. Blackwell, Broderick, Clark, Coffey, Connolly, Conroy, Dixon, Dorsey, Farnum, Giffen, Gildea, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Johnson, Miller, Montague, Murphy of Del Norte, Ostrom, Pace, Smyth, Thompson, Tobin, Tuttle, Welch, and Mr. Speaker—29.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Barstow, Blake, Brooks, Cooley, Dale, DeWitt, Dunnigne, Dunlap, Ellis, Forsyth, Garvey, Gough, Haile, Haworth, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Warden, Waters, Wheat, Whitlock, Wilson, and Young—45.

PAIRED—Mr. Asmussen.

By consent of the House, Mr. Tuttle submitted the following substitute for the amendnent now pending, introduced by himself. Amend section three by striking out all after the word "further," in line twenty-two, and insert the following in lieu thereof: "*Provided*, that no books shall be adopted at a higher price than corresponding series now in use; *and provided further*, that should any book or books now in use in the schools of this State be displaced by other books, the publisher of such book or books, at his own expense, shall deliver at the various school districts throughout the State the books to be introduced, and exchange them free of cost to the owners of the displaced book or books, book for book; *and it is further provided*, that should the price of any series of books or any book that may be adopted for use in the schools of this State be reduced in any other State, a corresponding reduction must be made to the dealers of this State."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Tuttle, Sargent, and Haile.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Barstow, Blackwell, Coffey, Connolly, Conroy, Dorsey, Farnum, Garver, Gildea, Griffith, Hanna, Hicks, Hinshaw, Holloway, Johnson, Miller, Montague, Murphy of Del Norte, Ostrom, Pace, Smyth, Thompson, and Tuttle—23

NOES—Messrs Adams, Allen, Ames, Anderson, Asmussen, Backus, Blake, Breen, Broderick, Brooks, Cooley, Dare, DeWitt, Dimniene, Dixon, Dunlap, Ellis, Forsyth, Giffen, Gough, Haile, Hart, Haworth, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—51.

Mr. Tobin moved to amend as follows: Amend section one by adding thereto the following: "*Provided*, that before adopting any particular series that they shall advertise for proposals for the supplying of the required text-books in the manner and form prescribed in section two of this Act, and that the award for the supply of said text-books must be given to the lowest responsible bidder."

Upon the adoption of the amendment, the ayes and noes were demanded by the requisite number, the roll was called, and the amendment rejected by the following vote:

AYES—Messrs Blake, Coffey, Connolly, Conroy, Farnum, Gildea, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Johnson, Murphy of Del Norte, Ostrom, Pace, Smyth, Thompson, Tobin, Tuttle, and Welch—21.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Breen, Broderick, Brooks, Cooley, Dare, DeWitt, Dimniene, Dorsey, Dunlap, Forsyth Garver, Giffen, Gough, Haile, Haworth, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Warden, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—52.

The rules were suspended, the bill considered engrossed, read third time, and on the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Haile, and Sargent.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blake, Breen, Broderick, Brooks, Conroy, Cooley, Dare, DeWitt, Dimniene, Dixon, Dorsey, Dunlap, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hart, Haworth, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Tobin, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—57.

NOES—Messrs. Blackwell, Coffey, Connolly, Farnum, Griffith, Hanna, Hicks, Hinshaw, Holloway, Johnson, Montague, Murphy of Del Norte, Pace, Smyth, and Tuttle—15.

Title approved.

Mr. Tuttle moved that Assembly Bills Nos. 394 and 315 be made special orders for to-morrow, immediately after the reading of the Journal.

So ordered.

Also, that Assembly Bill No. 678 be made special order for to-morrow, at one o'clock P. M.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 23—An Act to regulate the course of study, and the use of text-books in the public schools—special order, was taken up.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Tuttle, Haile, and Hart.

The roll was called, and the House refused to indefinitely postpone the bill by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Blackwell, Brooks, Dare, Dunlap, Forsyth, Haile, Haworth, Hugg, Long, Mace, May, McClure, McComas, Meyers, Murphy of San Francisco, Nealley, Pauly, Robertson, Sargent, Sherman, Wheat, and Young—27.

NOES—Messrs. Adams, Backus, Barstow, Blake, Broderick, Clark, Coffey, Connolly, Conroy, Cooley, Dorsey, Farnum, Garvey, Griffith, Hanna, Hart, Hicks, Hinshaw, Johnson, Kercheval, Mayfield, Miller, Moffat, Montague, Murphy of Del Norte, Ostrom, Routier, Russ, Smyth, Swift, Tuttle, Warden, Waters, Welch, and Mr. Speaker—35.

Mr. Barstow moved to amend section two by striking out the words "a Reader and a Spelling-book," in line four, printed bill.

Adopted.

Mr. Barstow moved to further amend by striking out in section two the words "Spelling-book shall," in line eight, and all the balance of said section down to and including the word "Board," in line fifty-nine.

Adopted.

Mr Sargent moved the reference of the bill to the Committee on Education.

Lost.

Mr. Abbott moved to strike out the enacting clause of the bill.

At five o'clock and twenty-seven minutes P. M. Mr. Dare moved to adjourn.

Upon which motion the ayes and noes were demanded by Messrs. Tuttle, Hart, and Dinniene.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Asmussen, Blackwell, Blake, Dare, Dunlap, Ellis, Haile, Long, McClure, McComas, Moffat, Nealley, Robertson, Routier, Russ, Sargent, Sherman, Wilson, and Young—20.

NOES—Messrs. Adams, Allen, Anderson, Backus, Barstow, Broderick, Clark, Coffey, Connolly, Conroy, Cooley, Dinniene, Farnum, Forsyth, Garvey, Gildea, Griffith, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, Meyers, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pace, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Whitlock, and Mr. Speaker—46.

At five o'clock and thirty-two minutes P. M. Mr. Dare moved to take a recess till seven o'clock and thirty minutes P. M.

Lost.

The previous question now being moved by the requisite number, it was so ordered by the House.

The question recurring upon the motion to strike out the enacting clause, the ayes and noes were demanded by Messrs. Barstow, Clark, and Dinniene.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Allen, Anderson, Asmussen, Backus, Blackwell, Blake, Conroy, Dare, Dunlap, Forsyth, Garver, Haile, Haworth, Hugg, Kercheval, Long, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Whitlock, Wilson, and Young—30.

NOES—Messrs Adams, Barstow, Breen, Broderick, Clark, Coffey, Connolly, Cooley, Dinniene, Ellis, Farnum, Gildea, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Johnson, Mace, May, Mayfield, McClure, Miller, Montague, Murphy of Del Norte, Ostrom, Pace, Robertson, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Welch, and Mr. Speaker—38.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Dinniene, Barstow, and Waters.

The roll was called, and the bill refused engrossment by the following vote:

AYES—Messrs. Adams, Broderick, Clark, Connolly, Dinniene, Ellis, Farnum, Gildea, Griffith, Hanna, Hart, Hicks, Hinshaw, Holloway, Johnson, Mace, Mayfield, Miller, Montague, Murphy of Del Norte, Ostrom, Pace, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, and Mr. Speaker—31.

NOES—Messrs. Abbott, Allen, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Coffey, Conroy, Cooley, Dare, Dunlap, Forsyth, Garver, Haile, Haworth, Hugg, Kercheval, Long, May, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Tobin, Whitlock, Wilson, and Young—37.

Mr. Barstow gave notice that on to-morrow he would move a reconsideration of the vote by which the House refused to engross the bill.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Mr. Hart, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 15th, 1878.

House met pursuant to adjournment.
Speaker pro tem. in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS.

By Mr. Sargent:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER. The San Joaquin delegation, to whom was referred Assembly Bill No. 712—An Act to fix the salary of the County Judge of San Joaquin County—have had the same under consideration, and report it back with amendments, the majority of the delegation recommending its passage as amended.

SARGENT, for Delegation.

On motion of Mr. Tuttle, the special orders for this hour were temporarily postponed.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 384—An Act for the relief of John Q. Hendricks, Charles Carroll, and R. D. Hubbard—have had the same under consideration, and report it back with amendment, and recommend its passage as amended.

OSTROM, Chairman.

By Mr. Berry:

MR. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 727—An Act to incorporate the Town of Yuba City—have considered the same, and report it back, and recommend its passage.

BERRY, for Delegation.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Senate Bill No. 488—entitled an Act to amend an Act entitled an Act concerning roads and highways in Contra Costa County, approved March eleventh, eighteen hundred and seventy six—have had the same under consideration, and report it back, with the recommendation that it pass as amended.

YOUNG, for Delegation.

RESOLUTION.

By Mr. Griffith:

Resolved, That two hundred and forty copies of Senate Bill No. 271, and two hundred and forty copies of Senate Bill No. 305 (referred to the San Francisco delegation), be ordered printed.

Adopted.

REPORTS.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 14th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage and to its permanent protection from overflow, and Assembly Bill No. 522—An Act to organize Levee District Number One, of Sacramento County, and to provide for its government—and report them both back, and recommend their passage.

And having had under consideration Assembly Bill No. 716—An Act to prescribe the number of the members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation—report the same back with an amendment, and recommend its passage as amended.

JOHNSON, for Delegation.

Assembly Bills Nos. 521, 522, and 716 were ordered at the head of the special file for this evening.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, March —, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred substitute for Senate Bill No. 176—An Act supplemental to and amendatory of an Act entitled an Act to regulate the practice of medicine in the State of California, approved April third, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

Senate Bill No. 176, above reported, was ordered at the head of the general file.

PETITION.

By Mr. Berry—From citizens of this State, against the reduction of charges on telegraph lines in this State.

Referred to the Committee on Federal Relations.

REPORT.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 681—An Act concerning the assessment and collection of municipal taxes upon personal property in the City and County of San Francisco—report the same, and recommend that it do pass Sixteen members present and voting.

J. V. COFFEY, Chairman.

PETITION.

By Mr. Dare—From citizens of Benicia, against the reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

On motion of Mr. Dixon, Senate Bill No. 445 was recommitted to the Alameda delegation.

REPORTS.

By Mr. Haworth:

MR. SPEAKER The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 694—An Act to amend an Act entitled an Act to authorize the State Board of Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, approved March thirtieth, eighteen hundred and seventy-two—report the same back with amendments, and recommend that it do pass as amended.

JAS. HAWORTH, Chairman.

By Mr. Hart:

MR. SPEAKER The Colusa and Tehama delegation, to whom was referred Senate Bill No. 352—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interest, approved March sixth, eighteen hundred and sixty-eight—have had the same under consideration, and hereby report the same back, and recommend its passage, and hereby request that the bill be placed third on the special file.

HART, for Delegation.

Senate Bill No. 352, above reported, was ordered to be placed third on the special file for this evening

PETITION.

By Mr. Blackwell—From citizens of Nevada County against a reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

REPORT.

By Mr. Hanna:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 517—An Act to provide for the opening of new streets, and the extending and widening of existing streets in the City of San José—beg leave to report the same back, and recommend its passage.

WILLIAM HANNA, for the Delegation.

By Mr. Cooley—An Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office and salaries of certain offices in and for the County of Sonoma, and to repeal certain other Acts in relation thereto, approved March fourth, eighteen hundred and seventy-eight.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

By Mr. Pace—An Act to provide sewerage for the City of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Dixon—An Act fixing the pay of Supervisors in the County of Alameda.

By Mr. Dunlap—An Act to prevent hogs from running at large in townships two and four, in the County of Amador.

By Mr. Dorsey—An Act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Each of the above bills read first and second times, and ordered on the special file.

REPORT.

By Mr. Hicks:

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have had under consideration the report of the Chairman of the Special Committee on Labor, as to the number of miles traveled by said committee while on committee duty, and recommend the adoption of the accompanying resolution.

HICKS, for Committee.

Resolved, That the Controller be and he is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Special Committee on Labor, for their mileage while on committee duty: Tobin, Conroy, Breen, Welch, and Long, and Cosgrave, short-hand reporter, fifty dollars and forty cents each, and the State Treasurer is hereby authorized to pay the same.

Adopted.

Also:

MR SPEAKER: Your Committee on Mileage beg leave to report that they have had under consideration the report of the Chairman of the Committee on Hospitals, as to the number of miles traveled by said committee, and would recommend the adoption of the accompanying resolution.

HICKS, for Committee.

Resolved, That the Controller of State be and he is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Committee on Hospitals, for their mileage while on committee duty: Montague, six hundred and nineteen miles, ninety-two dollars and eighty-five cents; R. W. Murphy, seven hundred and fifty-nine miles, one hundred and thirteen dollars and eighty-five cents; Wilson, seven hundred and fifty-nine miles, one hundred and thirteen dollars and eighty-five cents; Stockton, short-hand reporter, six hundred and nineteen miles, ninety-two dollars and eighty-five cents; and the State Treasurer is hereby authorized to pay said warrants.

Adopted.

Also:

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have had under consideration the report of the Chairman of the Committee on Fish and Game, as to the number of miles traveled by said committee, and recommend the adoption of the accompanying resolution.

HICKS, for Committee.

Resolved, That the Controller of State be and he is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following named members of the Committee on Fish and Game, for their mileage while on committee duty, viz.: Dare, Griffith, Gough, and Conroy, sixty-three dollars each; Russ and Nott, thirty-seven dollars and eighty cents each: Kercheval, twenty-five dollars and twenty cents, and D. Gough, Clerk, forty-three dollars and twenty cents, and the State Treasurer is hereby authorized to pay the same.

Adopted.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 65—Relative to constructing a breakwater or sea-wall in the Harbor of Santa Barbara—have had the same under consideration, report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Joint Resolution No. 41—Relative to the restoration of certain railroad lands to the public domain—have had the same under consideration, report the same back, and recommend its passage.

CHAS. GILDEA, Chairman.

Assembly Joint Resolution No. 65, above reported, taken up, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Joint Resolution No. 41, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Routier—A document relating to Assembly Bill No. 23, and Senate Bill No. 309.

Placed on the table.

By Mr. Montague:

SACRAMENTO, February —, 1878.

MR. SPEAKER The delegation, to whom was referred Assembly Bill No. 511—An Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County—have had the same under consideration, and report it back, with recommendation that it pass.

MONTAGUE, Delegation.

PETITION.

By Mr. Hart—From citizens of Colusa County, against a reduction of charges on telegraph lines in this State.

Referred to the Judiciary Committee.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 14th, 1878.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed and ordered transmitted to the Assembly, without engrossment, Senate Bill No. 575—An Act to regulate the fees of Constables in Calaveras County

Also, Senate Bill No. 573—An Act relative to highways in Los Angeles County.

Amended and passed Assembly Bill No. 373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

R. SHOEMAKER, Secretary.

Also:

SENATE CHAMBER,
SACRAMENTO, March 13th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 451—An Act declaring the Sacramento River navigable from and to certain points therein named—and, on this day, ordered the same sent to Assembly without engrossment

Senate Bill No. 452—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the County of Tehama, in and about the construction of a bridge across the Sacramento River—and, on the thirteenth instant, ordered the same sent to the Assembly without engrossment

And, on the twelfth of March, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.

And, on the thirteenth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 547—An Act relative to the Board of Trustees of the City of Sacramento.

Also, Assembly Bill No. 721—An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes—and ordered the same sent to the Assembly forthwith.

Also, amended and passed Assembly Bill No. 503—An Act to amend an Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

G. SECKEL, Assistant Secretary.

Also:

SENATE CHAMBER,
SACRAMENTO, March 12th, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 455—An Act creating the Twenty-third Judicial District, and defining the Third and Twelfth Districts, Senate Bill No 535—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board to pay certain deficiencies in the General Fund of said city and county, Senate Bill No. 536—An Act to provide for the refunding of the funded debt of Siskiyou County, California; and Senate Bill No. 543—An Act to provide for the appointment of an official reporter for the Second Judicial District, and for the County Court of the County of Tehama, and to provide for his compensation—and ordered them respectively sent to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

Also:

SENATE CHAMBER,
SACRAMENTO, March 12th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the ninth day of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 177—An Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county.

On March twelfth, Assembly Bill No. 570—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of the State Land Office, and also certain Controller's warrants.

Assembly Bill No. 331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

Assembly Bill No. 590—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

Assembly Bill No. 623—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and providing public and private roads in Colusa County, approved March twenty-sixth, eighteen hundred and seventy-six.

Assembly Bill No. 637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

Amended and passed Assembly Joint Resolution No. 45—Relative to soldiers in California before gold was discovered.

Assembly Bill No. 318—An Act amendatory of and supplementary to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third eighteen hundred and seventy-six.

Assembly Bill No. 596—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment

March eleventh, passed Senate Concurrent Resolution No. 45—Relative to Yosemite Valley.

March twelfth, passed Senate Joint Resolution No. 47—Relative to the establishment of a mail route from Visalia to Fairview, in Tulare County.

Senate Joint Resolution No. 46—Relative to the establishment of a daily mail service from Kingsburg, in Fresno County, to Grangerville, in Tulare County.

Senate Joint Resolution No. 48—Relative to an increase of the mail service from Reading, in Shasta County, to Alturas, in Modoc County.

March ninth, passed substitute for Senate Bill No. 46—An Act to amend and reenact an Act to protect and encourage the production and sale of pure and wholesome milk, and to prevent the production of unwholesome and adulterated milk, approved March twelfth, eighteen hundred and seventy.

March sixth, passed Senate Bill No. 56—An Act to provide homes for homeless children, and for such as whose parents or natural guardians are incapable of taking care of.

March seventh, Senate Bill No. 234—An Act relating to advances bona fide made to agents entrusted with goods, and for the better protection of such advances.

March sixth, passed Senate Bill No. 345—An Act to repeal an Act entitled an Act to protect agriculture in the County of El Dorado.

March eleventh, passed Senate Bill No 357—An Act to provide for the appointing of an additional Deputy Clerk for the Justices' Court of the City and County of San Francisco.

March sixth, Senate Bill No. 418—An Act to amend section six hundred and two of the Penal Code.

Senate Bill No. 420—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

March sixth, passed Senate Bill No 427—An Act to regulate and provide for the payment of the fees of medical experts as witnesses in civil actions in the Courts.

Senate Bill No. 429—An Act to amend section three thousand eight hundred and eighty-one of the Political Code.

March ninth, passed Senate Bill No. 501—An Act to confer further powers upon the New City Hall Commissioners for the City and County of San Francisco.

March second, passed Senate Bill No 424—An Act to amend sections three and four of an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six.

And, in compliance with the request of the Assembly, herewith return Assembly Bill No. 616.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 14th, 1878

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 300—An Act to promote the sanitary condition of towns and villages.

Passed Assembly Joint Resolution No. 66—Relative to Klamath Reservation.

Assembly Bill No. 103—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County.

Assembly Bill No. 468—An Act to amend an Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

Assembly Bill No 532—An Act for the relief of J. B. Scott.

Assembly Bill No. 569—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Assembly Bill No 573—An Act to grant to George E Isaacs, and his assigns, the right to supply the inhabitants of the Town of Merced with fresh water.

Return to the Assembly Senate Bill No 26—An Act to amend section two hundred and *ninety-nine of the Civil Code—in order that it may be ascertained where Assembly amendments* should be properly inserted.

Passed Senate Bill No. 564—An Act to authorize the Board of Trustees of Scott's Valley School District, in the County of Siskiyou, to borrow money for the purpose of erecting a school house, furnishing the same, and improving the grounds upon which the same may be located—and ordered the bill to be transmitted to the Assembly without engrossment.

Passed Senate Bill No. 565—An Act for the relief of bondsmen herein named—and ordered the same transmitted to the Assembly without engrossment

Passed and ordered transmitted without engrossment, Senate Bill No 567—An Act to amend an Act entitled an Act to re-incorporate the City of Marysville, approved March seventh, eighteen hundred and seventy-six.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 13th, 1878

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 559—An Act to provide for the care and maintenance of the indigent sick of Tuolumne County.

Assembly Bill No. 614—An Act entitled an Act to amend an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes, approved March third, eighteen hundred and seventy-six.

Assembly Bill No. 621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor.

Amended and passed Assembly Bill No. 122—An Act in relation to roads and highways in the County of Butte

And, on the eighth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 510—An Act to provide for the opening of streets in the City of Oakland.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bills Nos. 300, 122, 596, 503, 314, and 373, and Assembly Joint Resolution No. 45, taken up, and Senate amendments concurred in.

Assembly Bill No. 616, taken up, vote on passage reconsidered, and the bill referred to the Committee on Ways and Means.

Senate Bills Nos. 46, 565, 535, 501, 420, 357, each read first and second times, and referred to the San Francisco delegation

Senate Bills Nos. 234, 427, 429, 418, and 455, each read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 345, 564, 547, 543, 536, 573, and 575, and Senate Joint Resolutions Nos. 47, 46, 45, and 48, each read first and second times, and ordered on the special file.

Senate Bill No. 567, read first and second times, and referred to the Yuba delegation.

Senate Bill No. 56, read first and second times, and referred to the Committee on Hospitals.

Senate Bill No. 510, read first and second times, and referred to the Alameda delegation.

Senate Bills Nos. 452 and 451, each read first and second times, and referred to the Colusa delegation.

Senate Bill No. 424, read first and second times, and referred to the Committee on Hospitals.

Senate Bill No. 559, read first and second times, and referred to the Tuolumne delegation.

Pursuant to notice, Mr. Barstow moved a reconsideration of the vote by which the House refused to order Assembly Bill No. 23 engrossed.

Mr. Dare moved the indefinite postponement of the motion to reconsider, upon which motion the ayes and noes were demanded by Messrs. Haile, Pauly, and Conroy.

The roll was called, and the motion indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blake, Brooks, Conroy, Dare, DeWitt, Dixon, Dunlap, Fairnum, Forsyth, Garvey, Haile, Haworth, Hugg, Johnson, Kercheval, Long, Mace, May, McClure, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nealley, Pauly, Robertson, Routier, Sargent, Sherman, Tobin, Wheat, Whitlock, Wilson, and Young—42.

NOES—Messrs. Barstow, Blackwell, Broderick, Byington, Clark, Coffey, Cooley, Dinmene, Dorsey, Ellis, Giffen, Gildea, Griffith, Hanna, Hart, Hinshaw, Mayfield, Miller, Murphy of Del Norte, Nott, Ostrom, Pace, Russ, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, and Mr. Speaker—31.

REPORTS (BY PERMISSION).

By Mr. Dare:

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 507—Relative to

the re-incorporation of the City of Vallejo—have had the same under consideration, and would respectfully recommend the passage of said bill, with the following amendments.

DARE,
HAILE

By Mr. Waters:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred substitute for Senate Bill No. 70—An Act to authorize the settlement of certain taxes due on certain portions of the Lick estate, and to cancel the liens against the same—report it back, and recommend its passage.

Also, Assembly Bill No. 626—An Act to reimburse taxpayers, and to make taxation equal and uniform throughout the State—have had the same under consideration, and report it back, recommending that it be indefinitely postponed.

WATERS, for Committee.

Mr. Waters, for the Committee on Ways and Means, had leave to withdraw Assembly Bill No. 678 for revision.

On motion of Mr. Thompson, Assembly Bill No. 523 was recommitted to the Committee on Agriculture.

Mr. Young had leave to withdraw Assembly Bill No. 36.

SPECIAL ORDER.

Assembly Bill No. 22—An Act to establish a State Reformatory.

Considered in Committee of the Whole.

[Mr. Waters in the chair.]

The committee arose, and reported the bill back, recommending the adoption of the substitute.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The hour of recess having arrived the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

On motion of Mr. Long, the House took up Senate Bill No. 31—An Act to amend section one thousand five hundred and seventy-six of the Political Code.

Read third time and passed.

Title approved.

House resumed consideration of Assembly Bill No. 22, pending discussion of which the House took a recess this day, the question being upon the engrossment of the bill.

Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage.

Upon which motion, the ayes and noes were demanded by Messrs. Johnson, Kercheval, and Sargent.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Ames, Anderson, Asmussen, Barstow, Blackwell, Broderick, Dare, Forsyth, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Johnson, Kercheval, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Ostrom, Robertson, Routier, Russ, Sargent, Tobin, Welch, Wheat, and Whitlock—36.

NOES—Messrs. Adams, Allen, Blake, Byington, Clark, Cooley, Dixon, Dorsey, Dunlap, Far-

num, Garver, Hinshaw, Holloway, Long, May, Murphy of Del Norte, Nealley, Pace, Pauly, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Wilson, Young, and Mr. Speaker —29.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Tuttle, May, and Johnson.

The roll was called, and the bill ordered engrossed by the following vote:

Ayes—Messrs Abbott, Ames, Anderson, Asmussen, Blackwell, Broderick, Conroy, Dale, Forsyth, Gildea, Gough, Haile, Haworth, Hicks, Johnson, Kercheval, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Ostrom, Robertson, Routier, Russ, Sargent, Tobin, Warden, Welch, Wheat, Whitlock, and Mr. Speaker—35.

Noes—Messrs Adams, Allen, Barstow, Blake, Byington, Clark, Cooley, Dixon, Dorsey, Dunlap, Farnum, Garver, Hanna, Hart, Hinshaw, Holloway, Long, May, Murphy of Del Norte, Nealley, Pace, Pauly, Sherman, Smyth, Swift, Thompson, Tuttle, Waters, Wilson, and Young —30.

[Mr. Haile in the chair.]

Assembly Bill No. 43 was made special order for Friday next, at one o'clock P. M.

Assembly Bill No. 394—An Act to encourage the mining industry and to suppress stock gambling.

Mr. Anderson moved that the bill be indefinitely postponed.

Mr. Tuttle called for the reading of the bill, and moved that the printed bill be adopted for the original.

So ordered.

Mr. Sargent moved to amend section six, in line thirteen, by striking out the word "weekly" and inserting "monthly."

Lost.

Mr. Abbott moved to strike out section seven of the bill.

Lost.

Mr. Murphy of San Francisco moved to strike out section thirteen of the bill.

Lost.

Mr. Tuttle moved to amend section twenty by striking out, in line seven, the word "duties" and insert the word "licenses."

Adopted.

Mr Murphy of San Francisco moved to amend section twenty-six by striking out "five thousand" and inserting "four thousand."

Adopted.

Mr. Hugg moved to strike out, in section twenty-six, "three thousand" and insert "two thousand four hundred."

Adopted.

Also, in same section, strike out "two thousand four hundred" and insert "one thousand eight hundred."

Adopted.

Also, in section twenty-seven, strike out "four thousand" and insert "three thousand."

Adopted.

Mr. Murphy of San Francisco moved to amend by striking out, in section seventeen, the words "one-half of one per cent." and insert "one-tenth of one per cent."

Lost

The question recurring upon the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Tuttle, Dinniene, and Berry.

Pending discussion, on motion of Mr. Gildea, the bill was made special order for Tuesday next, at one o'clock P. M.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER. Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 407—An Act to amend section six hundred and two of the Political Code, in relation to insurance

632—An Act granting to John C. Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer.

405—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia Streets, in the City and County of San Francisco.

653—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

143—An Act to authorize payment for work done in Swamp Land District Number Two.

676—An Act fixing the amount of the official bonds of Colusa County.

677—An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meetings.

548—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco, in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.

594—An Act to establish and maintain a Free Dispensary in the City and County of San Francisco.

321—An Act concerning certain property within the City and County of San Francisco.

223—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Sixteenth Street, in said city and county, from the westerly line of Guerrero Street to the easterly line of Church Street, and to condemn property for roadway of said street.

526—An Act to fund certain indebtedness of San Diego County.

556—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

577—An Act in relation to the county officers of Monterey County, their fees and salaries

679—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four

680—An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

685—An Act to fix the salaries of certain officers of El Dorado County.

686—An Act to divide the County of El Dorado into revenue districts, and to provide for the assessment, collection, and equalization of taxes therein.

689—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

690—An Act for the scaling of logs in the County of Humboldt

691—An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.

692—An Act relating to fees of Justices of the Peace in Colusa County.

390—An Act to amend sections one thousand and ninety-eight, one thousand one hundred, and one thousand one hundred and one of the Political Code of California, in relation to the registration of voters.

454—An Act to amend section two thousand seven hundred and ten of the Political Code, in and for the County of Santa Barbara.

587—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.

584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate fares and freights thereon.

688—An Act to fix the salaries and compensation of certain officers of Butte County.

515—An Act to amend an Act entitled an Act to preserve the name of a street in the City and County of San Francisco, approved January fifteenth, eighteen hundred and seventy-eight.

558—An Act to provide for the payment of certain outstanding road warrants of Sacramento County.

652—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four.

Substitute for 612—An Act to create an irrigation district, to be called the Modesto Irrigation District.

536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of

bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

669—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

703—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March thirtieth, eighteen hundred and seventy-six.

657—An Act to amend an Act entitled an Act to provide for the grading of public alleys, and the construction of sewers therein, in the City of Sacramento.

655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto.

351—An Act to extend the time for the redemption of certain property sold for taxes in Plumas County.

464—An Act to add new sections to the Political Code, to be known as sections three thousand eight hundred and seventeen and three thousand eight hundred and eighteen, to provide for the redemption, by delinquent owners, of property sold to the State.

Substitute for 289—An Act to provide for the adoption of text-books for use in the public schools.

DINNIENE, for Committee.

Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

Mr. Hugg moved that section one of the bill be stricken out.

Adopted.

Mr. Waters moved to amend by striking out sections two and three of the bill.

Adopted.

Mr. Hugg moved to amend by striking out section four of the bill.

Adopted.

Mr. Broderick moved to amend by inserting after the word "county," in line eight, of section seven, the words "except the City and County of San Francisco."

Adopted.

Mr. Waters moved to amend the amendment, recommended by the committee, to section seven, by adding the word "precinct" after the word "ward."

Adopted.

Mr. Hugg moved to amend section seven by striking out, in line ten, the word "twenty-eight," and inserting in lieu thereof the word "ten."

Mr. Young moved to amend the amendment by striking out "twenty-eight" and inserting "twenty," which amendment was accepted by Mr. Hugg, voted on, and lost.

Mr. Waters moved to amend section eight by inserting the words "in this section contained," after the word "register."

Adopted.

On motion of Mr. Swift, made special order for Tuesday next, at eleven o'clock A. M.

REPORTS.

By Mr. Broderick:

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 569—An Act to amend an Act entitled an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

No. 103—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County.

No. 468—An Act to amend an Act to amend an Act entitled an Act to provide for the pay-

ment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six

No. 532—An Act for the relief of J B. Scott.

No. 573—An Act to grant to Geo. E. Isaacs and his assigns the right to supply the inhabitants of the Town of Merced with fresh water.

No. 386—An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce.

Assembly Joint Resolution No. 66—Relative to Klamath Reservation.

And the same were, this day, March fifteenth, eighteen hundred and seventy-eight, presented to the Governor for his approval

BRODERICK, Chairman.

Also:

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 721—An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes.

No. 621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor.

No. 614—An Act entitled an Act to amend an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes, approved March third, eighteen hundred and seventy-six.

No. 331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

And the same were, this day, March thirteenth, eighteen hundred and seventy-eight, presented to the Governor for his approval

BRODERICK, Chairman.

PETITION.

By Mr. Berry—A petition, relative to mining debris.

Referred to the Committees on Mines and Agriculture.

INTRODUCTION OF BILLS.

By Mr. Blackwell—An Act to reimburse the County of Nevada for moneys expended in the collection of State taxes.

Read first and second times, and referred to the Committee on Claims.

REPORTS OF SELECT COMMITTEES.

By Mr. Hart:

MR. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 452—An Act to ratify and confirm proceedings of the Board of Supervisors of the County of Tehama, in and about the construction of a bridge across the Sacramento: also, Senate Bill No. 451—An Act declaring the Sacramento River navigable from and to certain points therein named—have had the same under consideration, and hereby recommend the passage of the same

HART, for Delegation.

By Mr. Smyth:

MR SPEAKER: The delegation, to whom was referred Senate Bill No. 559—An Act to provide for the care and maintenance of the indigent sick of Tuolumne County—have had the same under consideration, and report it back with an amendment, and recommend its passage.

SMYTH, for the Delegation.

By Mr. Johnson:

SACRAMENTO, March 15th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 609—An Act in relation to public roads in the County of Sacramento—report the same with an amendment, and recommend its passage as amended.

JOHNSON, Chairman Delegation.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 309—An Act to add a section to the Political Code—have had the same under consideration, and report it back, with a recommendation that it do not pass, Mr. Abbott voting against the recommendation of the committee.

HAILE, Chairman.

By Mr. Holloway:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 734—An Act to provide for the extermination of squirrels in the County of Los Angeles—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

ELLIS,
HOLLOWAY, } Delegation.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration substitute for Senate Bill No. 180—An Act for the relief of John Hoagland and others—report the same back, and recommend the passage thereof.

Your committee also beg leave to report the accompanying bill for "an Act authorizing and directing the Clerk of the Supreme Court to make a general analytical index of all cases filed in the Supreme Court from the organization thereof," and recommend the passage thereof.

Your committee would further recommend that the bills above reported be placed upon the special file.

ANDERSON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Anderson, for the Judiciary Committee—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State from the organization thereof.

Read first and second times, and ordered on the special file.

[Mr. Tuttle in the chair.]

Mr. Gough had leave to withdraw Assembly Bill No. 597.

GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 7th, 1878.

To the Assembly of the State of California.

In compliance with Assembly Concurrent Resolution, passed this day, I have the honor to return to your honorable body Assembly Bill No 41—An Act to regulate certain acts in relation to the terms of the County and Probate Courts in certain counties, and to amend sections eighty-eight and ninety-nine of the Code of Civil Procedure.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 8th, 1878.

To the Assembly of the State of California.

I have to inform your honorable body that I have approved Assembly Bills Nos. 128—An Act to regulate the quality and standard illuminating power and the price of gas in all cities within the State of California having a population of one hundred thousand or more.

182—An Act to prevent the circulation of bogus election tickets, and to prevent fraud upon voters.

237—An Act to protect agriculture, and to provide for the distraining and trespassing of animals in the Counties of Los Angeles and Stanislaus.

207—An Act concerning trespassing of animals upon private lands in certain counties in the State of California.

360—An Act to provide for the transfer of moneys by the Treasurer of Alameda County to and from the State treasury, and for the payment of the necessary expenses thereby incurred.

430—An Act providing for the election of an Attorney in and for the City of Sacramento.

346—An Act to provide funds and empower the Board of Supervisors of Fresno County to improve the Court-house and County Hospital grounds.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT }
SACRAMENTO, March 11th, 1878. }

To the Assembly of the State of California.

I have to inform your honorable body that I have approved Assembly Bills Nos 11—An Act for the relief of the School Department of the City of Oakland.

40—An Act to legalize the acts of the Board of Supervisors of Lake County, in the matter of the survey and construction of the Kelley Cañon Road, in said county.

90—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in the State.

107—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure of the State of California.

109—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

180—An Act to amend sections forty-nine and fifty of the Code of Civil Procedure, to add an additional section thereto, to be numbered section fifty-one, and to amend section seven hundred and fifty-one of the Political Code, all relative to the terms and officers of the Supreme Court

200—An Act to amend an Act entitled an Act to fix the salaries of certain officers of Mendocino County, approved February twenty-seventh, eighteen hundred and seventy-four.

234—An Act to provide for the extermination of squirrels in the County of San Mateo.

260—An Act to incorporate the Town of Felton, in the County of Santa Cruz, State of California.

270—An Act to provide for the distribution of school moneys in the County of Contra Costa.

295—An Act to fix the amount of the bond of the Tax Collector of Marin County.

322—An Act to authorize the Town of Santa Clara to construct and maintain a main public sewer, and to provide for paying the cost thereof

334—An Act authorizing a tax for the payment of grand and trial jurors in the County of Alpine.

339—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

345—An Act to protect the Towns of Fresno and Merced against fire.

379—An Act to authorize the Common Council of the City of Eureka, in Humboldt County, to sit as a Board of Equalization.

421—An Act to amend an Act entitled an Act to extend the 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, approved April eighth, eighteen hundred and fifty-nine, by repealing the Act as far as it relates to Trinity County, except the town site of the Town of Weaverville, in said county.

422—An Act to create an additional Contingent Fund for Trinity County.

427—An Act to ratify and confirm certain proceedings of the Board of Trustees of Meridian School District, in the County of Fresno.

432—An Act legalizing the debt contracted in completing and furnishing the school house, and fencing the school lot, in Fairfield School District, in Solano County, and provide for the payment of the same.

461—An Act to provide for transcribing certain records in the County of Yuba.

465—An Act concerning road poll tax and hospital poll tax for Tehama County.

513—An Act to provide for the building of a school house in the Fresno City School District, in the County of Fresno.

575—An Act in relation to road, poll, and property tax in the Town of Crescent City, in Del Norte County.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 11th, 1878. }

To the Assembly of the State of California:

I have to inform your honorable body that I have approved substitute for Assembly Bills Nos. 34 and 52—An Act to amend the Political Code of the State of California

Assembly Bills Nos. 80—An Act to amend section eight hundred and eighty-two of the Penal Code, concerning the detention of witnesses

83—An Act to prohibit piece clubs, and to prevent extortion from candidates for office.

181—An Act to provide for the substitution of bonds of the City of San Luis Obispo in lieu of bonds of the Town of San Luis Obispo

201—An Act to amend section two thousand eight hundred and seventy-two of the Political Code.

236—An Act restricting the herding of sheep to certain pastures in the County of Modoc.

258—An Act to authorize the construction and maintenance of a bridge across the Sacramento River, at the Town of Colusa.

329—An act to amend an Act entitled an Act to establish and maintain a training ship in the City and County of San Francisco, approved February fifteenth, eighteen hundred and seventy-six.

335—An Act to amend section one hundred and fifty-seven of the Political Code, relative to legal distances in this State.

380—An Act to amend section three thousand nine hundred and fifty-one of the Political Code, in reference to the boundary line between the Counties of San Mateo and Alameda.

396—An Act to authorize the Board of Trustees of Zumwalt School District, in the County of Colusa, to borrow money for certain purposes, and to provide for the payment of the same.

398—An Act amendatory of an Act entitled an Act to protect agriculture and to prevent trespassing of animals upon private property in the County of San Diego, approved March twenty-fourth, eighteen hundred and seventy-six.

399—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, in relation to the collection of taxes in the County of Los Angeles.

403—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April first, eighteen hundred and seventy-six.

440—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers in Butte County.

444—An Act to provide a fund for the payment of certain indebtedness of Humboldt County.

446—An Act in relation to Swamp Land District Number Three Hundred and Seven, and legalizing certain proceedings therein.

448—An Act for the relief of Thos. Molloy, Road Overseer of Brooklyn Road District, Alameda County.

449—An Act to regulate the salary of the Road Overseer of Brooklyn Road District, Alameda County.

450—An Act relative to the appropriation of moneys by the Common Council of the City of Oakland to certain benevolent societies, out of the public funds of said city.

462—An Act amendatory of and supplementary to an Act entitled an Act appointing and empowering Chas. F. Irwin a Trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds issuing therefrom, approved March eighth, eighteen hundred and seventy-six

484—An Act to authorize the formation of a new school district out of portions of other school districts in Lake County.

487—An Act in relation to the collection of licenses in Alameda County.

489—An Act to amend an Act entitled an Act to fix the salary and bonds of the Treasurers of Fresno and Kern Counties, approved March third, eighteen hundred and seventy-four.

502—An Act to amend an Act entitled an Act to fix the compensation of the Assessor of Inyo County, approved February twenty-eighth, eighteen hundred and seventy-six

509—An Act to amend an Act entitled an Act concerning county officers of Lake County, and to regulate the salaries and fees thereof, approved March twenty-first, eighteen hundred and seventy-six.

527—An Act to authorize the Board of Supervisors of San Diego County to transfer certain funds of said county.

531—An Act authorizing the Board of Supervisors of the County of Stanislaus to provide means for the payment of certain indebtedness of said county.

WILLIAM IRWIN, Governor.

Also:

To the Assembly of the State of California

I herewith respectfully return to your honorable body Assembly Bill No. 147—entitled an Act to authorize the Board of Supervisors of the County of Plumas to refund certain taxes—without my approval.

The bill authorizes and empowers the Board of Supervisors of Plumas County to refund to the Sierra Flume and Lumber Company, out of the county treasury, three hundred and twenty-two dollars and sixty-six cents belonging to the State, and seven hundred and ninety-six dollars and seventy-nine cents belonging to the county, which sums are described as "being the amount of property taxes for the year eighteen hundred and seventy-six erroneously assessed to said company and illegally collected."

A portion of the property from which these taxes were collected is alleged not to be in Plumas County, to other portions it is alleged that the company in question lays no claim of any kind whatever. If these allegations be true—and I have no reason to suppose they are not—in the one case, the taxes should not have been collected in Plumas County: in the other, they should not have been collected from this company.

Another portion of the taxes was derived from land taken by "soldiers' additional homestead entries," which entries have been suspended by the Commissioner of the General Land Office, on account of alleged frauds in connection therewith. It is possible that the company has no property interest in these lands, during the period of the suspension of the entries, which can properly be taxed.

But there is another portion of the taxes, which was derived from lands taken by soldiers'

additional homestead entries, in which the company had an interest at the time of the assessment, that was, in my opinion, properly and legitimately the subject of taxation. The Register of the Land Office, in which the entries were made, certifies that the final receipts in the case of those entries had not been issued at the time the land was assessed. I understand that certain fees, amounting to a few dollars, have to be paid before patents will issue for lands taken by soldiers' additional homestead entries. In the case of the lands in question the last fees had not yet been paid, and, as a consequence, the final receipts, on which the parties in interest could demand patents, had not been issued.

But, as I understand, the Sierra Flume and Lumber Company had possession of and the right to the possession of the land, and could rightfully exclude everybody else from it. And, I suppose, though I cannot speak positively, that they were in such a position in relation to the land that, on the payment of the still unpaid fee of a few dollars, the United States Government would be compelled to issue patents to them for it, or rather to the soldiers, to whose rights said company had been subrogated.

It is my opinion—and in this opinion I am supported by the Attorney-General—that the said company had clearly an interest in, or right in connection with, the said lands which was taxable under our laws, though the title itself had not yet passed from the Government.

WILLIAM IRWIN, Governor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by the following vote:

AYES—Messrs. Abbott, Hart, and Johnson—3.

NOES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Brooks, Byington, Clark, Coffey, Conroy, Cooley, Dare, DeWitt, Dunnene, Dixon, Dunlap, Farnum, Forsyth, Haile, Hanna, Haworth, Hinshaw, Holloway, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pauly, Routier, Russ, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—55.

Also:

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No. 406—entitled an Act to confer additional powers upon the Board of Trustees of the City of Sacramento—without my approval.

This bill assumes to confer on the Board of Trustees of Sacramento City power, when in their judgment it shall be just, "to remit and cancel the taxes for city purposes assessed upon all that portion of Sacramento City lying south of R Street, for the year eighteen hundred and seventy-eight.

The exercise of this power would be, in my judgment, incompatible with section thirteen, Article XI, of the constitution of this State. That section reads: "Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law. but Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated."

If, as I have suggested above, the exercise by the Trustees of Sacramento City of the power proposed to be conferred on them by this bill would be incompatible with the requirement of equality and uniformity in taxation, contained in this section of the constitution, it is manifest that no such power can be conferred by the Legislature. It requires no argument to show that if the Legislature can confer on local Boards the power to remit and cancel taxes on property, all guarantee for equality in municipal and district taxation is taken away. Because this bill does attempt to confer such power on the Trustees of this city, I deem it clearly unconstitutional.

In Wilson vs. the Supervisors of Sutter County, the Supreme Court say: "The order under review, if valid, exempts from taxation certain property within the district, and exempts certain other property from a portion of the taxes charged upon it. The provisions of section thirteen, Article XI, of the Constitution, 'that taxation shall be equal and uniform throughout the State,' and that 'all property in this State shall be taxed in proportion to its value, to be ascertained as directed by law,' are applicable to taxes levied within any district in the State, and they require that where a tax is levied within any district, it shall be equal and uniform within such district, and that all property in the district shall be taxed in proportion to its value, to be ascertained as directed by law. An order which remits the taxes upon any property within the district, causes the taxation within the district to be unequal, and is virtually an exemption of such property from taxation; and, if the order remits a part of the tax on such property, the result is the same, it differing only in degree. The clause of the twentieth section of the Act above mentioned, providing that said Board, in their discretion, and for good cause shown, shall remit such other tax in said district as may to them seem

just and proper, and the order of the Board of Supervisors, purporting to remit such taxes, are, in our opinion, repugnant to the provisions of the Constitution above cited, and must be held null and void."

WILLIAM IRWIN, Governor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by the following vote:

AYES—Messrs. Johnson, Routier, and Sargent.

NOES—Messrs Abbott, Adams, Allen, Anderson, Blackwell, Blake, Brooks, Byington, Clark, Coffey, Cooley, Dale, DeWitt, Dixon, Dunlap, Farnum, Forsyth, Garver, Gildea, Gough, Haile, Hanna, Haworth, Hinshaw, Holloway, Hugg, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Wilson, Young, and Mr. Speaker—54.

INTRODUCTION OF BILLS.

By Mr. Nott—An Act for the relief of Thos. Alderson and others.

Read first and second times, and referred to the Committee on Claims.

By Mr. Mace—An Act to prevent the trespassing of animals upon private property in the County of Fresno.

Read first and second times, and ordered on the special file.

Also, Assembly Concurrent Resolution, relative to a mail route in Fresno County.

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

Title approved.

By Mr. Hart—An Act to repeal an Act entitled an Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, approved April first, eighteen hundred and seventy-six.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands

By Mr. Long—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.

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

Title approved.

By Mr. Byington—An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.

Read first and second times, and ordered on the special file.

By Mr. Abbott—An Act to amend an Act entitled an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three, approved March fourth eighteen hundred and fifty-seven.

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

Title approved.

By Mr. Russ—An Act to improve the stream known as Mad River, and its north fork, in Humboldt County, and to facilitate the driving of logs therein.

Read first and second times, and ordered on the special file.

REPORT.

By Mr. DeWitt:

MR. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No. 516—An Act to amend an Act entitled an Act concerning county offices in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four—having had the same under consideration, report the same back, and recommend its passage.

W. M. DEWITT.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 15th, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth day of March, eighteen hundred and seventy-eight, passed Senate Bill No. 509—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Also, on the ninth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 523—An Act supplementary to and amendatory of an Act entitled an Act to regulate and limit the payment of money out of the treasury of the City and County of San Francisco, approved February twenty-sixth, eighteen hundred and seventy-eight.

Also, on this day, amended and passed Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 73, above reported, referred to the Committee on Irrigation.

Senate Bill No. 523, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 509, read first and second times, and referred to the Alameda delegation.

GENERAL FILE.

On motion of Mr. Haile, the House took up Senate Bill No. 438—An Act to create Hastings' College of the Law in the University of the State of California.

Mr. Murphy of San Francisco moved to amend section four by striking out all after the word "University," in line four.

Lost

The bill was then read third time, and passed.

Title approved.

On motion of Mr. Dare, Senate Bill No. 204 was recommitted to the Committee on Claims.

At four o'clock and fifty-five minutes P. M. Mr. Murphy of San Francisco moved that the House take a recess till seven o'clock and thirty minutes P. M.

Mr. Gildea moved that the House adjourn.

Lost.

RECESS.

The question recurring upon the motion to take a recess, it was so ordered.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.
Roll called, and a quorum present.

SPECIAL FILE.

Assembly Bill No. 521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage, and to its permanent protection from overflow.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Assembly Bill No. 522—An Act to organize Levee District Number One, of Sacramento County, and to provide for its government.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Assembly Bill No. 716—An Act to prescribe the number of the members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation.

Recommitted to the Sacramento delegation.

Senate Bill No. 352—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interest, approved March sixth, eighteen hundred and sixty-eight.

Continued at the head of the file.

Assembly Bill No. 113—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco.

Substitute adopted, and Mr. Forsyth moved to amend section two by inserting between the words "month" and "and," in line four, the following words, "one Chief Engineer, at a salary of two hundred dollars per month."

Adopted.

Mr. Broderick moved to amend section five by inserting in first line, after the word "Engineer," the words, "the Assistant Chief Engineer."

Adopted.

Also, amend section nine by inserting in line two of printed bill, after the word "the," the words, "Assistant Chief Engineer and."

Adopted.

Also, amend section nine by inserting, in line sixteen of the printed bill, after the word "proper," the words, "and in the absence or inability of the Chief Engineer to act the Assistant Chief Engineer shall assume the duties of said office of Chief Engineer."

Adopted.

Also, amend section ten by inserting in line ten of the printed bill, after the word "Chief," the words, "Assistant Chief Engineer."

Adopted.

Also, amend section twenty by striking out the words, "and all other Acts."

Adopted.

On motion of Mr. Coffey, the bill was further amended to conform to the amendments already adopted.

The amendments recommended by the San Francisco delegation were adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Mr. Swift moved to suspend the rules to take up the order of Senate messages.

So ordered.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed substitute for Assembly Bill No. 183—An Act to regulate the registration of voters, and to secure the purity of elections in the City and County of San Francisco.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 183, taken up, and Senate amendments concurred in.

SPECIAL FILE RESUMED.

Senate Bill No. 269—An Act to ratify and confirm order number one thousand four hundred and four of the Board of Supervisors of the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 497—An Act to amend an Act entitled an Act to establish a Municipal Criminal Court in the City and County of San Francisco, approved March thirty-first, eighteen hundred and seventy.

Indefinitely postponed

Assembly Bill No. 9—An Act to change the grade of certain streets in the City and County of San Francisco.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 651—An Act concerning the election of Road Overseers in Marin County.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 389—An Act to prevent the trespassing of animals upon private property in the County of Yolo.

Read third time, and passed.

Title approved.

Assembly Bill No. 700—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 705—An Act to confer certain powers on the Board of Supervisors of the County of Butte.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 661—An Act to provide for the building of and

furnishing a Court-house, offices, and Jail in Napa County, and for improving the Court-house grounds.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 663—An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 665—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 667—An Act to amend an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, San Bernardino, approved February thirteenth, eighteen hundred and seventy-eight, as to Napa County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 668—An Act to authorize the Board of Supervisors of Napa County to pay certain claims.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 566—An Act to amend an Act entitled an Act to prevent the propagation of the Scotch and Canada thistle in the Counties of Humboldt, Siskiyou, Del Norte, and Alameda, approved March second, eighteen hundred and seventy-two.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 495—An Act to amend section thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-fourth, eighteen hundred and seventy-six.

Amendments adopted, rules suspended. considered engrossed, read third time, and passed

Title approved.

Assembly Bill No. 239—An Act to amend an Act entitled an Act to provide for the collection of delinquent taxes in the City and County of San Francisco, approved April third, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 264—An Act to authorize the Trustees of the Snelling School District, of Merced County, to pay the debt of said district.

Rules suspended, read third time, and passed.

Title approved.

Assembly Bill No. 713—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the

County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 715—An Act supplementary to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 737—An Act to confer additional power on the Board of Supervisors of the County of Contra Costa.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about two hundred feet north of Mission Street, to the northwest line of Mission Street, and to condemn property for the roadway of said street.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 81—An Act for the relief of Henry F. Williams, and to provide for the payment of certain moneys equitably due said Williams.

Read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. May, Blake, and Haworth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Barstow, Blackwell, Broderick, Brooks, Byington, Clark, Cooley, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Gough, Haile, Hanna, Haworth, Hicks, Hinshaw, Hugg, Johnson, Long, Mace, Mayfield, Meyers, Miller, Murphy of Del Norte, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Sherman, Smyth, Thompson, Warden, Wheat, and Young—50.

NOES—Messrs. Asmussen, Blake, Coffey, Farnum, May, McComas, Murphy of San Francisco, and Mr. Speaker—8.

Title approved.

[Speaker pro tem. in the chair.]

Assembly Bill No. 628—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Baker Street graded.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 271—An Act conferring additional powers on the Board of Supervisors, and the Auditor and Treasurer, of the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No 643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco in case of urgent necessity.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 687—An Act to refund certain moneys to the County of Mendocino.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 493—An Act to authorize and empower the Board of Supervisors of the County of San Mateo to take and subscribe to the capital stock of a railroad in said county, to be constructed from the City and County of San Francisco to the City of Santa Cruz, and to provide payment of the same, and other matters relating thereto.

Mr. Ostrom moved to pass the bill on file.

Lost.

Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. Haile, Hinshaw, and Ostrom.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Barstow, Brooks, Byington, Dinmene, Dunlap, Ellis, Farnum, Forsyth, Giffen, Gough, Griffith, Haworth, Hicks, Johnson, Long, Mayfield, McClure, Meyers, Montague, Murphy of Del Norte, Pauly, Routier, Russ, Sherman, Tubin, Warden, Whitlock, and Young—32

NOES—Messrs. Asmussen, Blackwell, Blake, Clark, Coffey, Dare, Dorsey, Haile, Hanna, Hinshaw, Hugg, May, McComas, Ostrom, Pace, Sargent, Smith, Wheat, and Mr. Speaker—19.

The bill was then ordered engrossed.

At nine o'clock and thirty-three minutes P. M. Mr. Hugg moved to adjourn.

Lost.

Senate Bill No. 97—An Act to create a new Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco.

Read third time, and passed.

Title approved.

Mr. Coffey gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Assembly Bill No. 321—An Act concerning certain property within the City and County of San Francisco.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Coffey gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Assembly Bill No. 567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 434—An Act for the relief of Klamath School District, Siskiyou County, California.

Read third time, and passed.

Title approved.

Assembly Bill No. 585—An Act supplementary to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 444—An Act to quiet title to town lots in the City of Visalia.

Read third time, and passed.
Title approved.

Assembly Bill No. 658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 361—An Act to authorize the issuance of bonds for the payment of damages for the widening and extending of Los Angeles Street, in the City of Los Angeles.

Read third time, and passed.
Title approved.

Assembly Bill No. 711—An Act in relation to the distribution of school moneys in Fresno County.

Rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 291—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Read third time, and passed.
Title approved.

Assembly Bill No. 659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Amendments adopted, rules suspended, read third time, and passed.
Title approved.

Assembly Bill No. 589—An Act to provide for a law library of the corporation known as the Oakland Law Library Association, and to secure the use of the same to the Courts held at Oakland, Alameda County, the bar, the City of Oakland, the county government, the law students of the University, and the people of the City of Oakland, and the County of Alameda.

In connection with the above bill, Mr. Dixon had permission to submit the following report:

MR. SPEAKER: The majority of your Alameda delegation, to whom was referred Assembly Bill No 589—Relative to a law library in the City of Oakland—beg leave to report the same back, with the recommendation that it do not pass.

DIXON,
McCLURE, } For Delegation.

Mr. Dixon then moved the indefinite postponement of the bill.
Adopted.

Assembly Bill No. 662—An Act relative to the powers and duties of the Sheriff of Alameda County, in the matter of attachments of property in said county.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.
Title approved.

Senate Bill No. 364—An Act to provide compensation for the Township Assessor of the Township of Oakland, County of Alameda.

Amendments adopted, read third time, and passed.
Title approved.
Assembly Bill No. 735—An Act to repeal an Act entitled an Act to authorize Isaac Bluxome to remove from his private property, on the Rancho de Mercelacon, in Sonoma County, State of California, certain dead bodies, to a public graveyard, approved March thirtieth, eighteen hundred and seventy-two.
Rules suspended, considered engrossed, read third time, and passed.
Title approved.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Dixon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 16th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
One day's leave of absence was granted to Messrs. Meyers, Thompson, Wheat, and Miller, and temporary leave to the San Francisco delegation.
Mr. Anderson arose to a question of privilege, relative to the withdrawal of Assembly Bill No. 36, by its author, Mr. Young.
Mr. Young also arose to a question of privilege, relative to the same bill.

PETITIONS.

By Mr. Long—From citizens of Mendocino County, against a reduction on telegraph lines.
Referred to the Judiciary Committee.
By Mr. Johnson—From citizens of this State, relative to a repeal of the so-called specific contract law.
Placed on the table.

RESOLUTIONS.

By Mr. Haile, for the Committee on Education:

WHEREAS, The large increase in attendance upon the State Normal School, and the pressure of wants arising from the rapid growth of said institution, necessitate an increased expenditure to provide an adequate corps of teachers, and proper equipment of its several departments; therefore,

Resolved, By your Committee on Education, that in their judgment, the sum asked for by the Trustees of the California State Normal School, for the next two years, viz., sixty-six thousand six hundred dollars, is actually needed, and should be granted by the Legislature.

HAILE, Chairman.

WHEREAS, The speedy development of the Agricultural, and Mechanical, and Mining Departments of the University of California is of great importance to the State; and whereas, the

present equipment of those departments of the University is altogether insufficient; therefore,

Resolved, That it is the opinion of your Committee on Education, that the sum of ten thousand dollars should be appropriated to each of said departments of the University, to be expended in the proper equipment and development of the same.

HAILE, Chairman.

Each of the above resolutions referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER. Your Committee on Claims, to whom was re-referred Senate Bill No. 204—An Act to pay the claim of Mary M. Springer, widow and heir of Thomas A. Springer, late State Printer, deceased—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

OSTROM, Chairman.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No 73—entitled an Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno—have had the same under consideration, and report it back, with the recommendation that the House concur in the Senate amendments.

EWING, Chairman.

On motion of Mr. Ewing, the rules were suspended and Assembly Bill No. 73, above reported, taken up, and Senate amendments concurred in.

By Mr. McComas:

MR. SPEAKER: The Committee on Agriculture, to whom was re-referred Assembly Bill No. 523—An Act making an appropriation for the benefit of the Southern California Horticultural Society—have had the same under consideration, and herewith report it back, recommending that it do not pass.

McCOMAS, for Committee.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, March 16th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, substitute for Assembly Bill No. 22—An Act to provide for the completion of the Branch State Prison at Folsom.

Also, Assembly Joint Resolution No. 41—Relative to restoration of railroad lands to the public domain.

Also, Assembly Joint Resolution No. 65—Relative to constructing a breakwater or sea-wall in the Harbor of Santa Barbara.

BROOKS, for Committee.

REPORTS OF SELECT COMMITTEES.

By Mr. Warden:

ASSEMBLY CHAMBER,
SACRAMENTO, March 15th, 1878

MR. SPEAKER Your delegation, to whom was referred Assembly Bill No. 732—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six, also, Assembly Bill No 733—An Act in relation to the fees to be received by the County Recorder of San Luis Obispo County: also, Assembly Bill No 731—An Act supplemental to an Act fixing the salaries and compensations of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report them back, with the recommendation that they pass.

LEW. M. WARDEN, Chairman.

By Mr. Haile—An Act to provide for the relief of schools in the flooded districts.

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

Title approved.

By Mr. Johnson—An Act for the better collection of water-rates in the City of Sacramento.

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

Title approved.

By Mr. Ostrom—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four.

Read first and second times, and referred to the Yuba delegation.

By Mr. Pace—An Act in relation to juries in Justices' Courts, and witnesses in Courts of record, in the County of Santa Cruz.

Also, an Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.

Each of the above bills read first and second times, and referred to the Santa Cruz delegation.

By Mr. Ewing—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, and to transfer certain rights conferred thereby.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Anderson—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relating to condemnation of lands for public purposes.

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

By Mr. DeWitt—An Act to provide for the distribution of school moneys in the County of Yolo.

On motion of Mr. DeWitt, the Clerk was instructed to insert the enacting clause, the bill read first and second times, and referred to the Committee on Education, with instructions to report on Tuesday next.

By Mr. Dorsey—An Act to amend sections one thousand nine hundred and thirteen, one thousand nine hundred and sixty-two, and one thousand nine hundred and sixty-nine of the Political Code, and to add a new section thereto, and to amend section thirty-eight of an Act entitled an Act to amend the Political Code of the State of California, and other Acts concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Warden—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

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

Also, an Act in relation to the roads and streets within the City of San Luis Obispo.

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

By Mr. Nott—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years.

Read first and second times, and made the special order for Tuesday next, immediately after the reading of the Journal, to take precedence of all other special orders.

By Mr. Johnson—An Act to authorize the Auditor of the County of Sacramento to draw a warrant, and the Treasurer of the County of Sacramento to pay said warrant to J. D. Woods, late Sheriff and ex officio Tax Collector of said county, for county license blanks lost.

Read first and second times, and referred to the Sacramento delegation.

Mr. Pace had leave to withdraw Assembly Bill No. 689.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 16th, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration Senate Bill No. 234—An Act relative to advances bona fide made to agents intrusted with goods, and for the better protection of such advances—report the same back, and recommend the passage thereof.

Also, substitute for Senate Bills Nos. 109 and 293—An Act to amend the Civil Code, concerning the mortgage of growing crops—and recommend passage thereof.

Also, substitute for Senate Bill No. 365—An Act to provide for the issuance of certain bonds by the County of Alameda, and for the payment of the same—and recommend passage of said substitute for the substitute.

Also, Senate Bill No. 366—An Act to change the corporate name of the "Mission Street Methodist Episcopal Church," in the City and County of San Francisco—report the same with a substitute—An Act to amend section one thousand two hundred and seventy-six of the Code of Civil Procedure, relating to change of name of persons and corporations—and recommend passage of said substitute.

Also, Senate Bill No. 407—An Act to amend the Code of Civil Procedure—and recommend passage as amended.

Also, Senate Bill No. 429—An Act to amend section three thousand eight hundred and eighty-one of the Political Code—and recommend that it do not pass.

Also, Senate Bill No. 318—An Act to amend section three hundred and seventy-two of the Code of Civil Procedure—and recommend the passage thereof.

Also, Senate Bill No. 455—An Act creating the Twenty-third Judicial District, and defining the Third and Twelfth Districts—and recommend the passage thereof, and that it be placed next above Assembly Bill No. 365 on the file.

Also, substitute for Senate Bill No. 142—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-five, three hundred and ninety-six, and three hundred and ninety-seven of the Code of Civil Procedure—recommend that the sections amendatory of sections three hundred and ninety-two and three hundred and ninety-six be stricken out, the sections of the bill renumbered to conform to said action, the title amended, and the bill passed as thus amended.

Also, Senate Bill No. 284—An Act to amend section two thousand two hundred and seventy-four of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 654—An Act to amend section five hundred and fifty-two of the Civil Code, relative to the rights of purchasers of water for irrigation purposes—and recommend the passage thereof.

Also, Senate Bill No. 333—An Act to amend section three thousand seven hundred and forty-seven of the Political Code, with amendments, and recommend passage as amended.

Also, Senate Bill No. 278—An Act to amend section nine hundred of the Penal Code, relative to challenges to individual grand jurors—and recommend that it do not pass.

Also, Senate Bill No. 170—An Act to amend section eight hundred and eighty-three of the Code of Civil Procedure—and recommend that it do not pass.

W. F. ANDERSON, Chairman.

By Mr. Farnum:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 509—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer, approved

March twenty-third, eighteen hundred and seventy-four—have had the same under consideration, and report the same back, and recommend its passage.

FARNUM, for the Delegation.

Indefinite leave of absence was granted to Messrs. Dare and Smyth.

By Mr. Mayfield:

MR. SPEAKER: The Napa delegation, to whom was referred Assembly Bills Nos. 664 and 666, having had the same under consideration, beg leave to report them back, with the recommendation that they do pass.

MAYFIELD, for Delegation.

By Mr. Moffat:

MR. SPEAKER: The Inyo delegation, to whom was referred Senate Bill No. 376—entitled an Act for the relief of J. F. Dillon, Assessor of Inyo County—having considered the same, report it back, and recommend its passage.

MOFFAT, Delegation.

RESOLUTIONS.

By Mr. Nealley:

Resolved, That the Enrolling Clerk be and he is hereby authorized to amend Assembly Bill No. 122, section sixty-six, by striking out the figures sixty-five wherever they occur in said section, and insert in lieu thereof the figures sixty-four, also, to further amend sixty-six by striking out the figures sixty-seven and inserting sixty-six.

Adopted.

By Mr. Dorsey:

Resolved, That the Clerk prepare, and the State Printer print, a complete history of each Assembly Bill that has been introduced.

Referred to the Committee on Contingent Expenses.

By Mr. Moffat:

Resolved, That the Assistant Journal Clerk be allowed the same per diem as is allowed the Assistant Clerks at the desk, said pay to date from February fifteenth, eighteen hundred and seventy-eight, to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Employés and Attachés.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 16th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 338—An Act to establish and open Montgomery Street South, in the City and County of San Francisco, and to take private lands therefor.

Senate Bill No. 457—An Act to amend an Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, approved March thirtieth, eighteen hundred and sixty-eight.

Senate Bill No. 480—An Act to regulate the traveling fees of the Sheriffs of the Counties of Kern and Tulare, and to repeal certain Acts therein mentioned.

Senate Bill No. 211—An Act for the relief of the Oakland Guard, of Oakland City.

Senate Bill No. 383—An Act to prevent the destruction of fish in King's River.

Senate Bill No. 412—An Act concerning the macadamizing, etc., of Tyler Street from Market Street, and to prohibit the laying down of railroad tracks thereon.

Senate Bill No. 435—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages.

Senate Bill No. 454—An Act to establish a Board of Health for the County of Tulare.

Senate Bill No. 456—An Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Senate Bill No. 478—An Act to provide funds for the School Department for the Town of Alameda.

Senate Bill No. 505—An Act to prevent the destruction of deer on Monte Diablo, in Contra Costa County.

Senate Bill No. 506—An Act to prohibit the destruction of fish in San Leandro Creek, in Alameda County.

And, on the eleventh of March, eighteen hundred and seventy-eight, passed Senate Bill No. 419—An Act amendatory of section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California.

Substitute for Senate Bill No. 155—An Act to amend the Civil Code, and repeal certain Acts, relative to insurance.

Senate Bill No. 442—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure of the State of California

Senate Bill No. 462—An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers.

Senate Bill No. 425—An Act providing for the payment of certain salaries out of the special Fee Fund of the City and County of San Francisco

Senate Bill No. 473—An Act to amend section four hundred and seventy-three of the Civil Code.

Senate Bill No. 351—An Act to authorize the City of Oakland to pay the sum of fifteen thousand dollars for the bridge heretofore constructed across the Estuary of San Antonio, between Eighth Street and East Ninth Street.

Senate Bill No. 219—An Act to provide a new Great Register for the County of Yolo, and re-register the voters thereof.

Substitute for Senate Bills Nos. 153, 156, and 295, and for section four hundred and fifty-three in section three of Senate Bill No. 155—An Act to amend the Political Code, in relation to insurance.

Substitute for Senate Bill No. 148—An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code.

Substitute for Senate Bill No. 154—An Act to amend the Civil Code, relative to insurance.

Senate Bill No. 203—An Act to provide for the extension of Tehama Street, in the City and County of San Francisco.

Senate Bill No. 313—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Senate *Joint Resolution No. 44—Relating to swamp and overflowed lands.*

And, on the ninth of March, passed Senate Bill No. 492—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northerly line of Mission Street, and to condemn property for the roadway of said street

And, on the twelfth of March, passed Senate Bill No. 503—An Act to amend Chapter I, Title XV, of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Substitute for Senate Bill No 140—An Act to amend an Act entitled an Act for the appointment of Inspector of Stationery Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco, approved March twenty-seventh, eighteen hundred and seventy-six.

Senate Bill No. 14—An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.

Senate Bill No. 369—An Act for the protection of the public roads on Sherman Island.

Senate Bill No. 530—An Act to amend an Act entitled an Act in relation to highways in the County of Solano, approved March sixteenth, eighteen hundred and seventy-six.

Senate Bill No. 532—An Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners

And, on the fifteenth of March, passed Senate Bill No. 577—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Substitute for Senate Bill No. 508—An Act to enable the City of Oakland to acquire and maintain public water-works.

Substitute for Senate Bill No 569—An Act to authorize the Board of Supervisors of Alameda County to establish a Receiving Hospital in the City of Oakland.

Assembly Bill No. 376—An Act to provide for the improvement of the public roads in the County of Mono.

Amended and passed Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.

And, passed Assembly Bill No. 644—An Act to authorize the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction, and to provide for the payment of the same.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 500, taken up, and the House refused to concur in Senate amendment.

Senate Bill No. 492, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 503, read first and second times, and referred to the Committee on Fish and Game.

Senate Bill No. 140, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 14, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 369, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 530, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Title approved.

RECESS.

Pending consideration of the message, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Coffey moved that his motion to reconsider the votes by which Assembly Bill No. 321 and Senate Bill No. 97 were passed be made special orders for Tuesday next, at three o'clock P. M.

Mr. Dorsey had leave to withdraw Assembly Bill No. 761.

Indefinite leave of absence was granted to Messrs. Breen and Connolly.

ADJOURNMENT.

At one o'clock and six minutes P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 18th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

Journal of Saturday, March sixteenth, read and approved.

Three days' leave of absence was granted to Mr. Abbott, and one day's leave to all absentees.

Mr. Tuttle submitted a minority report from the Committee on Education on Senate Bill No. 309, which report was ordered printed.

[Mr. Tuttle in the chair.]

PETITION.

By Mr. Berry—From citizens of Sutter County, relative to Assembly Bill No. 581.

Referred to the Special Committee on Canal.

REPORTS OF STANDING COMMITTEES.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 565—An Act for the relief of bondsmen herein named—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 501—An Act to confer further powers upon the New City Hall Commissioners for the City and County of San Francisco—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 305—An Act authorizing certain appropriations of money by the Board of Supervisors of the City and County of San Francisco—report the same, and recommend that it do pass. Eighteen members present and voting.

The delegation further ask that the rules be suspended for the purpose of considering the foregoing bills at once.

Also, report Assembly Bill No. 479—An Act to authorize the Board of Supervisors of the City and County of San Francisco to widen City Hall Avenue, in said city and county, and form the same into a public square, to be known and designated as City Hall Square, and to condemn property for the said square, and for other purposes—and recommend that the author have leave to withdraw the same.

Also, Senate substitute for Senate Bill No. 200—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof—report the same with a substitute, entitled "an Act concerning the police force of San Francisco, to increase its numbers and efficiency, and to regulate its government," and a majority recommend that the substitute do pass. Eighteen members present and voting; ten ayes, eight noes.

J. V. COFFEY, Chairman.

[Speaker in the chair.]

Senate Bills Nos. 565, 501, and 305, above reported, taken up, under suspension of rules, each read third time, and passed.

Titles approved.

By Mr. Montague:

ASSEMBLY CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 424—An Act to amend sections three and four of an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

Mr. Montague also submitted a verbal report on Senate Bill No. 56, recommending its reference to San Francisco delegation.

So referred.

INTRODUCTION OF BILLS.

By Mr. Holloway—An Act making appropriations for benevolent societies in the County of Los Angeles.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Barstow—An Act to add a new section to the Civil Code, to be known as section six hundred and two.

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

By Mr. Adams—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg School District, in Fresno County.

Read first and second times, and referred to the Tulare and Fresno delegations.

By Mr. Mayfield—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, amended by an Act approved March twenty-ninth, eighteen hundred and seventy-six.

Also, an Act supplemental to and amendatory of an Act entitled an Act to re-incorporate the Town of St. Helena, approved March twenty-fourth, eighteen hundred and seventy-six.

Read first and second times, and referred to the Napa delegation.

By Mr. Dorsey—An Act to establish reasonable rates of charges for the transportation of freights and passengers on the different railroads of this State.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Swift (by request)—An Act to amend sections two hundred and seventy-six, two hundred and eighty, and two hundred and eighty-one of the Code of Civil Procedure.

Also (by request), an Act to add another section to the Penal Code, to prohibit persons from practicing law without a license from the Supreme Court.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

CONSIDERATION OF SENATE MESSAGES.

The House resumed consideration of Senate messages, pending discussion of which the House adjourned on March sixteenth.

Senate Bills Nos. 338, 412, 425, and 203, each read first and second times, and referred to the San Francisco delegation.

Substitute for Senate Bill No. 569, read first and second times, and referred to the Committee on Hospitals.

Substitute for Senate Bills Nos. 153, 156, and 295, and for section four hundred and fifty-three in section three of Senate Bill No. 155, read first and second times, and referred to the Committee on Corporations.

Senate Bill No 577, read first and second times, and referred to the State Prison Committee.

Senate Bills Nos. 508, 478, 351, and 313, each read first and second times, and referred to the Alameda delegation.

Senate Bill No. 457, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 480, read first and second times, and referred to the Kern and Tulare delegations.

Senate Bill No. 211, read first and second times and referred to the Committee on Claims.

Senate Bills Nos. 383, 505, 532, and 506, each read first and second times, and referred to the Committee on Fish and Game.

Senate Bills Nos. 435, 419, 442, and 473, each read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 454, read first and second times, and referred to the Tulare delegation.

Senate Bill No. 456, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No 462, read first and second times, and referred to the Committee on Ways and Means.

Senate Bills Nos. 155, 148, and 154, each read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 219, read first and second times, and referred to the Yolo delegation.

Senate Joint Resolution No. 44, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

REPORT.

By Mr. Haile:

MR. SPEAKER: The delegations from Yolo, Solano, Sacramento, San Joaquin, Sutter, and Colusa, to whom was referred Assembly Bill No. 581—An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

HAILE, for the Delegations.

On motion of Mr. Haile, the usual number of copies of Assembly Bill No. 581, above reported, was ordered printed as amended.

RESOLUTION.

By Mr. Forsyth:

Resolved, That John Ireland be and he is hereby appointed a Porter for the Judiciary Committee rooms, to fill the vacancy caused by the death of James P. Glennon, at the same per diem per day.

Referred to the Committee on Employés and Attachés.

By Mr. Barstow—Assembly Concurrent Resolution, against subsidizing the Texas Pacific Railroad.

Referred to the Committee on Federal Relations.

On motion of Mr. Coffey, the memorial in relation to Senate Bill No. 297 was ordered printed.

On motion of Mr. Blackwell, five hundred copies of the testimony taken by the Mining Debris Committee was ordered printed immediately.

GENERAL FILE.

Substitute for Assembly Bill No. 22—An Act to provide for the completion of the Branch State Prison at Folsom.

Made special order for Wednesday next, immediately after the reading of the Journal.

Senate Bill No. 176—An Act supplemental to and amendatory of an Act entitled an Act to regulate the practice of medicine in the State of California, approved April third, eighteen hundred and seventy-six.

Mr. Barstow moved to amend as follows: Amend section two by adding, after the word "California," the following: "The California Medical Association, the San Francisco Medical Benevolent Society, the California State Medical Society of Homeopathic Practitioners."

RECESS.

Pending discussion of the amendment, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

RESOLUTION.

Mr. Johnson introduced the following resolution, by consent, out of order:

Resolved, That the Engrossing Committee be authorized to report Assembly Bill No. 754—An Act to provide for the better collection of water-rates in the City of Sacramento.

GENERAL FILE RESUMED.

The consideration of Senate Bill No. 176 was then resumed, the question being on the amendment offered by Mr. Barstow.

Amendment lost.

Previous question was moved by Messrs. Farnum, Murphy of San Francisco, and Wilson.

Motion put, and no quorum voting, the ayes and noes were demanded by Messrs. Farnum, Routier, and Murphy of San Francisco

Roll called, and motion lost by the following vote:

AYES—Messrs. Allen, Brooks, Byington, Dorsey, Dunlap, Ewing, Farnum, Garver, Haile, Johnson, Kercheval, McComas, Montague, Murphy of San Francisco, Pace, Routier, Sargent, Sherman, Thompson, Wheat, Whitlock, and Wilson—22.

NOES—Messrs. Adams, Ames, Barstow, Blake, Broderick, Clark, Coffey, Cooley, Forsyth, Gildea, Hanna, Hart, Haworth, Hinshaw, Holloway, Hugg, Long, Mace, May, Mayfield, Nealley, Ostrom, Pauly, Robertson, Russ, Tuttle, Walden, Waters, Welch, Young, and Mr. Speaker—31.

REPORT.

By Mr. Young (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 754—An Act to provide for the better collection of water-rates in the City of Sacramento.

YOUNG, Chairman.

GENERAL FILE RESUMED.

Mr. Barstow offered the following amendments: Amend section two by inserting in line seventeen, after the word "graduates," the words "or licentiates."

Lost.

Also, amend section two by striking out all after the word "existing," in line twenty-one, and down to and including the word "societies," in line twenty-three.

Lost.

Also, amend section seven, by adding thereto the following: "Any member or officer of such Board of Medical Examiners who shall refuse or neglect to perform any of the duties required of him by law, as such member or officer, shall be deemed guilty of misdemeanor, and shall be subject to a fine of one hundred dollars, or to imprisonment in the common jail not exceeding thirty days, or to

both such fine and imprisonment, and be thereafter debarred from serving on such Board, either as member or officer; and any society authorized by this Act, or the Act to which this Act is amendatory and supplemental to, to appoint such a Board, and which shall neglect so to appoint, shall be debarred from exercising the privileges and powers conferred by this Act, and by the Act to which this Act is amendatory and supplemental.

Lost.

Also, amend section four, by inserting after the word "conduct," in line four, the following: "And unprofessional conduct, within the meaning of this Act, shall consist of such conduct as would render the practitioner subject to punishment upon conviction before a Court of competent jurisdiction, or such as shows a want of ordinary reasonable skill and care in the practice of his profession."

Lost.

Also, amend section five by inserting, after the word "emergency," in line ten, the following: "Or to any person who commenced the practice of his profession in this State, not less than fifteen years ago; but such person must file with the County Clerk an affidavit, sworn to before some person authorized to administer oaths, and sealed with the seal of such officer, if he have a seal, stating that the affiant is the lawful holder of a diploma or license; that it was procured after a regular course of medical study, and without fraud or misrepresentation of any kind; and the County Clerk shall issue to such applicant, upon the payment of a fee of five dollars, a certificate which shall entitle the applicant named therein to practice his profession within the State of California."

Lost.

Read third time, and passed.

Title approved.

Assembly Bill No. 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

[Mr. Waters in the chair.]

Mr. Anderson moved that the House do not concur in the Senate amendment.

So ordered.

Assembly Bill No. 241—An Act to regulate the rate of interest in the State of California.

Refused engrossment.

Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes.

Moved, by Mr. Pauly, that the bill be made the special order for Thursday, at one o'clock P. M.

So ordered.

Senate Bill No. 108—An Act to amend section forty of the Civil Code.

Bill passed.

Title approved.

Senate Bill No. 114—An Act to amend section one thousand seven hundred and forty-six of the Political Code.

Mr. Young moved to amend as follows: Amend by striking out what follows after the word "State," in the last line of the printed

copy, and insert the following: "Certificate for at least a year, or a first grade city or county certificate for at least five years."

Adopted.

Bill passed.

Title approved.

Senate Bill No. 263—An Act to provide for the appointment of a Reporter of the decisions of the Supreme Court.

Ayes and noes demanded by Messrs. Johnson, Farnum, and Hugg.

Roll called, and bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Barstow, Blackwell, Broderick, Byington, Clark, Coffey, Cooley, DeWitt, Dorsey, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Hart, Haworth, Hinshaw, Holloway, Hugg, Long, Mace, Mayfield, Montague, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Thompson, Tuttle, Warden, Waters, Wheat, Young, and Mr. Speaker—39.

NOES—Messrs. Allen, Blake, Brooks, Farnum, Hanna, Johnson, Kercheval, May, McComas, Murphy of San Francisco, Pauly, Russ, Swift, Welch, and Whitlock—15.

Title approved.

Mr. Pauly gave notice that he would, on to-morrow, move a reconsideration of the vote by which the bill was passed.

INTRODUCTION OF BILLS.

By Mr. Gildea—An Act to authorize the State Board of Examiners to allow certain claims against the State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Tuttle—An Act to require fire insurance companies to deposit bonds with the State.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Anderson—An Act to authorize the Mayor and Common Council of the City of Santa Rosa, County of Sonoma, to submit to the electors of said city the proposition for said city to subscribe to the capital stock of the Santa Rosa and Sonoma Valley Railway Company.

Also, an Act to authorize the Board of Supervisors of Sonoma County to submit to the electors of Sonoma Township the proposition to subscribe to the capital stock of a railway company, to be known as the Santa Rosa and Sonoma Valley Railway Company.

Each of the above bills read first and second times, and referred to the Committee on Corporations.

By Mr. Farnum—An Act to appropriate money for the relief of the Oakland Benevolent Society.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Brooks—An Act to supply the Town of Oroville with water for fire purposes.

Read first and second times, and ordered on the special file.

GENERAL FILE RESUMED.

Assembly Bill No. 91—An Act to provide for the payment of certain outstanding bonds of the State of California.

Indefinitely postponed, and Mr. Johnson gave notice that, on

to-morrow, he would move a reconsideration of the vote by which the bill was indefinitely postponed.

Assembly Bill No. 42—An Act to amend section three thousand four hundred and seventy-one of the Political Code.

Rules suspended, considered engrossed, read third time, and, on motion of Mr. Hart, passed on file.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

No. 122—An Act in relation to roads and highways in the County of Butte.

And the same was, this eighteenth day of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Also:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.

No. 596—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment.

No. 318—An Act amendatory of and supplemental to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six.

No. 300—An Act to promote the sanitary condition of towns and villages.

No. 373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

No. 503—An Act to amend an Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said counties.

Substitute for Assembly Bill No. 183—An Act to regulate the registration of voters and to secure the purity of elections in the City and County of San Francisco.

Assembly Joint Resolution No. 45—Relative to soldiers in California before gold was discovered.

And were, Saturday, March sixteenth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

INTRODUCTION OF BILLS.

By Mr. Young—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act supplemental to said Act, entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Coffey—An Act to amend section three hundred and seventy-six of the Code of Civil Procedure, prescribing who may sue for injury and death of child.

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

GENERAL FILE RESUMED.

Assembly Bill No. 514—An Act to appropriate money for the relief of Elizabeth J. Wimmer.

Mr. Holloway moved to amend section one by striking out "two hundred and fifty" and inserting "one hundred."

Pending discussion, on motion of Mr. Berry, the bill was indefinitely postponed.

Assembly Bill No. 217—An Act for the relief of R. M. Wilson.

Passed on file.

Assembly Bill No. 157—An Act to provide for the payment of certain outstanding Indian war bonds, issued by the State of California under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Withdrawn.

Assembly Bill No. 294—An Act to amend section two hundred and eighty-seven of the Civil Code, in reference to the formation of corporations.

[Speaker in the chair.]

Indefinitely postponed.

Assembly Bill No. 486—An Act concerning gas companies.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Assembly Bill No. 506—An Act to amend section three hundred and twenty-two of the Civil Code, in reference to the liabilities of stockholders of corporations.

Passed on file.

Senate Bill No. 224—An Act to amend section three thousand three hundred and eighty-two of the Political Code, by removing taxation from the manufactured products of wheat.

Indefinitely postponed.

Senate Bill No. 317—An Act to confirm the title to certain property on the water front in the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 29—An Act to give relief to unemployed workingmen of California.

Passed on file.

Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the costs of certain criminal cases.

Indefinitely postponed, and Mr. Nott gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

Senate Bill No. 260—An Act to amend sections one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine of the Code of Civil Procedure.

Recommitted to the Judiciary Committee.

Assembly Bill No. 557—An Act for the relief of Mrs. T. M. Logan.

Indefinitely postponed.

Assembly Bill No. 550—An Act to amend section three thousand seven hundred and eighty of the Political Code, in relation to the redemption of property sold for taxes.

Amendments adopted, and Mr. Ostrom moved to amend by adding a new section thereto.

Adopted.

The bill was then ordered engrossed.

Assembly Bill No. 537—An Act continuing the appropriation for the relief of J. W. Marshall.

Passed on file.

Assembly Bill No. 600—An Act to protect stockholders in corporations in this State, by stopping their officers from depositing the corporation funds in bank to their individual credit.

[Mr. Tuttle in the chair.]

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 31—An Act to amend sections six hundred and sixty-seven and six hundred and eighty-two of the Code of Civil Procedure, and thereby to repeal the so-called specific contract law.

Passed on file.

Assembly Bill No. 507—An Act to provide for the better protection of depositors in savings banks.

Passed on file.

Senate Bill No. 455—An Act creating the Twenty-third Judicial District, and defining the Third and Twelfth Districts; and Assembly Bill No. 365—An Act to divide the Third Judicial District, and to create therefrom the Twenty-third Judicial District—made special orders for Wednesday next, immediately after the reading of the Journal.

Assembly Bill No. 44—An Act to amend certain sections of the Code of Civil Procedure.

Passed on file.

Assembly Bill No 342—An Act to authorize R. C. Ball to sue the State of California for pay for services as architect of the Branch State Prison at Folsom.

Mr. Anderson moved to amend, in section one, so that the suit shall be brought in the Sixth Judicial District, in the City of Sacramento.

Adopted.

Mr. Swift moved the reference of the bill to the Committee on Claims.

Pending discussion, at five o'clock and fifteen minutes P. M., Mr. Nott moved to adjourn.

Lost.

The question recurring upon the motion to refer to the Committee on Claims, the ayes and noes having been demanded by the requisite number, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Byington, Clark, Coffey, Garver, Gildea, Hart, Johnson, Mace, Mayfield, Nott, Ostrom, Robertson, Routier, Thompson, Tuttle, Whitlock, and Mr. Speaker—18.

NOES—Messrs. Allen, Anderson, Blake, Brooks, Cooley, Dixon, Dunlap, Ewing, Farnum, Hale, Hanna, Haworth, Hinshaw, Holloway, Hugg, Kercheval, Long, McComas, Montague, Murphy of San Francisco, Nealley, Pauly, Russ, Swift, Waters, Wheat, Wilson, and Young—28.

RESOLUTION.

By Mr. Johnson—Assembly Joint Resolution, relative to return of Senate Bill No. 476 by the Enrolling Clerk of the Senate.

Adopted.

Mr. Johnson moved that Assembly Bill No. 538 be referred to the Committee on Mines, Mining, and Agriculture.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Berry, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 19th, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

SPECIAL ORDER.

Assembly Bill No. 764—An Act making appropriations for the support of the Government of the State of California, for the thirtieth and thirty-first fiscal years.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose temporarily, and Mr. Johnson had leave to offer the following resolution:

Resolved, That the Senate be requested to return to the Assembly Senate Bill No 476—An Act to amend an Act entitled an Act for the improvement of the streets of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six, for amendment.

Adopted.

REPORT.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 751—An Act to amend an Act entitled an Act to amend an Act to incorporate the City of Monterey, approved March fourth, eighteen hundred and fifty-seven.

521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage, and to its permanent protection from overflow.

Assembly Joint Resolution No. 67—Relative to a weekly mail route from the county seat of Fresno County, via Liberty, to Waltham Cañon, in Fresno County.

Assembly Bills Nos. 522—An Act to organize Levee District Number One, of Sacramento County, and to provide for its government.

748—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.

113—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco, and to repeal all other Acts relating to said Fire Department.

9—An Act to change the grades of certain streets in the City and County of San Francisco.

651—An Act to provide for the election of Road Overseers in Marin County.

700—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.

705—An Act to confer certain powers on the Board of Supervisors of the County of Butte.

661—An Act to provide for the building of and furnishing a Court-house, offices, and Jail in Napa County, and for the improving the Court-house grounds.

663—An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.

665—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensa-

tion of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

667—An Act to amend an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the Counties of Los Angeles, Napa, Merced, and San Bernardino, approved February thirteenth, eighteen hundred and seventy-eight, as to Napa County.

668—An Act to authorize the Board of Supervisors of Napa County to pay certain claims.

Substitute for Assembly Bill 566—An Act to amend an Act entitled an Act to prevent the propagation of the Scotch or Canada thistle in the Counties of Humboldt, Siskiyou, Del Norte, Sutter, and Alameda, approved March second, eighteen hundred and seventy-two.

495—An Act to amend sections thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also, to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy six.

239—An Act to amend an Act entitled an Act to provide for the collection of delinquent taxes in the City and County of San Francisco, approved April third, eighteen hundred and seventy-six.

713—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.

715—An Act supplementary to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-four, eighteen hundred and seventy-eight.

737—An Act to confer additional powers on the Board of Supervisors of the County of Contra Costa.

545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwesterly line of Mission Street, and to condemn property for the roadway of said street.

628—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Baker Street graded.

643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco, in case of urgent necessity.

687—An Act to refund certain moneys to the County of Mendocino.

493—An Act to authorize and empower the Board of Supervisors of the County of San Mateo to take and subscribe to the capital stock of a railroad, in said county, to be constructed from the City and County of San Francisco to the City of Santa Cruz, and to provide payment for the same, and other matters relating thereto.

567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

585—An Act supplementary to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin

711—An Act in relation to distribution of school moneys in Fresno County.

659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

662—An Act relative to the powers and duties of the Sheriff of Alameda County, in the matter of attachments of property in said county.

735—An Act to repeal an Act entitled an Act to authorize Isaac Bluxome to remove from his private property on the Rancho de Mercelacon, in Sonoma County, State of California, certain dead bodies, to a public graveyard, approved March thirtieth, eighteen hundred and seventy-two.

DINNIENE, for Committee.

SPECIAL ORDER RESUMED.

House now resolved itself into Committee of the Whole to consider Assembly Bill No. 764.

[Speaker in the chair.]

The committee arose, and reported progress.

IN ASSEMBLY.

[Speaker in the chair.]

Mr. Tuttle moved that the hour of recess be temporarily postponed.

RECESS.

Pending discussion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

On motion of Mr. Tuttle, Assembly Bill No. 315 was made special order for to-morrow, immediately after the reading of the Journal.

Mr. Hugg made a verbal report on Senate Bill No. 567, recommending its passage, and, on his motion, the rules were suspended, the bill read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Gildea—An Act to regulate the boxing, stamping, and sale of cigars made in the State of California.

Read first and second times, and referred to the Judiciary Committee, and the usual number of copies were ordered printed.

REPORTS.

By Mr. Cooley:

MR. SPEAKER: The Sonoma delegation, to which was referred Senate Bill No. 457, having had the same under consideration, beg leave to report it back, and recommend its passage.

COOLEY, for Delegation.

Senate Bill No. 457, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Adams:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: Your delegation, to whom was referred Assembly Bill No. 768, Senate Bills Nos. 454 and 480—An Act to attach a portion of King's River School District, in Tulare County, to Kingsburg District, in Fresno County; also, an Act to establish a Board of Health for the County of Tulare; also, an Act to regulate the traveling fees of the Sheriff of the Counties of Kern and Tulare, and to repeal certain Acts therein mentioned—have had the same under consideration, and report them back, with recommendation that they do pass.

ADAMS, Delegation.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred an Act to amend section three hundred and four of the Penal Code, in relation to the sale of liquors on the public highways, and to also add a new section to the Penal Code, in reference to the impounding of animals, have had the same under consideration, and report it back with amendment, and recommend its passage as amended.

ADAMS, Chairman.

On motion of Mr. Johnson, the special order for this hour was temporarily postponed.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: The majority of your Committee on Agriculture and Mines and Mining Interests, to whom was referred Assembly Bill No. 706—An Act to preserve the water channels of this State, and to prevent the filling up of the streams, rivers, and bays of this State with

tailings and debris from hydraulic mines—report the same back, and recommend that it do not pass.

HAILE, Chairman,
WHEAT,
DUNLAP,
BLACKWELL,
HUGG,
BYINGTON,
WILSON.

By Mr. Pace:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bills Nos. 740 and 756, having considered the same, respectfully report the same back, and recommend their passage.

GEO. PACE, Delegation.

On motion of Mr. Dunlap, Senate Bill No. 204—An Act to pay the claim of Mary A Springer, widow and heir of Thomas A. Springer, late State Printer, deceased—was taken up.

Considered in Committee of the Whole.

[Mr. Tuttle in the chair.]

The committee arose, and reported the bill back, recommending the adoption of the substitute, and the passage of the substitute.

IN ASSEMBLY.

[Mr. Tuttle in the chair.]

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

On motion of Mr. Haile, Assembly Bill No. 706 was made the special order for Monday next, at one o'clock P. M.

RESOLUTION.

By Mr. Montague:

Resolved, That all committees who have bills in their possession be and they are hereby required to report back all such bills within five days.

Adopted.

REPORTS.

By Mr. Giffen:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 14—An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada—have had the same under consideration, and report it back, with the recommendation that it do pass.

GIFFEN, Chairman.

By Mr. Johnson:

SACRAMENTO, March 19th, 1878

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 695—An Act ratifying and legalizing Reclamation District Number Fifty-four, of this State, in Sacramento County, and the by-laws and proceedings thereof—report the same back, and recommend its passage.

And having had under consideration Assembly Bill No. 690—An Act to establish Reclamation District Number Two Hundred and Fifty-two, of this State, in Sacramento County—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Also:

ASSEMBLY CHAMBER, STATE OF CALIFORNIA,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 656—An Act to provide for the election of officers for the City of Sacramento—report the same back, with a substitute, and recommend the adoption of the substitute.

And, also had under consideration Assembly Bill No. 717—An Act to provide for widening the public road leading from the City of Sacramento to the American River bridge—report the same back, with an amendment, and recommend the passage of the bill as amended.

And, also had under consideration Senate Bill No 369—An Act for the protection of the public roads on Sherman Island—report the same back, with an amendment, and recommend the passage of the bill as amended.

JOHNSON, Chairman Delegation.

The bills above reported by the Sacramento delegation were ordered on the special file for this evening.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 211—An Act for the relief of the Oakland Guard, of Oakland City—have amended the same, and report it back, recommending its passage as amended.

Also, substitute for Senate Bill No. 8—An Act for the relief of Otto Kloppenberg—report it back, and recommend that it be referred to the San Francisco delegation.

Also, Assembly Bill No 745—An Act to reimburse the County of Nevada for money expended in the collection of State taxes—report it back, and recommend its passage.

OSTROM, Chairman.

By Mr. Waters:

MR SPEAKER Your Committee on Free Conference, appointed to confer with a like committee of the Senate in relation to the differences between the two Houses as to Assembly Bill No. 436—An Act to provide for a new Constitution for the State of California—beg leave to report that, after a full consideration, the committee of both Houses unanimously recommend the following: That the Senate recede from amendments numbers eight, nine, and fifteen; that the Assembly concur in amendments numbers three and seven, and that the Assembly adopt two other amendments herewith reported, one to section four and the other to section five, and that the Senate concur in the same.

BYRON WATERS,
R. C. HAILE,
RUSH McCOMAS,
} Assembly Committee.

E. J. LEWIS,
WM. M. PIERSON,
S. G. HILBORN,
} Senate Committee.

Upon the adoption of the report, the ayes and noes being demanded by the requisite number, the roll was called, and the report adopted by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Byington, Clark, Coffey, Connolly, Conroy, Cooley, DeWitt, Dinniene, Dixon, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Murphy of San Francisco, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Tobin, Waters, Welch, Wheat, and Whitlock—55.

NOES—Messrs. Dorsey, Dunlap, Hanna, Hinshaw, Montague, Nott, Ostrom, Thompson, Tuttle, Warden, Wilson, and Mr. Speaker—12.

Pursuant to notice, Mr. Johnson moved to reconsider the vote by which Assembly Bill No. 91 was indefinitely postponed, and, on motion of Mr. Berry, the motion to reconsider was laid on the table.

Mr. Johnson moved a suspension of the rules for the purpose of introducing a bill.

Upon the question of suspending the rules, the ayes and noes were demanded by Messrs. Berry, Ostrom, and Forsyth.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Blake, Broderick, Coffey, Connolly, Conroy, Cooley, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Hart, Haworth, Hinshaw, Holloway, Hugg, Johnson, Kercheval,

Long, Mace, May, Mayfield, McClure, McComas, Murphy of San Francisco, Pauly, Routier, Russ, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Welch, and Whitlock—48.

NOES—Messrs. Adams, Byington, Clark, Dixon, Dorsey, Haile, Hanna, Montague, Nott, Ostrom, Robertson, Sargent, Wheat, and Mr. Speaker—14.

Mr. Johnson accordingly introduced a bill as follows: "An Act making appropriations for benevolent purposes."

Read first and second times, and referred to the Committee on Ways and Means, and the usual number of copies ordered printed immediately.

Pursuant to notice, Mr. Nott moved a reconsideration of the vote by which Senate Bill No 244 was indefinitely postponed, and the motion was made the special order for Thursday next, at two o'clock P. M.

Pursuant to notice, Mr. Tobin moved to reconsider the vote on indefinite postponement of Assembly Bill No. 321, and the motion to reconsider was made special order for to-morrow, at three o'clock P. M.

Pursuant to notice, Mr. Pauly moved to reconsider the vote by which Assembly Bill No. 241 was refused engrossment, and the motion was made special order for Thursday next, immediately after the reading of the Journal.

Pursuant to notice, Mr. Coffey moved to reconsider the vote by which Senate Bill No. 97 was passed, and the motion was made special order for to-morrow, at three o'clock P. M., or after the consideration of Assembly Bill No. 321.

[Mr. Waters in the chair.]

On motion of Mr. Tuttle, Assembly Bill No. 394 and Assembly Bill No. 43 were made special orders for to-morrow, at seven o'clock P. M., and, on motion of Mr. Coffey, the same disposition was made of all other special orders for to-day.

By Mr. Farnum:

MR. SPEAKER. The delegation, to whom was referred substitute for Senate Bill No. 508—An Act to enable the City of Oakland to acquire and maintain public water-works—have had the same under consideration, and report it back, and recommend its passage.

Also, Senate Bill No 351, we have had under consideration—An Act entitled An Act to authorize the City of Oakland to pay the sum of fifteen thousand dollars for the bridge heretofore constructed across the Estuary of San Antonio, between Eighth Street and East Ninth Street—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 478—An Act to provide funds for the School Department of the Town of Alameda—and, after having the same under consideration, report it back amended, and recommend its passage as amended.

And, Senate Bill No. 405—An Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Alameda, approved February twenty-first, eighteen hundred and seventy-eight—report the same back amended, and recommend its passage as amended.

McCLURE, for the Delegation.

By Mr. DeWitt:

MR. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No. 219—An Act to provide a new Great Register for the County of Yolo, and re-register the votes thereof—having had the same under consideration, report the same back, and recommend its passage.

W. M. DEWITT.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 754—An Act to provide for the better collection of water-rates in the City of Sacramento.

No. 739—An Act supplemental to and amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto, approved March fourth, eighteen hundred and seventy-eight.

And the same were, on Monday, March eighteenth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

House resumed consideration of Assembly Bill No. 764.

Considered in Committee of the Whole.

[Mr. Waters in the chair.]

The Committee arose, and reported the bill back with amendments, recommending that the amendments be adopted.

IN ASSEMBLY.

[Mr. Waters in the chair.]

The report of the committee was adopted.

Mr. Johnson moved to amend by adding to section one, as follows: "For the permanent improvement of the State Capitol grounds, twenty thousand dollars, the money to be expended upon that portion of said grounds lying to the east of the State Capitol building—the money to be expended under the direction of the Board of State Capitol Commissioners."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Haile, Berry, and Ostrom.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Ames, Anderson, Backus, Broderick, Brooks, Clark, Conroy, DeWitt, Dinniene, Ellis, Farnum, Gildea, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Swift, Thompson, Tobin, Walden, Whitlock, and Wilson—32.

NOES—Messrs. Adams, Allen, Asmussen, Blackwell, Blake, Coffey, Cooley, Dixon, Dorsey, Dunlap, Forsyth, Garvey, Haile, Hanna, Hinshaw, Mace, McComas, Meyers, Montague, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Tuttle, Waters, Welch, Wheat, and Mr. Speaker—30.

By Mr. Robertson—Amend section one, in lines one hundred and twenty-five and one hundred and twenty-six, by striking out "five hundred" and inserting "three hundred" in lieu thereof.

Lost.

The rules were then suspended, the bill considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At five o'clock and fifty-three minutes P. M., on motion of Mr. Dinniene, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 20th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Temporary leave of absence was granted to the San Francisco delegation.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Gildea—An Act to amend section three thousand nine hundred and seventy-two of the Political Code.

Read first and second times, and referred to the Committee on Counties and County Boundaries, and the printing of the bill ordered dispensed with.

By Mr. Murphy of Del Norte—An Act to declare Smith River, in Del Norte County, navigable.

Read first and second times, and rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

Title approved.

By Mr. Mace—An Act to restrict sheep from being herded or running at large in Fresno County.

Read first and second times, and ordered on the special file.

By Mr. Waters—An Act to regulate and protect bee-keeping in the County of San Bernardino.

Read first and second times, and by unanimous consent read third time, and passed.

Title approved, and ordered transmitted to the Senate forthwith.

REPORT.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 760—An Act to provide for the distribution of school moneys in the County of Yolo—have had the same under consideration, and report it back, with a recommendation that it be passed.

HAILE, Chairman.

RESOLUTION.

By Mr. Ostrom:

Resolved, That P K. Stockton be allowed the sum of two hundred and eleven dollars and fifty cents, to be paid out of the Contingent Fund of the Assembly, for taking and transcribing testimony for the Assembly Committee on Mining Debris.

Referred to the Committee on Contingent Expenses.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER Your Judiciary Committee, having had under consideration Assembly Bill No. 671—An Act to define the fire limits of the Town of Oroville, in Butte County, and to provide for a special tax for the support and maintenance of the Fire Department thereof—recommend that the author be allowed to withdraw the same

Also, Senate Bill No. 48—An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco—report the same with amendments, and recommend the passage thereof as amended.

Also, Assembly Bill No. 710—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure—and recommend the passage thereof.

Also, Senate Bill No. 260—An Act to amend certain sections, numbers one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine of the Code of Civil Procedure—report the same with an amendment, and recommend passage as amended.

Also, Senate Bill No. 473—An Act to amend section four hundred and seventy-three of the Civil Code—and recommend the reference thereof to the Committee on Corporations

Also, Senate Bill No. 127—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure—report the same with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 704—An Act to amend section eight hundred and sixty-nine of the Penal Code—and recommend the passage thereof

Also, Assembly Bill No 714—An Act to add a new section to the Civil Code, relating to acknowledgments—report with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 718—An Act to amend section one thousand one hundred and eighty-five of the Civil Code, relating to acknowledgments—report with an amendment, and recommend passage as amended.

Also, Senate Bill No. 373—An Act to add a new section to the Civil Code—and recommend that it do not pass.

Also, Senate Bill No. 427—An Act to regulate and provide for the payment of the fees of medical experts as witnesses in civil actions—and recommend that it do not pass

Also, Senate Bill No 591—An Act to regulate and provide for the payment of medical experts as witnesses in civil and criminal actions in the Courts—and recommend that it do not pass.

ANDERSON, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878

MR SPEAKER: Your Judiciary Committee, having considered Senate Bill No 135—An Act to add two new sections to the Civil Code, to be numbered sections two hundred and thirty-one and two hundred and thirty-two—report the same back with an amendment, and recommend passage thereof.

Also, Senate Bill No 408—An Act to amend the Penal Code, in relation to fugitives from justice—and recommend the passage thereof.

Also, Senate Bill No. 468—An Act to amend section fifty-nine of the Code of Civil Procedure—and recommend passage thereof.

Also, Senate Bill No. 397—An Act to add another section to the Code of Civil Procedure, to be known as section four hundred and seventeen—report the same with an amendment, and recommend passage as amended.

Also, Senate Bill No 418—An Act to amend section six hundred and two of the Penal Code—and recommend passage thereof.

Also, Senate Bill No. 95—An Act to add a new section to the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 282—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to proceedings to perpetuate testimony—and recommend the passage thereof.

Also, Senate Bill No 414—An Act to amend the Penal Code—and recommend the passage thereof.

Also, Senate Bill No. 419—An Act amendatory of section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California—and recommend that it do not pass.

Also, Senate Bill No. 435—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code—and recommend passage thereof.

ANDERSON, Chairman.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act granting the Board of Supervisors of Colusa County additional powers.

Read first and second times, rules suspended, and by unanimous consent read third time, and passed.

Title approved.

[Mr. Haile in the chair.]

By Mr. Ames—An Act authorizing and directing the Board of Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek, and, also, to open and macadamize the bay and marsh roads, and for that purpose to appropriate from the General Fund of said county the sum of five thousand dollars

Also, an Act to repeal an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.

Also, an Act to fix the terms of the County and Probate Courts of the County of San Mateo.

Each of the above bills read first and second times, and ordered on the special file.

By Mr. Nott—An Act making appropriations for the payment of claims accruing from the repair of and furnishing the State Capitol, and for the improvement and care of the State Capitol grounds.

On motion of Mr. Nott, the rules were suspended, and the bill considered in Committee of the Whole.

[Mr. Haile in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Haile in the chair.]

The report was adopted, the rules suspended, and by unanimous consent read third time, and passed.

Title approved.

By Mr. Berry—An Act to authorize the transfer of certain funds in the County of Sutter.

By Mr. Dunlap—An Act to prevent hogs and goats from running at large in the Town of Plymouth, Amador County.

By Mr. Russ—An Act concerning roads and highways in the County of Humboldt.

Each of the above bills read first and second times, and ordered on the special file.

By Mr. McComas—An Act to amend the Civil Code.

Also, an Act to amend sections seven hundred and fifty-six, seven hundred and fifty-seven, seven hundred and fifty-nine, seven hundred and sixty, and seven hundred and ninety-eight of the Code of Civil Procedure.

Each of the above bills read first and second times, and referred to the Judiciary Committee.

REPORTS.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 550—An Act to amend sections three thousand seven hundred and eighty and three thousand eight hundred and thirteen of the Political Code, in relation to the redemption of property sold for taxes

600—An Act to protect stockholders in corporations in this State by stopping their officers from depositing the corporation funds in bank to their individual credit.

YOUNG, Chairman.

By Mr. Warden:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: Your delegation, to whom was referred Assembly Bill No. 763—An Act in relation to the roads and streets within the City of San Luis Obispo—have had the same under consideration, and report it back, with a recommendation that it pass as amended.

LEW. M. WARDEN, Delegation.

Assembly Bill No. 763, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

By Mr. Dixon:

MR SPEAKER Your Committee on Attachés and Employés, to whom was referred the resolution directing the Clerk to prepare, and the State Printer to print, a complete history of Assembly Bills, respectfully report the same back, with the recommendation that it be not adopted.

Your committee also begs leave to report back the resolution increasing the pay of the Assistant Journal Clerk, with the recommendation that it be not adopted.

In regard to the resolution appointing a Porter for the Judiciary Committee rooms, your committee would respectfully present the following substitute, and recommend its adoption

Resolved, That John Ireland be and he is hereby appointed Porter for the Judiciary Committee rooms, vice J. P. Glennon, deceased, at the same per diem paid to said Glennon, payable out of the Contingent Fund of this Assembly.

Your committee would also report back the resolution providing compensation for the services of Patrick Levey, and recommend that the same be referred to the Committee on Public Expenditures and Accounts.

DIXON, Chairman.

The resolution above reported, relative to the appointment of a Porter for the Judiciary Committee rooms, was adopted, and the report of the committee adopted.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 205—An Act granting relief to the taxpayers whose lands have been sold to the State—have amended the same, and recommend its passage as amended.

Also, Senate Bill No 460—An Act for the improvement and preservation of the Yosemite Valley and Mariposa Big Tree Grove—report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 650—Proposed amendments to the Constitution of the State of California—report it back, and recommend its passage.

Also, Assembly Bill No. 576—An Act to amend sections six hundred and eighty and six hundred and eighty-one of the Political Code, relating to the purchase of bonds for the State School Fund—report the same back, and recommend its passage.

Also, Assembly Bill No. 616—An Act authorizing and empowering the Sheriff of Colusa County to appoint a Jailer—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 196—An Act to amend certain sections and to repeal certain sections of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relative to the classification, number, and designation of civil executive officers—report the same back, and recommend its passage.

Also, Assembly Bill No. 197—An Act to amend section one thousand five hundred and seventy-five of the Penal Code—report it back, and recommend its passage.

Also, Assembly Bill No 323—An Act to appropriate money to aid in the support of a public County Hospital in the County of San Bernardino—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 524—An Act making an appropriation for the support of the Ladies' Benevolent Society of Los Angeles—report it back, and recommend that it do not pass

NOTT, Chairman.

Mr. Pace had leave to withdraw Assembly Bill No 757.

By Mr. Clark:

MR SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No 456—entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city—report that they have considered the same, and recommend its passage as amended.

CLARK, for Delegation.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 754—An Act to provide for the better collection of water-rates in the City of Sacramento.

SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 18th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 739—An Act supplemental to and amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto, approved March fourth, eighteen hundred and seventy-eight.

Also, passed Assembly Bills Nos 312—An Act to authorize the Board of Supervisors of Marin County to levy a special tax, and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

268—An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara.

647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

646—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

631 (amended)—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims.

Also, passed Senate Bill No. 594—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco—ordered transmitted without engrossment

The Senate refused to concur in Assembly amendments to Senate Bill No. 86—An Act to declare Clear Lake, in Lake County, navigable.

The Senate refused to recede from Senate amendments to Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same—and a Committee of Conference was ordered.

Amended and passed Assembly Bill No. 119—An Act to provide for and regulate the establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof.

Concurred in Assembly amendments to Senate Bills Nos. 364 and 530.

R. SHOEMAKER, Secretary

SENATE CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER; I am directed to inform your honorable body that the Senate, on this day, passed and ordered transmitted to the Assembly, without engrossment, Senate Joint Resolution No 50, in reference to Federal tax upon deposits in savings banks.

Return, herewith, in accordance with a request of the Assembly, Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 19th, 1878

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eighteenth of March, eighteen hundred and seventy-eight, passed Senate Bill No 334—An Act to appropriate twenty-five thousand dollars to be used conjointly with a like sum of twenty-five thousand dollars, donated by H. D. Bacon, for the construction of a building to be erected on the State University grounds, in Alameda County, for a library and art gallery—and ordered same to the Assembly without engrossment.

Amended and passed Assembly Bill No. 384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace

Passed Assembly Bill No. 320—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.

Assembly Bill No. 572—An Act in relation to certain officers in Plumas County, and fix the compensation thereof.

Assembly Bill No. 242—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for the collection of taxes.

Assembly Bill No. 562—An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo.

Assembly Bill No. 605—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno

Senate Bill No. 550—An Act to provide a sufficient number of deputies for the County Assessor of Santa Cruz County.

Assembly Bill No. 252—An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake, in Lake County.

Assembly Bill No. 266—An Act to amend an Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and supplemental thereto.

Assembly Bill No. 337—An Act to prevent buck goats running at large.

Amended and passed Assembly Bill No. 343—An Act to prevent the sale of oleomargarine under the name and pretense that said commodity is butter

Passed Assembly Bill No. 395—An Act to provide for the payment of unused and uncanceled stamps of the State of California heretofore sold.

Assembly Bill No. 469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.

And, passed Assembly Bill No. 622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Also, Assembly Bill No. 504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Assembly Bill No. 653—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

And, Senate Bill No. 590—An Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes in Township Number One.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 20th, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth day of March, eighteen hundred and seventy-eight, passed Senate Joint Resolution No. 49—Relative to a sea-wall at Santa Barbara.

And, on March ninth, passed Senate Bill No. 307—An Act to establish a scale for the measurement of logs.

And, on the thirteenth of March, passed Senate Bill No. 528—An Act relative to the Board of Supervisors of Sacramento County.

And Senate Bill No. 549—An Act to amend an Act entitled an Act to define the boundary, provide for care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County, approved March twentieth, eighteen hundred and seventy-four.

And, on March fifteenth, passed Senate Bill No. 570—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one

Also, Senate Bill No. 571—An Act to repeal section four hundred and seventy-one of the Civil Code.

And, on the nineteenth of March, passed Senate Bill No. 600—An Act granting additional powers to the Mayor and Common Council of the City of San José—and ordered to Assembly without engrossment.

Senate Bill No. 605—An Act to provide for the reduction of water-rates to consumers in the City and County of San Francisco—and ordered the same sent to the Assembly without engrossment.

And Assembly Bill No. 429—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

Also, that the Senate, on the nineteenth day of March, eighteen hundred and seventy-eight, adopted the report of the Joint Committee of Free Conference on Assembly Bill No. 436—An Act to provide a Convention to frame a new Constitution for the State of California

Also, concurred in Assembly amendment to Senate Bill No 204.

GEO SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bills Nos. 343, 384, and 631, taken up, and Senate amendments concurred in.

Assembly Bill No. 119, referred to the San Francisco delegation.

Assembly Bill No. 500, taken up, and the Senate having refused to recede from its amendments, a Committee on Free Conference was ordered by the House.

Senate Bill No. 550, read first and second times, and referred to the Santa Cruz delegation.

Senate Bill No. 334, read first and second times, and referred to the Committee on Public Buildings.

Senate Bills Nos. 605 and 594, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 590, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 86—the House refused to recede from its amendments, and a Committee on Free Conference was ordered.

Senate Joint Resolution No. 50, read first and second times, and referred to the Committee on Savings Banks.

Senate Bills Nos. 476 and 528, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 571, read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 570 and 307, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 549, read first and second times, and referred to the Sutter delegation.

Senate Joint Resolution No. 49, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 600, read first and second times, and referred to the Santa Clara delegation.

INTRODUCTION OF BILLS.

By Mr. Haile—An Act to set off the southwestern portion of Sutter Island, in Sacramento County, from the Onisbo School District, in said county, to Slough School District, in Solano County, for school purposes.

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

Title approved.

By Mr. Ellis—An Act to provide for the location of a State Sanitarium.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Farnum—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

Also, an Act to change the name of Twelfth Street, in the City of Oakland, County of Alameda, to Central Avenue.

Each of the above bills read first and second times, and referred to the Alameda delegation.

REPORT.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, March 19th, 1878.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 780—entitled an Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April fifth, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda—have had the same under consideration, and report it back, with the recommendation that it pass.

EWING, Chairman.

Assembly Bill No. 780, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

SPECIAL ORDER.

Substitute for Assembly Bill No. 22—An Act to provide for the completion of the Branch State Prison at Folsom.

On motion of Mr. Nott, the name of Mr. Miller was substituted as the author of the substitute, instead of Mr. Tuttle, who was the author of the original bill.

Pending discussion, on motion of Mr. Tuttle, Assembly Bill No. 394 was recommitted to the Committee on Corporations, with instructions to report the same on to-morrow.

On motion of Mr. Johnson, all special orders for this day were temporarily postponed, to be taken up as special orders after the substitute for Assembly Bill No. 22, now under consideration, had been disposed of.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced the appointment of the following Committees on Free Conference: On Assembly Bill No. 500, Messrs. Waters, Ellis, and Sargent; on Senate Bill No. 86, Messrs. Welch, Long, and Cooley.

The House resumed consideration of substitute for Assembly Bill No. 22—An Act to provide for the completion of the Branch State Prison at Folsom.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Miller, and Byington.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Adams, Ames, Asmussen, Backus, Blackwell, Broderick, Brooks, Clark, Connolly, Dare, DeWitt, Dunlap, Forsyth, Gildea, Haile, Hanna, Haworth, Johnson, Kercheval, McComas, Meyers, Miller, Moffat, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Swift, Tobin, Wheat, Whitlock, and Mr. Speaker—36.

NOES—Messrs. Allen, Anderson, Barstow, Blake, Breen, Byington, Coffey, Cooley, Dixon, Dorsey, Ewing, Farnum, Garver, Griffith, Hinshaw, Holloway, Hugg, Long, Mace, May, Mayfield, Murphy of Del Norte, Nealley, Pace, Sherman, Smyth, Tuttle, Warden, Waters, Welch, Wilson, and Young—32.

Title approved.

RESOLUTIONS.

By Mr. Young—Assembly Concurrent Resolution, relative to the return of Assembly Bill No. 737, by the Senate, for correction.

Adopted.

Also:

Resolved, That the Journal Clerk be and he is hereby authorized to appoint an additional Assistant, at a per diem of six dollars, to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Employés and Attachés.

On motion of Mr. Johnson, the vote by which Senate Bill No. 476

was passed was reconsidered, and the bill referred to the Sacramento delegation.

By Mr. Broderick:

Resolved, That the Speaker appoint an addition of three members to the Committee on Enrollment.

Adopted.

In accordance with the above resolution, the Speaker appointed Messrs. Robertson, Pauly, and Blackwell.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to amend section three hundred and eighty of the Code of Civil Procedure.

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

By Mr. Long—An Act to provide for the election of Supervisors in the County of Mendocino.

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

Title approved.

By Mr. Sherman—An Act to amend section one thousand seven hundred and seventy of the Political Code, in relation to the times of meeting of the County School Board of Examination.

Read first and second times, and referred to the Committee on Education.

By Mr. Griffith—An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, and to authorize the construction of a wharf, and the purchase thereof by said Board.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Swift—An Act to amend the Penal Code, with respect to the punishment of persons guilty of cheating under pretense of playing at games of chance.

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

PETITION.

By Mr. Conroy—A petition against the passage of the so-called McCoppin Bill.

Ordered with the bill.

By Mr. Giffen—An Act concerning private wharves.

Read first and second times, and referred to the Placer and Nevada delegations.

SPECIAL ORDER.

Senate Bill No. 455—An Act creating the Twenty-third Judicial District, and defining the Third and Twelfth Districts.

Mr. Anderson moved to amend as follows: Amend by striking out, in section ten, on line two, of printed bill, the word "second," and insert in lieu thereof the word "third."

Adopted.

Also, amend by adding a new section, to be numbered section eleven, to read as follows:

SECTION 11. This Act shall take effect on the fifteenth day of April, A. D. eighteen hundred and seventy-eight.

Adopted.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Blackwell, Blake, Breen, Brokerick, Brooks, Byington, Coffey, Connolly, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, Whitlock, Wilson, and Young—67.

NOES—Messrs. Clark, Hinshaw, Long, Nott, Smyth, and Mr. Speaker—6.

Title approved.

Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

Mr. Waters offered a substitute, which was adopted.

The rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Haile—An Act relative to the sale of certain State property.

Read first and second times, and referred to the Committee on Ways and Means.

Mr. Murphy of Del Norte gave notice that on to-morrow he would move a reconsideration of the vote by which Assembly Bill No. 315 was passed.

Mr. Johnson had leave to withdraw Assembly Bill No. 43.

SPECIAL ORDER.

Motion to reconsider the vote on indefinite postponement of Senate Bill No. 73—An Act to amend certain sections of the Political Code, and to repeal other sections, same Code, relating to public schools.

It being moved to indefinitely postpone the notice to reconsider, the ayes and noes were demanded by Messrs. Tuttle, Wilson, and Mace.

The roll was called, and the motion to reconsider indefinitely postponed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Backus, Blackwell, Blake, Broderick, Brooks, Byington, Clark, Coffey, Cooley, Dare, DeWitt, Dixon, Dunlap, Farnum, Forsyth, Giffen, Gough, Hart, Haworth, Hinshaw, Hugg, Johnson, Long, Mace, May, McClure, McComas, Meyers, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Sherman, Swift, Tobin, Welch, Whitlock, and Wilson—45.

NOES—Messrs. Barstow, Connolly, Dinniene, Dorsey, Ewing, Garver, Gildea, Griffith, Haile, Hanna, Hicks, Holloway, Miller, Moffat, Nott, Ostrom, Pace, Robertson, Russ, Smyth, Thompson, Tuttle, Warden, Waters, and Mr. Speaker—25.

Motion to indefinitely postpone motion to reconsider vote on reconsideration of vote on Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys, etc.

Motion to reconsider the vote by which Assembly Bill No. 28—An

Act to protect the rights of married women—was indefinitely postponed.

Made special orders for Tuesday next, at one o'clock P. M.

[Speaker pro tem. in the chair.]

Motion to reconsider vote on Assembly Bill No. 321—An Act concerning certain property in the City and County of San Francisco.

Mr. Tobin moved the indefinite postponement of the motion to reconsider.

[Speaker in the chair.]

The ayes and noes were demanded by Messrs. Dinniene, May, and Asmussen.

The roll was called, and the motion to reconsider indefinitely postponed by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Backus, Barstow, Blackwell, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Farnum, Forsyth, Giffen, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Meyers, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Robertson, Routier, Russ, Sherman, Swift, Tobin, Warden, and Whitlock—44.

NOES—Messrs. Allen, Asmussen, Blake, Broderick, Byington, Clark, Coffey, Dorsey, Garver, Haile, Hanna, Hart, Hinshaw, McComas, Nott, Ostrom, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—25.

Motion to reconsider vote on Senate Bill No. 97—An Act to create a Court in the City and County of San Francisco, to be designated as the Municipal Court of Appeals of the City and County of San Francisco.

Mr. Barstow moved that the motion to reconsider be indefinitely postponed, upon which motion the ayes and noes were demanded by Messrs. Tuttle, Waters, and Ostrom.

The roll was called, and the motion to reconsider was indefinitely postponed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Breen, Brooks, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Routier, Russ, Sargent, Sherman, Swift, Tobin, Warden, and Whitlock—50.

NOES—Messrs. Blake, Byington, Clark, Coffey, Gildea, Haile, Hanna, Hart, Hinshaw, Long, Ostrom, Robertson, Smyth, Tuttle, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—20.

At four o'clock and fifty minutes P. M. Mr. Waters moved to adjourn. Lost.

RECESS.

Mr. Dare moved that the House take a recess till seven o'clock and thirty minutes P. M.

Adopted.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Mr. Gildea moved to suspend the rules for the purpose of considering Senate Bill No. 70.

So ordered.

Senate Bill No. 70—An Act to authorize the settlement of certain taxes due on certain portions of the Lick estate, and to cancel the liens against the same.

Read third time, and passed.

Title approved.

Assembly Bill No 493—An Act to authorize and empower the Board of Supervisors of the County of San Mateo to take and subscribe to the capital stock of a railroad in said county, to be constructed from the City and County of San Francisco to the City of Santa Cruz, and to provide payment for the same, and other matters relating thereto.

Read third time, and, upon the passage of the bill, the ayes and noes were demanded by Messrs. Dare, Haile, and Ostrom.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Backus, Barstow, Blackwell, Blake, Brooks, Connolly, Conroy, Dinmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Griffith, Hicks, Holloway, Johnson, Kercheval, Long, May, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Poutier, Sherman, Tobin, Welch, Whitlock, Wilson, and Young—36.

NOES—Messrs. Asmussen, Broderick, Byington, Clark, Coffey, Cooley, Dare, Dorsey, Gildea, Haile, Hanna, Hart, Hinshaw, Mace, McComas, Montague, Nott, Ostrom, Robertson, Smyth, Thompson, Waters, Wheat and Mr. Speaker—24.

Title approved.

On motion of Mr. DeWitt, Senate Bill No. 180 was made special order for to-morrow, immediately after the reading of the Journal.

Senate Bill No. 352—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town, in accordance with their respective interests, approved March sixth, eighteen hundred and sixty-eight.

Read third time, and passed.

Title approved.

Assembly Bill No. 712—An Act to fix the salary of the County Judge of San Joaquin County.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 384—An Act for the relief of John Q. Hendricks, Charles Carroll, and R. D. Hubbard.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

[Mr. Dare in the chair.]

Assembly Bill No. 727—An Act to incorporate the Town of Yuba City.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 488—An Act to amend an Act entitled an Act con-

cerning roads and highways in Contra Costa County, approved March eleventh, eighteen hundred and seventy-six.

Amendments adopted, and bill read third time, and passed.

Title approved.

Assembly Bill No. 681—An Act concerning the assessment and collection of municipal taxes upon personal property in the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 517—An Act to provide for the opening of new streets, and for the extending and widening of existing streets, in the City of San José.

Read third time, and passed.

Title approved.

Assembly Bill No. 511—An Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so far as to make the same applicable to the Town of Redding, in Shasta County.

Rules suspended, and Mr. Dorsey moved to amend so that the provisions of the bill include the Town of Modesto, Stanislaus County.

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 749—An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 750—An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 752—An Act to prevent the trespassing of animals upon private property in the County of Fresno.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 345—An Act to repeal an Act entitled an Act to protect agriculture in the County of El Dorado, approved March twentieth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 564—An Act to authorize the Board of Trustees of Scott's Valley School District, in the County of Siskiyou, to borrow money for the purpose of erecting a school house, furnishing the same, and improving the grounds upon which the same is located.

Read third time, and passed.

Title approved.

Senate Joint Resolution No. 47—Relative to the establishment of a mail route from Visalia to Fairview, in Tulare County.

Read third time, and passed.

Title approved.

Senate Joint Resolution No. 46—Relative to the establishment of a daily mail service from Kingsburg, in Fresno County, to Grangerville, in Tulare County.

Read third time, and passed.

Title approved.

Senate Concurrent Resolution No. 45—Relative to Yosemite Valley.

Read third time, and concurred in.

Senate Bill No. 543—An Act to provide for the appointment of an official reporter for the Second Judicial District, and for the County Court of the County of Tehama, and to provide for his compensation.

Mr. Brooks moved to amend by striking out the words "Butte County" wherever they occur in the bill.

Adopted.

Bill read third time, and passed.

Title approved.

Senate Joint Resolution No. 48—Relative to an increase of the mail service from Redding, in Shasta County, to Alturas, in Modoc County.

Read third time, and passed.

Title approved.

Senate Bill No. 536—An Act to provide for the refunding of the funded debt of Siskiyou County, California.

Read third time, and passed.

Title approved.

Senate Bill No. 573—An Act to regulate highways in Los Angeles County.

Read third time, and passed.

Title approved.

Senate Bill No. 575—An Act to regulate the fees of Constables in the County of Calaveras.

Read third time, and passed.

Title approved.

Senate Bill No. 507—An Act to amend an Act entitled an Act to re-incorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, and supplementary thereto.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 626—An Act to reimburse taxpayers, and to make taxation equal and uniform throughout the State.

Indefinitely postponed.

Assembly Bill No. 741—An Act fixing the pay of Supervisors in the County of Alameda.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 742—An Act to prevent hogs from running at large in Townships Numbers Two and Four of the County of Amador.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 743—An Act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Haile was granted leave of absence for the evening.

Assembly Bill No. 743—An Act to provide for the extermination of squirrels in the County of Los Angeles.

Mr. Dorsey moved to amend by making the provisions of the bill applicable to Stanislaus County.

Adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

Assembly Bill No. 609—An Act in relation to public roads in the County of Sacramento.

Recommitted to the Sacramento delegation.

Senate Bill No. 559—An Act to provide for the care and maintenance of the indigent sick of Tuolumne County.

Read third time, and passed.

Title approved.

Senate Bill No. 452—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the County of Tehama, in and about the construction of a bridge across the Sacramento River.

Read third time, and passed.

Title approved.

Senate Bill No. 516—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

On motion of Mr. Berry, the House took up Assembly Bill No. 798—An Act to authorize the transfer of certain funds in the County of Sutter.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 732—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 730—An Act in relation to the fees to be received by the Recorder of San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 731—An Act supplemental to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 365—An Act to provide for the payment of certain outstanding bonds of the County of Alameda.

Read third time, and passed.

Title approved.

Senate Bill No. 366—An Act to change the corporate name of the Mission Street Methodist Episcopal Church, in the City and County of San Francisco.

Substitute adopted, read third time, and passed.

Title approved.

Senate Bill No. 509—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Read third time, and passed.

Title approved.

Assembly Bill No. 664—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 666—An Act to amend an Act, approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 376—An Act for the relief of J. F. Dillon, Assessor of Inyo County.

Read third time, and passed.

Title approved.

Assembly Bill No. 779—An Act to supply the Town of Oroville with water for fire purposes.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 200—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof.

Substitute adopted, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate without engrossment.

Senate Bill No. 424—An Act to amend sections three and four of an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six.

Referred to the San Francisco delegation.

Assembly Bill No. 744—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State, from the organization thereof.

Considered in Committee of the Whole.

[Mr. Dare in the chair.]

The committee arose, and reported the bill back with an amendment, recommending passage as amended.

IN ASSEMBLY.

[Mr. Dare in the chair.]

The report was concurred in, the rules suspended, the bill considered engrossed, read third time, and passed.

Title approved.

Mr. Berry was granted leave of absence for the evening.

Mr. Gildea moved to take up the order of Senate messages.

Mr. Murphy of San Francisco was granted leave of absence for the evening.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on the fourteenth of March, eighteen hundred and seventy-eight, passed Senate Bill No 441—An Act to amend section three thousand four hundred and sixty-nine of the Civil Code of the State of California.

And, on the twentieth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 560—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, in relation to accepted streets—and ordered the same to the Assembly without engrossment.

Senate Bill No 566—An Act to amend section two thousand five hundred and forty-eight of the Political Code—and ordered the same to the Assembly without engrossment.

And, Senate Bill No. 580—An Act to incorporate the Town of Dixon—and ordered to the Assembly without engrossment.

Also, Senate Bill No. 581—An Act to revise an Act entitled an Act to revise an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved April first, eighteen hundred and seventy-six.

Also, Senate Bill No. 553—An Act in relation to Indian war bonds of the State of California—and ordered the same transmitted to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bills as follows:

306—An Act to amend an Act entitled an Act to provide for the completion of the building in in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county.

652 (amended)—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four.

Amended and passed 471—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.

628—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Baker Street graded.

526—An Act to fund certain indebtedness of San Diego County.

715—An Act supplementary to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight.

655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto.

433 (*with amendments*)—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Adopted Assembly Concurrent Resolution No. 69—Relative to Senate Bill No. 476.

Assembly Bill No. 582—An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a draw-bridge over Channel Street, at the intersection of Sixth Street.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 471, taken up, and Senate amendment concurred in.

Assembly Bill No. 652, taken up, and Senate amendments concurred in.

Assembly Bill No. 433, referred to the Committee on Savings Banks.

Senate Bill No. 566, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 580, read first and second times, and referred to Solano delegation.

Senate Bill No. 441, read first and second times, and referred to Judiciary Committee.

Senate Bill No 553, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 560, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 581, read first and second times, rules suspended, and by unanimous consent read third time, and passed.

Title approved.

SPECIAL FILE RESUMED.

Senate Bill No. 457—An Act to amend an Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, approved March thirtieth, eighteen hundred and sixty-eight.

Read third time, and passed.

Title approved.

Senate Bill No. 480—An Act to regulate the traveling fees of the Sheriffs of the Counties of Kern and Tulare, and to repeal certain Acts therein mentioned.

Read third time, and passed.

Title approved.

Senate Bill No. 454—An Act to establish a Board of Health for the County of Tulare.

Read third time, and passed.

Title approved.

Assembly Bill No. 768—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg District, in Fresno County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No 740—An Act to provide sewerage for the City of Santa Cruz.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate without engrossment.

REPORTS (BY PERMISSION.)

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco—report the same, and a majority recommend that it do pass. Twenty members present and voting, twelve ayes, eight noes.

Also, Senate Bill No 262—An Act to authorize the Board of Supervisors of the City and County of San Francisco to audit and pay a certain claim—report the same with an amendment, and a majority recommend that it do pass as amended Nineteen members present and voting; twelve ayes, six noes, one excused from voting. And the committee ask for a suspension of the rules.

Also, Senate Bill No 464—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade—report the same, and a majority recommend that it do pass. Nineteen members present and voting: sixteen ayes, three noes.

Also, Senate Bill No. 535—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board to pay certain deficiencies in the General Fund of said city and county—report the same, and recommend that it do pass. Fourteen members present and voting.

Also, Senate Bill No. 203—An Act to provide for the extension of Tehama Street, in the City and County of San Francisco—report the same with an amendment, and recommend that it do pass as amended Fourteen members present and voting.

The delegation further ask that the rules be suspended for the purpose of considering the two last bills (Senate Bill No. 203 and Senate Bill No. 535) at once.

Also, report Assembly Bill No. 649—An Act to improve the present sewerage system of the City and County of San Francisco—report the same with amendments, and a majority recommend that it do pass as amended. Nineteen members present and voting, eleven ayes, eight noes.

J. V. COFFEY, Chairman.

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: A minority of the San Francisco delegation, to whom was referred Assembly Bill No. 649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco—respectfully dissent from the majority report on said bill.

J. V. COFFEY, Chairman,
A. ASMUSSEN,
W. BRODERICK,
S. B. BLAKE,
J. F. SWIFT.

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 490—An Act for the relief of William Doyle, Francis Timmins, and Joseph Gleason—report the same, and a majority recommend that it be indefinitely postponed. Thirteen members present and voting; eleven ayes, and two noes.

Also, Assembly Bill No. 723—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco—report the same with amendments, and a majority recommend that it do pass as amended. Fifteen members present and voting; eight ayes, seven noes.

J. V. COFFEY, Chairman.

Senate Bill No. 535, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 203, above reported, taken up, amendments adopted, read third time, and passed.

Title approved.

At nine o'clock and fifty-five minutes P. M. Mr. Hart moved to adjourn.

Lost.

SPECIAL FILE RESUMED.

Assembly Bill No. 756—An Act in relation to juries in Justices' Courts, and witnesses in Courts of record, in the County of Santa Cruz.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Brooks, Assembly Bill No. 779 was ordered transmitted to the Senate without engrossment.

Senate Bill No. 14—An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.

Read third time, and passed.

Title approved.

Assembly Bill No. 695—An Act ratifying and legalizing Reclamation District Number Fifty-four of this State, in Sacramento County, and the by-laws and proceedings thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 696—An Act to establish Reclamation District Number Two Hundred and Fifty-two of this State, in Sacramento County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 656—An Act to provide for the election for officers of the City of Sacramento.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 717—An Act to provide for widening the public road leading from the City of Sacramento to the American River bridge.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 369—An Act for the protection of the public roads on Sherman Island.

Amendment adopted, read third time, and passed.

Title approved.

On motion of Mr. Johnson, Assembly Bills Nos. 695 and 696 were ordered transmitted to the Senate without engrossment.

Senate Bill No. 508—An Act to enable the City of Oakland to acquire and maintain public water-works.

Read third time, and passed.

Title approved.

Senate Bill No. 351—An Act to authorize the City of Oakland to pay the sum of fifteen thousand dollars for the bridge heretofore constructed across the Estuary of San Antonio, between Eighth Street and East Ninth Street.

Indefinitely postponed.

Senate Bill No. 478—An Act to provide funds for the School Department of the Town of Alameda.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 405—An Act to amend an Act entitled an Act to incorporate the Town of Alameda, approved February twenty-first, eighteen hundred and seventy-eight.

Amendments adopted, read third time, and passed.

Title approved.

Mr. Routier gave notice that on to-morrow he would move a reconsideration of the vote by which Assembly Bill No. 740 was passed.

Senate Bill No. 567—An Act to amend an Act entitled an Act to re-incorporate the City of Marysville, approved March seventh, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 219—An Act to provide a new Great Register for the County of Yolo, and re-register the voters thereof.

Read third time, and passed.

Title approved.

At ten o'clock and fifteen minutes P. M. Mr. Welch moved to adjourn.

Lost.

On motion of Mr. Johnson, the House took up Assembly Bill No. 649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

At ten o'clock and sixteen minutes P. M. Mr. Welch moved to adjourn.

Lost.

Messrs. Cooley, Sherman, and Byington were granted leave of absence for the evening.

Mr. Gildea offered the following substitute for the amendment offered by the San Francisco delegation: Insert in the eleventh line (of printed bill), in section one, after the words "water front," the following: "or in any other sewer district as laid down on the sewer map on file in the office of the City and County Surveyor of said city and county, that the said Commissioners may, in their judgment, deem best for the public to first require their attention."

Adopted.

Mr. Broderick moved to further amend, as follows: Amend section one by striking out all after the word "same," in line nine (of the printed bill), down to the word "county," in line ten of the same.

Adopted.

The amendments recommended by the San Francisco delegation were adopted, and the bill made special order for to-morrow, at two o'clock P. M.

REPORT.

By Mr. Routier:

SACRAMENTO, March 20th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 431—An Act to provide for the collection of delinquent taxes and street assessments of the City of Sacramento—report the same back, and recommend its passage.

JOHNSON, Chairman Delegation.

Assembly Bill No. 431, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Mr. Forsyth, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 21st, 1878.

House met pursuant to adjournment.

Speaker in the chair

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Temporary leave of absence was granted to Mr. Dixon.

Mr. Routier had leave to withdraw his notice of a motion to reconsider the vote on Assembly Bill No. 740.

REPORT.

By Mr. Dare:

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bills Nos. 503, 506, 532, 383, and 505, have had the same under consideration, and beg leave to report No. 503 with amendments, recommending its passage as amended. Nos. 506, 532, 383, and 505 are recommended for passage without amendments.

DARE, Chairman.

On motion of Mr. Dare, the bills above reported were made special orders for to-day, at three o'clock P. M.

RESOLUTION.

By Mr. Murphy of San Francisco:

Resolved, That your Committee on Banks and Banking, to whom was referred Assembly Bill No. 433—Creating Bank Commissioners—be and are hereby instructed to report the same back to the House on to-morrow, immediately after the reading of the Journal.

Laid on the table temporarily.

REPORT.

By Mr. Pace:

MR. SPEAKER: Your Committee on County and County Boundaries, to whom was referred Assembly Bill No. 784, had the same under consideration, and respectfully beg leave to report the same back, and recommend its passage.

GEO. PACE, Chairman.

SPECIAL ORDER.

Motion to reconsider the vote by which Assembly Bill No. 241—An Act to regulate the rate of interest in the State of California—was refused engrossment.

Mr. Barstow moved the indefinite postponement of the motion to reconsider.

Lost.

The question recurring upon the motion to reconsider, the ayes and noes were demanded by Messrs. Waters, Johnson, and Nott.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Blackwell, Breen, Clark, Coffey, Connolly, Cooley, Dare, Forsyth, Hicks, Johnson, Kercheval, Miller, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Welch, and Whitlock—23.

NOES—Messrs. Allen, Ames, Anderson, Asmussen, Barstow, Blake, Byington, Conroy, DeWitt, Dinmene, Dixon, Dorsey, Garver, Giffen, Griffith, Haile, Hanna, Hart, Haworth, Hinshaw, Holloway, Hugg, Long, May, Mayfield, McClure, Meyers, Moffat, Nott, Pace, Sargent, Swift, Tuttle, Warden, Waters, Wheat, Wilson, and Mr. Speaker—38.

The House took up the resolution offered by Mr. Murphy of San Francisco, relative to ordering the Committee on Banks to report back Assembly Bill No. 443 on to-morrow, and, on motion of Mr. Dare, the resolution was permanently laid on the table.

Senate Bill No. 180—An Act for the relief of John Hoagland and others.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported progress, and asked leave to sit again at one o'clock P. M.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, and, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

One day's leave of absence was granted to Mr. Abbott.

On motion of Mr. Thompson, the special order for this hour was temporarily postponed.

House took up Assembly Bill No. 180—An Act for the relief of John Hoagland and others.

Considered in Committee of the Whole.

[Speaker in the chair.]

The Committee arose, and reported the bill back, with recommendation that it do not pass.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, and on the passage of the bill the ayes and noes were demanded by Messrs. Johnson, DeWitt, and Haile.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Barstow, Blackwell, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, DeWitt, Ellis, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Johnson, Kercheval, McClure, Meyers, Moffat, Nealley, Pauly, Routier, Sherman, Smyth, Swift, Tobin, Welch, Whitlock, and Wilson—38.

NOES—Messrs. Blake, Breen, Clark, Cooley, Dare, Dixon, Dorsey, Dunlap, Ewing, Haile, Hanna, Hinshaw, Hugg, Long, May, Mayfield, McComas, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Robertson, Russ, Sargent, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—32.

Title approved.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration Assembly Bill No. 551—An Act to compel the retraction of false or defamatory articles in newspapers or serial publications, and to prohibit certain publications—report the same back with a substitute, and by a vote of seven ayes to five noes recommend that it do not pass.

Also, Assembly Bill No. 759—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use—report the same with amendments, but without recommendation. Ten members present and voting, the vote stood five in favor and five opposed to a recommendation of its passage as amended.

Also, Assembly Bill No. 635—An Act to provide for the payment of costs in suits for the amendment of certificates of purchase of delinquent purchasers of State lands—report the same with an amendment, and recommend passage as amended.

Also Assembly Bill No. 728—An Act to amend section one thousand one hundred and ninety-two of the Political Code, in relation to the distribution of election tickets—and a majority of the committee recommend the passage thereof.

Also, Senate Bill No. 566, and recommend its reference to Committee on Commerce and Navigation.

ANDERSON, Chairman.

On motion of Mr. Anderson, Assembly Bill No. 759, above reported, was made special order for to-morrow, at one o'clock P. M.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 764—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years.

Assembly Bill No 780—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda

Assembly Bill No. 763—An Act in relation to the roads and streets within the City of San Luis Obispo.

Assembly Bill No 802—An Act to provide for the election of Supervisors in the County of Mendocino.

Assembly Bill No. 321—An Act concerning certain property within the City and County of San Francisco.

YOUNG, Chairman.

On motion of Mr. Tuttle, the special orders for this hour were temporarily postponed.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 394—An Act to encourage the mining industry, and to suppress stock gambling—report the same with amendments, recommend the adoption of the amendments, and passage of the bill as amended.

Also, substitute for Senate Bills Nos 153, 156, and 295, and for section four hundred and fifty-three in section three of Senate Bill No. 155—An Act to amend the Political Code, in relation to insurance—have amended the same, and recommend its passage as amended.

Also, Senate Bill No. 154—An Act to amend the Civil Code, relative to insurance—and have amended the same, and recommend its passage as amended.

Also, substitute for Senate Bill No. 155—An Act to amend the Civil Code, and repeal certain Acts relative to insurance—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 771—An Act to establish reasonable rates of charges for the transportation of freight and passengers on the different railroads of this State—and report the same back without recommendation.

Also, Assembly Bill No. 372—An Act regulating the issuance and transfer of stock or certificates thereof in incorporated companies in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 544—An Act to amend the Civil Code of the State of California, in relation to common carriers—and recommend that it do not pass.

Also, substitute for Senate Bill No. 148—An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code—and recommend that it do not pass.

TUTTLE, Chairman.

On motion of Mr. Tuttle, Senate Bill No. 394, substitute for Senate Bill No. 153, Senate Bill No. 154, substitute for Senate Bill No. 156, and Senate Bill No. 295, were made special orders for to-morrow, at eleven o'clock A. M.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No. 393—An Act to provide for the payment of unused and uncanceled stamps of the State of California, heretofore sold.

No. 312—An Act to authorize the Board of Supervisors of Marin County to levy a special tax,

and to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

No. 384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.

No. 582—An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a draw-bridge over Channel Street, at the intersection of Sixth Street.

No 306—An Act to amend an Act entitled an Act to provide for the completion of the building, in the City and County of San Francisco, known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six

No 471—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.

And the same were, on the twentieth day of March, presented to the Governor for his approval.

BRODERICK, Chairman.

Also:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled

No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno

And the same was, this day, March twenty-first, presented to the Governor for his approval.

BRODERICK, Chairman.

On motion of Mr. Anderson, the usual number of copies of Assembly Bill No. 759 were ordered printed out of order.

PETITION.

By Mr. Coffey—Relative to the purchase of water-works in the City of San Francisco.

Referred to the San Francisco delegation, and ordered printed.

REPORTS.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No. 608—An Act for the protection of the rights of draymen and others in the City and County of San Francisco—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Assembly Bill No. 598—An Act to segregate certain lands from the Laurel Hill Cemetery, to authorize streets through the same, and the use of said lands for other purposes—report the same, and recommend that it be indefinitely postponed. Sixteen members present and voting.

Also, Senate Bill No. 280—An Act to confer additional powers upon, and to authorize certain appropriations of money by, the Board of Supervisors of the City and County of San Francisco—report the same with an amendment, and a majority recommend that it do pass as amended. Sixteen members present and voting, eleven ayes, and five noes.

Also, Senate Bill No 268—An Act to amend section two of an Act entitled an Act to create a City Criminal Court, in and for the City and County of San Francisco, approved April third, eighteen hundred and seventy-six—report the same, and recommend that it be indefinitely postponed. Sixteen members present and voting.

J. V. COFFEY, Chairman.

The bills above reported were ordered on the special file.

[Mr. Waters in the chair.]

Mr. Johnson moved that Assembly Bill No. 551 be made special order for Tuesday next, at one o'clock P. M., and that the usual number of copies be ordered printed.

So ordered.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR SPEAKER Your Joint Committee on Labor Question, to whom was referred Assembly Bill No. 722—An Act to sustain a Free Youths' Directory, Home, and Intelligence Bureau in San

Francisco—have had the same under consideration, and report it back, with the recommendation that it do pass as amended.

PIERSON. Senate.
DINNIENE, Assembly.

Mr. Berry had leave of absence for the day.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 612—An Act to create an irrigation district, to be called the Modesto Irrigation District.

Also, passed, and ordered to the Assembly without engrossment, Senate Bill No. 489—An Act to amend certain sections of the Political Code, and to enact and add certain sections thereto, relating to pilots and pilot regulations.

Also, return to the Assembly, in accordance with request, Assembly Bill No. 737.

Also, passed, and ordered to the Assembly without engrossment, Senate Bill No. 619—An Act to amend sections one thousand nine hundred and thirteen, one thousand nine hundred and sixty-two, and one thousand nine hundred and sixty-nine of the Political Code, and add a new section thereto, and to amend section thirty-eight of an Act entitled an Act to amend the Political Code of the State of California, and other Acts concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight.

Also, on the nineteenth day of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two

Also, that the Assembly is requested to return to the Senate, Senate Joint Resolution No. 49, for correction.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 737, referred to the Contra Costa delegation.

Assembly Bill No. 612, referred to the Stanislaus delegation.

Senate Bill No. 649, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 619, read first and second times, and referred to the Committee on Military Affairs.

REPORT.

By Mr. McComas:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 600, have had the same under consideration, and herewith report it back, and recommend its passage.

McCOMAS, for Delegation.

INTRODUCTION OF BILLS.

By Mr. Griffith—An Act for the relief of George Dougherty.

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

By Mr. Sherman—An Act to compel ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.

Read first and second times, and referred to the Judiciary Committee, with instructions to report on Monday next.

By Mr. Young—An Act to declare Dutch Slough, in Contra Costa County, navigable.

Read first and second times, and referred to the Contra Costa delegation.

By Mr. Ellis—An Act amendatory of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight.

Read first and second times, and referred to the Los Angeles delegation.

REPORTS.

By Mr. Montague:

SACRAMENTO, March 21st, 1878.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred substitute for Senate Bill No. 569—An Act to authorize the Board of Supervisors of the County of Alameda to establish a Receiving Hospital in the City of Oakland—have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

MONTAGUE, Chairman.

By Mr. Hinshaw:

MR. SPEAKER: Your Joint Committee on Elections, to whom was referred Assembly Bill No. 505—An Act to amend section one thousand three hundred and fifty-seven of the Political Code, in relation to primary elections—have examined it, and ask to report it back, with a recommendation that it do pass

HINSHAW, for Committee.

Also:

MR. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 477—An Act to reestablish Court-house School District, in Sonoma County—have examined the same, and ask leave to report it back with a substitute, and recommend the passage of the substitute.

HINSHAW, for Delegation.

On motion of Mr. Dare, the bills reported this day by the Committee on Fish and Game, special orders for three o'clock P. M. this day, were made special orders for to-morrow, at one o'clock P. M.

SPECIAL ORDER.

Assembly Bill No. 649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

Mr. Anderson moved to amend by striking out section fifteen.

Adopted

It being moved to suspend the rules to consider the bill engrossed, the ayes and noes were demanded by Messrs. Broderick, Griffith, and Swift.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Breen, Brooks, Connolly, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, May, Mayfield, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Pauly, Robertson, Sargent, Sherman, Thompson, Tobin, Welch, Whitlock, and Young—48.

NOES—Messrs. Asmussen, Blake, Broderick, Clark, Coffey, Cooley, Hanna, Long, Meyers, Nott, Routier, Russ, Smyth, Swift, Tuttle, Waters, Wheat, and Wilson—18.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Broderick, Asmussen, and Connolly.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Backus, Barstow, Breen, Brooks, Connolly, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ewing, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Kercheval, May, Mayfield, Moffat,

Murphy of Del Norte, Murphy of San Francisco, Pauly, Routier, Sargent, Sherman, Thompson, Tobin, and Whitlock—40.

Noes—Messrs. Asmussen, Blake, Broderick, Clark, Coffey, Cooley, Hanna, Hinshaw, Long, McClure, McComas, Montague, Nott, Robertson, Russ, Smyth, Swift, Tuttle, Waters, Welch, Wheat, Wilson, and Young—23.

Title approved.

Mr. Murphy of Del Norte moved to reconsider the vote by which Assembly Bill No. 315 was passed, and the motion was made special order for Saturday next, at one o'clock P. M.

Mr. Gildea moved that Assembly Bill No. 649 be transmitted to the Senate without engrossment.

Lost.

On motion of Mr. Thompson, Senate Bill No. 231 was made special order for to-morrow, at two o'clock P. M.

Mr. Thompson was granted leave of absence for the day.

Mr Connolly moved to reconsider the vote by which the House refused to transmit Assembly Bill No. 649 to the Senate without engrossment.

Lost.

On motion of Mr. Farnum, Assembly Bill No. 315, and substitute therefor, were ordered printed.

On motion of Mr. Murphy of Del Norte, the Committee on Savings Banks were granted temporary leave of absence.

RESOLUTION.

By Mr. Haile:

Resolved, That from and after this date this House shall meet at eleven o'clock A. M., and shall sit only three hours each day.

Laid on the table.

SPECIAL ORDER.

Motion to reconsider vote on Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the costs of certain criminal cases.

The vote was reconsidered, and the bill made special order for to-morrow, at two o'clock P. M.

REPORT.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Senate Bill No. 547—An Act relative to the Board of Trustees of the City of Sacramento—report the same back with amendments, and recommend the passage of the bill as amended.

JOHNSON, Chairman Delegation.

Senate Bill No. 547, above reported, taken up, rules suspended, amendments adopted, read third time, and passed.

Title approved.

ADJOURNMENT.

At four o'clock and fifty minutes P. M. Mr. Haile moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Ostrom, Smyth, and Haile.

The roll was called, and the House adjourned by the following vote:

AYES—Messrs. Allen, Breen, Broderick, Clark, Connolly, Conroy, DeWitt, Dixon, Dorsey, Dunlap, Ewing, Garver, Giffen, Gough, Haile, Hanna, Haworth, Hicks, Holloway, Long, Mayfield, McClure, Meyers, Nott, Ostrom, Pauly, Robertson, Russ, Sargent, Smyth, Warden, Waters, Welch, Wheat, Wilson, and Young—36.

NOES—Messrs. Adams, Asmussen, Backus, Blackwell, Blake, Brooks, Byington, Cooley, Gildea, Hart, Hinshaw, Hugg, Johnson, Kercheval, Montague, Murphy of San Francisco, Routier, and Whitlock—18.

Adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 22d, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

One day's leave of absence was granted to Mr. Holloway, and temporary leave to Mr. Coffey.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Speaker—Relative to a former petition presented to this House, in relation to the Chinese in the public schools of this State.

On motion of Mr. Nott, laid on the table.

By Mr. Warden—Against the reduction of charges on telegraph lines.

Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By Mr. Haworth:

MR. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 400—An Act to create a Board of Wharf and Harbor Commissioners in the County of Los Angeles—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 566—An Act to amend section two thousand five hundred and forty-eight of the Political Code—report the same, and recommend that it do pass.

Also, Senate substitute for Senate Bill No. 140—An Act to amend an Act entitled an Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco, approved March twenty-seventh, eighteen hundred and seventy-six—report the same, and recommend that it be referred to the San Francisco delegation.

Also, Assembly Bill No. 805—An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, and to authorize the construction of a wharf and the purchase thereof by said Board—report the same, and recommend that it do not pass.

JAS. HAWORTH, Chairman.

Senate Bill No. 566, above reported, was ordered on the special file.

Senate Bill No. 140, above reported, was referred to the San Francisco delegation, with instructions to report on to-morrow morning.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution authorizing the payment of the short-hand reporter of the Committee on Mining Debris, respectfully report the same back, and recommend its adoption.

Your committee would also report back the resolution authorizing the Journal Clerk to employ another Assistant, and recommend that it be adopted.

DIXON, Chairman.

The above report was concurred in, and the resolutions reported were adopted.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER. Your Judiciary Committee, having had under consideration Assembly Bill No 772—An Act to amend sections two hundred and seventy-six, two hundred and eighty, and two hundred and eighty-one of the Code of Civil Procedure, with respect to attorneys and counselors at law—report the same, with a recommendation that the author be allowed to withdraw it.

Also, Assembly Bill No 806—An Act to amend the Penal Code, with respect to the punishment of persons guilty of cheating under pretense of playing at games of chance—report the same with an amendment, and recommend passage as amended

Also, Assembly Bill No. 568—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the twenty-fourth and twenty-fifth fiscal years—and recommend the pas-age thereof.

Also, Assembly Bill No. 698—An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum, located at Stockton—and recommend the passage thereof.

Also, Assembly Bill No. 674—An Act to amend section three thousand six hundred and forty-nine of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 675—An Act to amend section three thousand eight hundred and four of the Political Code—and recommend that it do not pass.

Also, Senate Bill No 441—An Act to amend section three thousand four hundred and sixty-nine of the Civil Code of the State of California—and recommend the passage thereof.

Also, Senate Bill No. 442—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure—and recommend passage thereof

Also, Assembly Bill No. 767—An Act to add a new section to the Civil Code, to be known as section six hundred and two—and recommend passage thereof.

ANDERSON, Chairman.

Assembly Bill No. 568 was taken up, and considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

REPORTS.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER. Your Committee on Claims, to whom was referred Assembly Bill No 774—An Act authorizing the State Board of Examiners to allow certain claims against the State—have amended the same, and report it back, recommending its passage as amended.

Also, Assembly Bill No. 552—An Act to pay the claim of Michael Essinger—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 747—An Act for the relief of Thomas Alderson and others—report it back, and recommend that it do not pass.

Also, Senate Bill No. 387—An Act to amend an Act entitled an Act in relation to the county officers of Santa Cruz County, their fees and salaries, approved March thirtieth, eighteen hundred and seventy-six—report it back without recommendation.

OSTROM, Chairman.

By Mr. Pace:

MR. SPEAKER The Santa Cruz delegation, to which was referred Senate Bill No. 550, having considered the same, respectfully report the same, and recommend its passage.

GEO PACE, Delegation

By Mr. Hart:

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 720, have had the same under consideration, and a majority who were present report the same back with amendments, and recommend its passage as amended

Also, Assembly Bill No 697, report the same back, and recommend that the author have leave to withdraw the same.

Also, Senate Joint Resolution No. 44, report the same back, and recommend its passage.

HART, Chairman

By Mr. Hinshaw:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER Your Committee on Public Expenditures, to whom was referred resolution relative to the pay of Patrick Levey for extra services rendered in lighting and taking care of the gas burners and fixtures in the Assembly, etc., report the same back, and 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 Patrick Levey for the sum of seventy-five dollars, and that the State Treasurer be instructed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

The above report was concurred in, and the resolution adopted.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER Your Committee on State Prison, to whom was referred Senate Bill No. 577—An Act entitled an Act to amend section one thousand five hundred and ninety of the Penal Code—have had the same under consideration, and report it back, with recommendation that it be passed

MILLER, Chairman.

By Mr. Murphy of Del Norte:

MR. SPEAKER: Your Special Committee on Savings Banks beg leave to report that they have had under consideration Assembly Bill No. 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and power—with Senate amendments, and report the same back to the House, recommending that the Assembly do not concur in Senate amendments.

Also, your committee report back Senate Joint Resolution No. 50—In reference to Federal tax upon deposits in savings banks—with a recommendation that it pass.

JAMES E. MURPHY, Chairman.

Assembly Bill No. 433, above reported, was taken up, and the question being upon the adoption of the first Senate amendment to section three, the ayes and noes were demanded by Messrs. Johnson, Adams, and Warden.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs Adams, Ames, Blackwell, Dorsey, Farnum, Garver, Johnson, Kercheval, Mace, McComas, and Routier—11.

NOES—Messrs Allen, Barstow, Breen, Brokerick, Brooks, Byington, Clark, Conroy, Cooley, Dare, Dixon, Dunlap, Ellis, Ewing, Giffen, Griffith, Hale, Hanna, Hugg, Long, May, Mayfield, Meyers, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—45

The special orders for this hour (eleven o'clock A. M.) were temporarily postponed by general consent.

It being moved by Mr. Dare that the report of the committee be concurred in, thereby refusing concurrence in all the Senate amendments, the ayes and noes were demanded by Messrs. Dorsey, Meyers, and Farnum.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Allen, Ames, Barstow, Brooks, Byington, Clark, Conroy, Cooley, Dare, Dixon, Dorsey, Ewing, Haile, Hanna, Hart, Hinshaw, Hugg, Long, May, Mayfield, McClure, McComas, Murphy of Del Norte, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Tuttle, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—36.

NOES—Messrs. Adams, Anderson, Dunlap, Farnum, Garver, Johnson, Kercheval, Meyers, Montague, Routier, Russ, Sargent, and Thompson—13.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 462—An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers—have had the same under consideration. Five members present and voting: the majority, consisting of Messrs. Waters, Kercheval, and Garver, report it back, recommending its passage; Messrs. Nott and Tuttle voting "no."

Also, Assembly Bill No. 783—An Act making appropriations for benevolent purposes—report it back, recommending it do not pass.

Also, Assembly Bill No. 808—An Act relative to the sale of certain State property—report it back, recommending it do not pass.

Also, Assembly Bill No. 282—An Act making an appropriation for the California State Woman's Hospital—report it back, recommending it do not pass.

Also, Assembly Bill No. 606—An Act for the relief of the Sacramento Protestant [Orphan] Asylum—report it back, recommending it do not pass.

Also, Assembly Bill No. 778—An Act to appropriate money for the relief of the Oakland Benevolent Society—report it back, recommending it do not pass.

Also, Assembly Bill No. 726—An Act to sustain a Free Youths' Directory, Home, and Intelligence Bureau in San Francisco—report it back, recommending it do not pass.

NOTT, Chairman.

Assembly Bill No. 720 was, on motion of Mr. Sargent, ordered printed.

The special orders for this morning were, on motion, made special orders for this afternoon, at two o'clock P. M.

By Mr. Brooks:

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 712—An Act to fix the salary of the County Judge of San Joaquin County.

727—An Act to incorporate the Town of Yuba City.

681—An Act concerning the assessment and collection of municipal taxes upon personal property in the City and County of San Francisco.

511—An Act to amend an Act entitled an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County, and the Town of Modesto, in Stanislaus County.

749—An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.

750—An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein.

741—An Act fixing the pay of Supervisors in the County of Alameda.

742—An Act to prevent hogs running at large in Townships Numbers Two and Four of the County of Amador.

743—An Act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

734—An Act to provide for the extermination of squirrels in certain counties.

798—An Act to authorize the transfer of certain funds in the County of Sutter.

732—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

664—An Act to amend an Act approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

666—An Act to amend an Act approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

779—An Act to supply the Town of Oroville with water for fire purposes.
744—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State from the organization thereof.
768—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg District, in Fresno County.
740—An Act entitled an Act to provide sewerage for the City of Santa Cruz.

BROOKS, for Committee.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 737—entitled an Act to confer additional powers on the Board of Supervisors of the County of Contra Costa, for the purpose of being corrected under concurrent resolution of both Houses—report the same corrected, and ask that it be transmitted to the Senate immediately.

YOUNG, for Delegation.

Assembly Bill No. 737 was ordered transmitted to the Senate forthwith.

By Mr. Farnum:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 510—An Act entitled an Act to provide for the opening of streets in the City of Oakland—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 313—An Act entitled an Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four—herewith report the same back with amendments, and recommend its passage as amended.

DIXON,
McCLURE,
FARNUM, } Alameda Delegation.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee of Free Conference on Senate Bill No. 86—An Act to declare Clear Lake navigable—respectfully report that the committee met this morning, and after full consultation, all the members of the committee being present, they agreed to recommend that the Assembly recede from its amendment.

Respectfully submitted,
S. K. WELCH,
Chairman Committee of Free Conference of the Assembly.

The above report was adopted, and the House receded.

By Mr. Ostrom:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 755, have had the same under consideration, report it back, recommending passage.

OSTROM, for Delegation.

Assembly Bill No. 755, above reported, ordered on the special file.

By Mr. Mayfield:

MR. SPEAKER: The Napa delegation, to whom was referred Assembly Bills Nos. 769 and 770, having had the same under consideration, beg leave to report them back, and recommend their passage as amended.

MAYFIELD, for Delegation.

The rules were suspended, and each of the above bills considered engrossed, read third time, and passed.

Titles approved, and ordered transmitted to the Senate forthwith.

By Mr. Ellis:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 812—An Act amendatory of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight—have had the same under consideration, report it back, and recommend its passage.

ELLIS, for Delegation.

Assembly Bill No. 812, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Mr. Farnum moved a suspension of the rules to take up and consider Senate Bill No. 569.

Lost.

On motion of Mr. Farnum, Senate Bill No. 569 was ordered at the head of the special file for this evening.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 609—An Act in relation to public roads in the County of Sacramento—report the same back with amendments, and recommend the passage of the bill as amended.

JOHNSON, Chairman Delegation.

Also.

SACRAMENTO, March 22d, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 209—An Act to provide for the better drainage of Sacramento City and the land adjoining—report the same back, and recommend that the author be allowed to withdraw it.

And, having considered Assembly Bill No. 447—An Act to provide money for the support of the County Hospital in the County of Sacramento—report it back, and recommend that it do not pass.

And, having considered Assembly Bill No. 563—An Act amendatory of an Act to regulate the fees of office and fix the compensation of the county officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four—report it back, and recommend that it do not pass.

And, having considered Assembly Bill No. 719—An Act to provide for the payment of a judgment obtained in the Sixth District Court against the County of Sacramento—report it back, and a majority recommend that it do not pass.

JOHNSON, Chairman.

In accordance with the above recommendation, Mr. Johnson had leave to withdraw Assembly Bill No. 209.

By Mr. Waters:

MR. SPEAKER: Your Committee on Free Conference on Assembly Bill No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same—recommend that the Senate recede from its amendment, and that the following amendment be adopted:

After the words "receive for the service," in section sixteen, strike out what remains, and insert "compensation according to law."

WATERS,
SATTERWHITE, } For Committee.

Report adopted.

MR. SPEAKER: The Committee on Rules and Regulations, to whom was referred Assembly Bill No. 729, have had the same under consideration, and report it back, with the recommendation that it do not pass.

March 22d, 1878. BARSTOW, Chairman.

GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 19th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos 41—An Act to regulate certain Acts in relation to the terms of the County and Probate Courts in certain counties, and to amend sections eighty-eight and ninety-nine of the Code of Civil Procedure.

103—An Act to repeal an Act entitled an Act to protect the public roads in Santa Clara County.

Substitute for Assembly Bill No. 183—An Act to regulate the registration of voters and to secure the purity of elections in the City and County of San Francisco.

Assembly Bills Nos 205—An Act to incorporate the Town of Anaheim.

354—An Act for the relief of Joseph O'Neil.

402—An Act for the relief of W. J. Johnson, W. H. Perdue, John Cheney, Wm L. Tomlin, and M. V. Dixon

468—An Act to amend an Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four, approved March twenty-third, eighteen hundred and seventy-six.

492—An Act to amend an Act entitled an Act to establish pounds in the County of San Mateo, approved March eighteenth, eighteen hundred and seventy-six.

559—An Act to provide for the payment of interest upon certain warrants of Butte County.

570—An Act to authorize the Auditor and Treasurer of Sutter County to cancel certain certificates of the Register of State Land Office, and also certain Controller's warrants.

590—An Act to provide for the payment of the debt incurred in building a school house for Tulare School District, in San Joaquin County.

614—An Act entitled an Act to amend an Act entitled an Act fixing the terms of the members of the Board of Supervisors of Monterey County, and for other purposes, approved March third, eighteen hundred and seventy-six.

621—An Act to authorize the Board of Supervisors of Modoc County to erect a County Clerk's office, and to issue the bonds of the county therefor.

623—An Act to amend an Act entitled an Act to provide for establishing, maintaining, and protecting public and private roads in Colusa County, passed March twenty-sixth, eighteen hundred and seventy-four.

637—An Act authorizing the Board of Supervisors of Alameda County to pay the claim of Edwin Kimball.

739—An Act supplemental to and amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers in and for the County of Sonoma, and to repeal certain other Acts in relation thereto, approved March fourth, eighteen hundred and seventy-eight.

WILLIAM IRWIN, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 20th, 1878.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bills Nos. 129—An Act for the relief of S. L. Marks, Terrence Burke, J. R. Deardorff, and Milo Hoadley

193—An Act to ratify and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, relative to street work on Montgomery Avenue

331—An Act empowering the Board of Trustees of Arroyo Grande School District, in San Luis Obispo County, to issue bonds for certain purposes, and to provide for the redemption thereof.

560—An Act to authorize Dockery School District to issue bonds for building purposes.

569—An Act to amend an Act entitled an Act, approved February eighteenth, eighteen hundred and seventy-four, to provide for the building of a school house in the Merced School District, in the County of Merced, State of California.

573—An Act to grant to George E. Isaacs and his assigns the right to supply the inhabitants of the Town of Merced with fresh water.

WILLIAM IRWIN, Governor.

Also:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 21st, 1878.

To the Assembly of the State of California

I have to inform your honorable body that I have approved substitute for Assembly Bill No. 68—An Act authorizing the Board of Supervisors of the County of Mono to issue bonds for the construction of a wagon road from Antelope Valley to the Town of Benton in said county.

And Assembly Bills Nos. 300—An Act to promote the sanitary condition of towns and villages in Fresno County.

306—An Act to amend an Act entitled an Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall, approved March twenty-fourth, eighteen hundred and seventy-six.

312—An Act to authorize the Board of Supervisors of Marin County to levy a special tax, and

to appropriate the moneys collected thereunder to the construction of a wagon road in said county, and to transfer certain funds.

314—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the County of Los Angeles, to build and establish a County Alms-house and Hospital thereon, and to issue bonds for the payment of the same.

373—An Act to provide for and regulate irrigation in the Township of Los Nietos, in the County of Los Angeles.

384—An Act amending section four hundred and fifteen of the Penal Code, in relation to crimes against the public peace.

386—An Act to amend section one hundred and thirty-seven of the Civil Code, in reference to the husband providing for the support of the wife during unlawful desertion or proceedings for divorce.

503—An Act to amend an Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

582—An Act to empower and direct the Board of Supervisors of the City and County of San Francisco to build a draw-bridge over Channel Street, at the intersection of Sixth Street

590—An Act to authorize the corporation of the City of Los Angeles to issue bonds for improving the water supply of said city, and provide for their payment

721—An Act to authorize the Board of Trustees of the Town of Colusa to issue bonds for road purposes.

754—An Act to provide for the better collection of water-rates in the City of Sacramento.

WILLIAM IRWIN, Governor.

Also:

STATE OF CALIFORNIA EXECUTIVE DEPARTMENT.

To the Assembly of the State of California:

I desired, on Saturday, the sixteenth instant, to return to your honorable body Assembly Bill No. 245—entitled an Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, ex-Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one—without my approval, accompanied by a message stating therein my objections to it. When E. W. Maslin, my Private Secretary, reached the Assembly Chamber, the Assembly was not in session, having adjourned for the day, and he, accordingly, on the said sixteenth instant, at the hour of one o'clock and thirty-five minutes P. M., delivered the said bill and the said message to the Honorable C. P. Berry, the Speaker of the Assembly.

WILLIAM IRWIN, Governor.

Also:

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No. 102—entitled an Act to authorize the Board of Supervisors of Humboldt County to pay the claim of Abner D. Sevier, ex-Sheriff of said county—without my approval.

This bill is identical in character with Assembly Bill No. 245, which I have already returned, without my approval, and with my reasons for withholding it. Those reasons need not be stated at length again. It will be sufficient to show that the present bill falls into the same category as the other.

The Angney Fee and Salary Bills, so-called, were approved March twenty-eighth, eighteen hundred and sixty-eight, with the proviso that they should take effect on the first Monday of March, eighteen hundred and seventy. The one prescribed the fees which the county officers of the several counties might lawfully charge and collect for their services, the other fixed the salaries or other compensations which such officers would be entitled to receive to their own use. The provision of the Salary Act, applicable to Humboldt County, was as follows:

"SECTION 7. In all cases the mileage allowed by law to any Sheriff shall belong to and be retained by him for his own use and benefit. And he shall receive, to include the pay of deputies and Jailer, in addition to mileage allowed by law, the fees, commissions, and percentage, as provided in the Act to regulate the fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight, and the percentage herein allowed for the collection of taxes, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies, or assistants, as Sheriff and ex officio Tax Collector."

Mr. Sevier was elected Sheriff of Humboldt County at the general election in September, eighteen hundred and sixty-nine, and entered into his office on the first Monday in March, eighteen hundred and seventy. At the session of the Legislature of eighteen hundred and sixty-nine and seventy, the Angney Fee and Salary Acts were repealed, with respect to some counties, and greatly modified with respect to others. For the Sheriff of Humboldt County a new fee bill was provided, but the fees allowed by it were, in the main, those provided in the Angney Fee Bill; and in most of the few instances in which changes were made the fees were raised. The compensation of the Sheriff, however, as fixed in the Angney Salary Act, was left undisturbed by the Legislature of eighteen hundred and sixty-nine and seventy.

This bill assumes that Mr. Sevier did not receive compensation for the services of the Jailer,

in office at the time the service was rendered, however, construed the compensation which the Sheriff received to be his compensation for all services required of or performed by him, including those of Jailer. If there was any doubt about the correctness of this construction of the law, Mr. Sevier should have sought a construction of it by the Courts. It is certainly not the function of the Legislature to determine whether the interpretation put on it by the Board of Supervisors, or the one which seems to be assumed by this bill, is the correct one.

I hardly think, however, it will be seriously contended, either that the construction given the law by the Board of Supervisors was not the correct one, or that the Legislature did not, in providing the compensation, intend that it should be the compensation for all services required of the Sheriff by law, including those of Jailer.

The proposition of the bill, then, when reduced to its last analysis, is simply a proposition to give now an additional compensation for services which were paid for at the time they were rendered, at the rate then fixed by law.

The same objections, therefore, exist to this bill as to Assembly Bill No. 245.

WILLIAM IRWIN, Governor.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Governor's veto sustained by the following vote:

AYES—Messrs. Hart, Hugg, Long, Murphy of Del Norte, Routier, and Sargent—6.

NOES—Messrs. Abbott, Adams, Allen, Barstow, Blackwell, Blake, Breen, Broderick, Clark, Cooley, Dare, DeWitt, Dimmick, Dixon, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Garver, Gough, Haile, Hanna, Haworth, Hinshaw, Johnson, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Ostrom, Pauly, Robertson, Russ, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—52.

Also:

To the Assembly of the State of California:

I herewith respectfully return to your honorable body Assembly Bill No. 245—entitled an Act authorizing the Board of Supervisors of Los Angeles County to allow the claim of Dionisio Botello, Assessor of said county, for services rendered said county during the years eighteen hundred and seventy and eighteen hundred and seventy-one—without my approval.

Dionisio Botello was Assessor of Los Angeles County for the years eighteen hundred and seventy and eighteen hundred and seventy-one, and the object of this bill is to authorize the Board of Supervisors of said county to allow him further and additional compensation for his services as Assessor in those years.

It is not pretended that Botello did not receive all the compensation the law allowed the Assessor. It is alleged, however, first that the compensation was inadequate; and second, that Botello expected to receive, in addition to the salary fixed by law, the sum allowed by the State to the county as the State's share of the cost of assessing the county.

As to whether the salary allowed the Assessor was a sufficient compensation for his services, it is hardly pertinent to inquire at this time. But it is worth considering that the salary provided seems to have been the result of mature deliberation. The Angney Salary Bill, so-called, approved on the twenty-eighth of March, eighteen hundred and sixty-eight, and intended to go into effect on the first Monday of March, eighteen hundred and seventy, fixed the salary of the Assessor of Los Angeles County at one thousand eight hundred dollars. This was superseded, however, before it went into operation, by the Act of March fifth, eighteen hundred and seventy, which raised the salary to two thousand dollars. Thus it would seem that the salary was fixed at two thousand dollars after mature deliberation on the part of the Legislature.

With reference to the amount allowed the county by the State it is difficult to see on what ground the Assessor could have expected to receive it, or can now set up any claim for it, as the Statute in explicit language gave it to the county.

The theory on which the law was construed was this: The State was to pay its share of the cost of making the assessment directly to the county, while the county was to pay from her own treasury the whole salary or other compensation of the Assessor. There may have been, and perhaps was, an injustice done to the Assessor of Los Angeles County in paying him only two thousand dollars a year for the years named, but it is impossible that exact justice should be done in every instance, and public policy requires that the compensation of public officers shall be fixed at some definite sum before the services are rendered, or shall be made definitely ascertainable by some fixed scale of fees. And even if injustice shall, in some instances, result from this mode of procedure, I cannot doubt that it is the only safe rule, and that, if we concede that it may even in extreme cases be departed from, we expose the treasury of the State, and the treasuries of the counties and municipalities to dangers the extent of which it is impossible to foresee. If we once admit that persons who have at some period been public officers, and who received, for their services as such public officers, the salaries or other compen-

were performed, on the ground that the services were not adequately compensated, what security will we have? If the practice shall be once inaugurated, who can tell where it will stop? How many other ex-Assessors, or other ex-county officers of every kind, have as good ground for further compensation from their respective counties as this ex-Assessor has for such compensation from his county? Who can tell?

I cannot doubt that a faithful discharge of my official duty requires that I refuse my sanction to legislation so manifestly vicious in principle and mischievous in tendency as this seems to be.

WILLIAM IRWIN, Governor.

On motion of Mr. Ellis, the consideration of the above veto message was made special order for Thursday next, at two o'clock P. M.

REPORT.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No 436—An Act to provide for a Convention to frame a new Constitution for the State of California.

No. 526—An Act to fund certain indebtedness of San Diego County.

No. 631—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims.

No. 376—An Act to provide for the improvement of the public roads in the County of Mono.

No. 268—An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara

No. 647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

No. 562—An Act fixing the fees and compensation of the District Attorney of San Luis Obispo County.

No. 266—An Act to provide and maintain a system of sewerage in the City of Petaluma, and to take private lands therefor.

No. 628—An Act authorizing the Board of Supervisors of the City and County of San Francisco to order Baker Street graded.

No. 337—An Act to prevent buck goats running at large.

No. 429—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

No. 715—An Act supplementary to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight

No. 605—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno.

No. 397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county.

No. 520—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado

No 655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto

No. 646—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

No. 622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

No. 242—An Act to legalize assessments in Swamp Land District Number Two Hundred and Twenty-one, and to provide for collection of taxes.

No. 504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March fourth, eighteen hundred and seventy-four.

No. 572—An Act in relation to certain officers in Plumas County, and fix the compensation thereof

No 644—An Act to authorize the Board of Supervisors of Fresno County to build certain roads and bridges, and to issue bonds of said county for the construction, and to provide for the payment of the same.

No. 469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.

No 252—An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake, in Lake County.

No 653—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

And were this day, March twenty-second, eighteen hundred and seventy-eight, presented to the Governor for his approval.

WILLIAM BRODERICK, Chairman.

INTRODUCTION OF BILLS.

By Mr. Kercheval—An Act in relation to certain swamp land in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Haile—An Act to create and organize Reclamation District Number Three Hundred and Seventeen, and to define its boundaries and provide for its government.

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

Title approved, and the bill ordered transmitted to the Senate forthwith without engrossment.

By Mr. Gildea (for Mr. Tobin)—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

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

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

RESOLUTION.

By Mr. Murphy of Del Norte (by permission):

Resolved, That on to-morrow, the twenty-third instant, the Assembly proceed to the consideration of the general file immediately after the reading of the Journal, and transact no other business except bills on said file. And be it further

Resolved, That no member be allowed to speak more than once on each bill, and only for the space of five minutes, without the unanimous consent of the House, except the author of a bill.

Rules suspended, and the resolution adopted.

On motion of Mr. Murphy of Del Norte, the motion to reconsider the vote on the passage of substitute for Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections—was made special order for March twenty-fifth, at one o'clock P. M.

On motion of Mr. Gildea, Assembly Bill No. 774 was ordered at the head of the general file for to-morrow.

Mr. Johnson moved that Assembly Bill No. 783 be ordered second on the general file.

Lost.

Mr. Dare moved that Assembly Bill No. 749, special order, be temporarily postponed.

So ordered.

SPECIAL ORDER.

Senate Bill No. 503—An Act to amend Chapter I, Title XV, of the Penal Code, relative to violations of the laws for the preservation of fish and game.

Amendments recommended by the Committee on Fish and Game were adopted, and Mr. Miller moved to amend by exempting the Counties of Calaveras, Amador, El Dorado, Nevada, Placer, and Tuolumne, from the provisions of the bill.

In connection with the above amendment, Mr. Smyth had leave to submit a petition from citizens of Tuolumne County, against the passage of the bill.

Pending discussion, Senate Bills Nos. 503, 506, 505, 383, and 532 were recommitted to the Committee on Fish and Game, with instructions to report on to-morrow.

Mr. May moved to suspend the rules to take up Senate Bill No. 577. Lost.

Assembly Bill No. 759—An Act to amend section one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use.

Pending discussion, on motion of Mr. Tuttle, the special orders for this hour were postponed till three o'clock P. M. this day.

The amendments to section one, recommended by the Judiciary Committee, were adopted.

Mr. Hart moved to further amend section one, as follows: Amend section one, on line twenty-three, after the word "take," by adding the following, "evidence of all the witnesses on either side, as to the value of the property proposed to be condemned, as well as the damages caused thereby, and the necessary cost, including counsel fees. In the event the defendant refuses to accept the amount fixed by the Court or Judge, and in case defendant obtains a larger amount than fixed by the Court, he shall be entitled to costs and his counsel fees.

Adopted.

Mr. Waters moved to amend as follows: Amend section one, on line five, by inserting after the word "defendant" the words "and counsel fees and costs."

Adopted.

Mr. Anderson moved that the rules be suspended, bill considered engrossed, read third time, and placed upon its passage.

Special orders for this hour (three o'clock) postponed until four o'clock, or until the disposition of the bill under consideration.

[Mr. Haile in the chair.]

Mr. Coffey moved that the bill under consideration be made the special order for Tuesday, immediately after the reading of the Journal, upon which motion the ayes and noes were demanded by Messrs. Abbott, Waters, and Wilson.

Roll called, and motion lost by the following vote:

AYES—Messrs. Adams, Asmussen, Clark, Coffey, Dixon, Dorsey, Gildea, Haile, Hanna, Hinshaw, Mace, Miller, Montague, Nott, Ostrom, Robertson, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, and Mr. Speaker—23.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Barstow, Blackwell, Blake, Broderick, Brooks, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dunlap, Ellis, Ewing, Forsyth, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Long, May, McClure, McComas, Meyers, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Rouzer, Russ, Sargent, Sherman, Swift, Tobin, Warden, Whitlock, Wilson, and Young—49.

Question recurring upon the motion to suspend the rules, pending discussion, upon motion of Mr. Tuttle, all special orders for this hour were made special orders for to-morrow, at eleven o'clock A. M.

REPORT.

By Mr. Dinniene (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 431—An Act to provide for the collection of delinquent taxes and street assessments of the City of Sacramento.

556—An Act to provide for the election of officers for the City of Sacramento.

717—An Act to provide for widening the public road leading from the City of Sacramento to the American River bridge.

649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

DINNIENE, for Committee.

SPECIAL ORDER RESUMED.

House resumed consideration of Assembly Bill No. 759, the question being upon the motion to suspend the rules.

Motion withdrawn.

Mr. Farnum moved to amend as follows: Amend section one, in line eight (of the printed bill), by inserting after the word "proceedings," and before the word "and," the following: "if, in the judgment of the Court, the public necessity and convenience require it."

Mr. Waters moved to amend the amendment by inserting after the word "Court" the words "and verdict of a jury, if demanded."

[Speaker in the chair.]

Pending discussion, at five o'clock and five minutes P. M., Mr. Clark moved to adjourn.

The ayes and noes were demanded by Messrs. Haile, Ostrom, and Nott.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Adams, Allen, Asmussen, Blackwell, Blake, Broderick, Clark, Coffey, Cooley, Dixon, Dorsey, Ewing, Garver, Haile, Hanna, Hinshaw, Mace, McComas, Miller, Montague, Nott, Ostrom, Pace, Robertson, Smyth, Thompson, Tuttle, Waters, Wheat, and Mr. Speaker—30.

NOES—Messrs Abbott, Ames, Anderson, Backus, Barstow, Breen, Brooks, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ellis, Farnum, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Long, May, Mayfield, McClure, Meyers, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Swift Tobin, Warden, Welch, Whitlock, Wilson, and Young—43.

The question recurring upon the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Waters, Nott, and Ostrom.

The roll was called, and the amendment to the amendment was rejected by the following vote:

AYES—Messrs. Adams, Allen, Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hanna, Hinshaw, Mace, Mayfield, McComas, Miller, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—34

NOES—Messrs. Abbott, Anderson, Backus, Barstow, Blackwell, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Swift, Tobin, Warden, and Whitlock—37.

PAIRED—Messrs. Ames, Asmussen, Long, and Murphy of Del Norte—4.

The question recurring upon the original amendment, as offered by Mr. Farnum, the ayes and noes were demanded by Messrs. Waters, Johnson, and Ostrom.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Adams, Allen, Anderson, Barstow, Blackwell, Breen, Broderick, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Murphy of San Francisco, Pace, Pauly, Robertson, Routier, Russ, Sherman, Swift, Thompson, Tobin, Tuttle, Warden, and Whitlock—54.

NOES—Messrs. Abbott, Blake, Clark, Dunlap, Hanna, Montague, Nott, Ostrom, Sargent, Smyth, Waters, Welch, Wheat, Young, and Mr. Speaker—15.

At five o'clock and twenty-three minutes P. M. Mr. Haile moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Hicks, Waters, and Haile.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Adams, Asmussen, Blake, Broderick, Byington Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hanna, Hinshaw, Long, Mace, Montague, Nott, Ostrom, Pace, Robertson, Smyth, Thompson, Tuttle, Waters, Wheat, Young, and Mr Speaker—28.

NOES—Messrs. Abbott, Allen, Anderson, Backus, Barstow, Blackwell, Breen, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ellis, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Swift, Tobin, Warden, Welch, Whitlock, and Wilson—45.

The previous question now being moved by the requisite number, the ayes and noes were demanded by Messrs. Waters, Ostrom, and Smyth.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs. Abbott, Ames, Anderson, Backus, Barstow, Blackwell, Breen, Connolly, Conroy, Dare, DeWitt, Dinniene, Dorsey, Ellis, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Routier, Russ, Sherman, Swift, Tobin, Warden, and Whitlock—41.

NOES—Messrs. Adams, Allen, Asmussen, Blake, Broderick, Byington, Clark, Coffey, Cooley, Dixon, Dunlap, Haile Hanna, Hart, Hinshaw, Long, Mace, Mayfield, Montague, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—32.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Forsyth, Hinshaw, and Ostrom.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Ames, Anderson, Backus, Barstow, Blackwell, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Routier, Russ, Sherman, Swift, Tobin, Warden, and Whitlock—41.

NOES—Messrs. Adams, Allen, Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Haile, Hanna, Hart, Hinshaw, Long, Mace, Mayfield, Montague, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—33.

At five o'clock and forty-one minutes P. M. Mr. Ostrom moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Waters, Byington, and Adams.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Adams, Asmussen, Blackwell, Blake, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Ewing, Garver, Giffen, Haile, Hanna, Hinshaw, Mace, Moffat, Ostrom, Smyth, Tuttle, Waters, Wheat, Young, and Mr. Speaker—25.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Barstow, Breen, Broderick, Connolly, Conroy, Dare, DeWitt, Dunniene, Dunlap, Ellis, Fairnum, Forsyth, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Long, May, Mayfield, McClure, Meyers, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Neallev, Nott, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Warden, Welch, and Whitlock—50.

Mr. Kercheval moved that Assembly Bill No. 581 be placed on the special file for this evening.

Lost.

RECESS.

At five o'clock and fifty minutes P. M., on motion of Mr. Dare, the House took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Leave of absence was granted to the Committee on Commerce and Navigation, and to Messrs. Allen and Whitlock.

INTRODUCTION OF BILLS.

By Mr. Allen—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Mendocino.

Read first and second times, and ordered on the special file for this evening.

RESOLUTION.

By Mr. Hicks:

Resolved, That the Controller of State be and he is hereby authorized to draw a warrant, payable out of the Contingent Fund of this House, in favor of J. E Clark, for the sum of forty-seven dollars and forty cents, for mileage from and to his residence to the Capital, for the twenty-second session of this House, and the State Treasurer is hereby authorized to pay said warrant.

Adopted.

INTRODUCTION OF BILLS—CONTINUED.

By Mr. Waters—An Act to divide the County of San Bernardino into Supervisor districts, and to provide for the election and term of office of Supervisors of said county.

By Mr. Mayfield—An Act to amend an Act entitled an Act to authorize the Trustees of the City of Napa to procure a supply of pure fresh water for the use of the inhabitants of said city, approved March thirty-first, eighteen hundred and seventy six.

Each of the above bills read first and second times, and ordered on the special file for this evening.

By Mr. Swift—An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof.

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

REPORTS.

By Mr. Dorsey:

MR. SPEAKER: Your committee, having had Senate Bill No. 619 under consideration, report the same back, and recommend its passage.

CALEB DORSEY, Chairman Military Committee.

On motion of Mr. Ostrom, Assembly Bill No. 784 was ordered on the special file for to-night.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bills Nos. 316—An Act for the relief of James T. Boyd; and 358—An Act amending sections five hundred and sixty-two, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, concerning Sealer of Weights and Measures—report the same, and recommend that the author have leave to withdraw them. Fifteen members present and voting.

Also, Senate Bill No 256—An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco—report the same with amendments, and recommend that it do pass as amended. Fifteen members present and voting.

Also, Senate Bill No. 412—An Act concerning the macadamizing, etc., of Tyler Street, from Market Street, and to prohibit the laying down of railroad tracks thereon—report a substitute therefor, and recommend that the substitute do pass. Fifteen members present and voting.

Also, Assembly Bill No. 724—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes—report the same, and recommend that it do pass. Sixteen members present and voting

Also, Senate Bill No. 425—An Act providing for the payment of certain salaries out of the Special Fee Fund of the City and County of San Francisco—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 420—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate substitute for Senate Bill No. 8—An Act for the relief of Otto Kloppenburg—report the same, and recommend that it do pass Fourteen members present and voting

Also, Senate Bill No. 338—An Act to establish and open Montgomery Street South, in the City and County of San Francisco, and take private lands therefor—report the same, and recommend that it do pass. The delegation further request that the rules be suspended for the purpose of considering the bill at once Fifteen members present and voting.

Also, Assembly Bill No. 593—An Act to authorize the widening of Washington Street, in the City and County of San Francisco—report the same, and recommend that it do not pass. Fourteen members present and voting.

Also, Senate Bill No. 210—An Act to create an inferior Court, to investigate certain street contracts in San Francisco—report the same with amendments, and a majority recommend that it do pass as amended. Fourteen members present and voting, nine ayes, five noes, absent six.

J. V. COFFEY, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER A minority of the San Francisco delegation, to whom was referred Senate Bill No. 210—An Act to create an inferior Court, to investigate certain street contracts in San Francisco—respectfully dissent from the report of the majority of the delegation on said bill.

J. V. COFFEY, Chairman of Delegation,
R. W. MURPHY,
S W. BACKUS,
W. F. ANDERSON,
S. B BLAKE,
WM. B. MAY,
A. ASMUSSEN,
J. F SWIFT,
M. C. CONROY.

Senate Bill No. 338, above reported, taken up, amendments adopted, and Mr. Hicks moved to further amend as follows: Add to section twenty-two the following: "*Provided*, that wherever the publication of notice, or proposals, or any matter to be published in

a newspaper, is mentioned in this Act, it shall be considered to include the official newspaper of said city and county."

Adopted.

Mr. Hicks moved to further amend by striking out the word "north," in line nine, of section three, and inserting the word "south" in lieu thereof.

Adopted.

Read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Johnson—An Act to define coöperative business associations, and to provide for the organization and government thereof.

By Mr. Tobin—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

Each of the above bills read first and second times, and ordered on the special file for this evening.

By Mr. Cooley—An Act to amend section one thousand nine hundred and seventeen of the Civil Code, in relation to legal interest.

Read first and second times, and ordered on the general file.

By Mr. Farnum—An Act to amend section one thousand seven hundred and fifty of the Political Code, relative to certificates issued by the State Board of Examination.

Read first and second times, and referred to the Committee on Education.

REPORTS.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 42—Relative to the office of United States Surveyor-General for California—have had the same under consideration, report it back, and recommend its passage.

GILDEA, Chairman.

Senate Joint Resolution No. 42, above reported, read third time, and passed.

Title approved.

By Mr. Tuttle;

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No 473—An Act to amend section four hundred and seventy-three of the Civil Code—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

TUTTLE, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 570—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relative thereto, approved May twentieth, eighteen hundred and sixty-one—have had the same under consideration, and recommend its passage.

Also, Senate Bill No. 307—An Act to establish a scale for the measurement of logs—have had the same under consideration, and report it back, recommending its passage.

TUTTLE, Chairman.

Senate Bill No. 307, above reported, taken up, rules suspended, read third time, and passed.

Title approved.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

No. 659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

And the same has, this day, March twenty-second, eighteen hundred and seventy-eight, been presented to the Governor for his approval.

BRODERICK, Chairman.

SPECIAL FILE.

Senate Bill No. 569—An Act to authorize the Board of Supervisors of Alameda County to establish a Receiving Hospital in the City of Oakland.

Read third time, and passed.

Title approved.

Assembly Bill No. 616—An Act to authorize and empower the Sheriff of Colusa County to appoint a Jailer.

Indefinitely postponed.

Assembly Bill No. 760—An Act to provide for the distribution of school moneys in the County of Yolo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate forthwith without engrossment.

Senate Bill No. 48—An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 456—An Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 786—An Act to restrict sheep from being herded or running at large in Fresno County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to Senate forthwith.

Assembly Bill No. 788—An Act authorizing and directing the Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek, and, also, to open and macadamize the bay and marsh roads, and for that purpose to appropriate, from the General Fund of said county, the sum of five thousand dollars.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 790—An Act to repeal an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to Senate without engrossment.

Assembly Bill No. 791—An Act to fix the terms of the County and Probate Courts of the County of San Mateo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Assembly Bill No. 796—An Act to prevent hogs and goats from running at large in the Town of Plymouth, Amador County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate forthwith without engrossment.

Assembly Bill No. 797—An Act concerning roads and highways in the County of Humboldt.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 490—An Act for the relief of William Doyle, Francis Timmins, and Joseph Gleason.

Indefinitely postponed.

Assembly Bill No. 723—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 464—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade.

Read third time, and passed.

Title approved.

Senate Bill No. 262—An Act to authorize the Board of Supervisors of the City and County of San Francisco to audit and pay a certain claim.

Amendment adopted, read third time, and passed.

Title approved.

Assembly Bill No. 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

Mr. Backus moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Blake, Coffey, and Connolly.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Backus, Blake, Brooks, Clark, Coffey, Conroy, Cooley, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Gough, Haile, Hanna, Hinshaw, Kercheval, Long, Mace, McClure, McComas, Meyers, Miller, Nott, Ostrom, Smyth, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—34

NOES—Messrs. Adams, Ames, Anderson, Barstow, Blackwell, Broderick, Connolly, Dimmene, Giffen, Gildea, Griffith, Hart, Hicks, Johnson, May, Mayfield, Murphy of Del Norte, Nealley, Pauly, Robertson, Roulet, Sherman, Swift, Thompson, and Tobin—25.

Mr. Gough gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

Assembly Bill No. 508—An Act for the protection of the rights of draymen and others in the City and County of San Francisco

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 598—An Act to segregate certain lands from the

Laurel Hill Cemetery, to authorize streets through the same, and the use of said land for other purposes.

Indefinitely postponed.

Senate Bill No. 280—An Act to confer additional powers upon, and authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 268—An Act to amend section two of an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, approved April third, eighteen hundred and seventy-six.

Indefinitely postponed.

Senate Bill No. 600—An Act granting additional powers to the Mayor and Common Council of the City of San José.

Read third time, and passed.

Title approved.

Assembly Bill No. 477—An Act to reëstablish Court-house School District, in the County of Sonoma, and repeal an Act in relation thereto.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Dorsey submitted verbal report on Assembly Bill No. 612, recommending concurrence in Senate amendments.

Amendments concurred in.

Assembly Bill No. 821—An Act to define cooperative business corporations, and to provide for the organization and government thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 210—An Act concerning certain street contracts in San Francisco.

Ordered to the bottom of the file.

[Speaker in the chair.]

Assembly Bill No. 400—An Act to create a Board of Wharf and Harbor Commissioners in the County of Los Angeles.

Passed on file.

At nine o'clock and twelve minutes P. M. Mr. Nealley moved to adjourn.

Lost.

Mr. Connolly moved to take up the order of Senate messages.

Lost

Assembly Bill No. 747—An Act for the relief of Thomas Alderson and others.

Indefinitely postponed.

Assembly Bill No. 387, passed on file.

Assembly Bill No. 550—An Act to provide a sufficient number of deputies for the County Assessor of Santa Cruz County.

Passed on file.

Senate Bill No. 313—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 755—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 510—An Act to provide for the opening of streets in the City of Oakland.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 609—An Act in relation to public roads in the County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 447—An Act to provide money for the support of the County Hospital in the County of Sacramento.

Indefinitely postponed.

Assembly Bill No. 553—An Act amendatory of an Act to regulate the fees of office and to fix the compensation of county officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Indefinitely postponed.

Assembly Bill No. 719—An Act to provide for the payment of a judgment obtained in the Sixth District Court against the County of Sacramento.

Indefinitely postponed.

Assembly Bill No. 729—An Act relative to the expenses of traveling committees of the Assembly and Senate.

Indefinitely postponed.

Senate Bill No. 256—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 784—An Act to amend section three thousand nine hundred and seventy-two of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 412—An Act concerning the macadamizing of Tyler Street, from Market to Devisadero Street, and to prohibit the laying down of railroad tracks thereon.

Substitute adopted, bill read third time, and passed.

Title approved.

At nine o'clock and forty minutes P. M. Mr. Long moved to adjourn.

Lost.

Assembly Bill No. 724—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Tuttle gave notice that on to-morrow he would move to reconsider the vote by which the bill was passed.

At nine o'clock and forty-eight minutes P. M. Mr. Long moved to adjourn.

Lost.

Senate Bill No. 8—An Act for the relief of Otto Kloppenburg.

Read third time, and passed.
Title approved.

ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Mr. Dare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 23d, 1878.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read, and after being amended to correct a clerical error, was approved as amended.
Mr. Tuttle had leave to withdraw his notice of a motion to reconsider the vote on Assembly Bill No 724.

SENATE MESSAGES.

On motion of Mr. Gildea, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 420—An Act to prevent the trespassing of goats on inclosed lands in Amador County.

Assembly Bill No. 424—An Act to amend section eight hundred of the Political Code of California, relative to the oath of office of Notaries Public.

Assembly Bill No. 247—An Act to regulate fees of office in certain counties.

Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.

Assembly Bill No. 496—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

Also, amended and passed Assembly Bill No 425—An Act to amend section nine hundred and nine of the Political Code, relative to oath of office of County Judges and County Clerks.

Also, passed Assembly Bill No 571—An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.

Assembly Bill No. 700—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.

Assembly Bill No. 442—An Act to add a new section to the Code of Civil Procedure, relating to writings.

Assembly Bill No. 661—An Act to provide for the building of and furnishing a Court-house, offices, and Jail in Napa County, and for improving the Court-house grounds.

Assembly Bill No. 602—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

Assembly Bill No. 789—An Act granting the Board of Supervisors of Colusa County additional powers.

Assembly Bill No. 756—An Act in relation to juries in Justices' Courts, and witnesses in Courts of record, in the County of Santa Cruz.

Also, amended and passed substitute for Assembly Bill No. 9—An Act to change the grades of certain streets in the City and County of San Francisco.

Also, amended and passed Assembly Bill No 529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.

Assembly Bill No 288—An Act to amend sections five hundred and sixty-four, five hundred

and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section to be numbered section five hundred and sixty-eight.

Also, amended and passed Assembly Bill No 680 —An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

Also, amended and passed Assembly Bill No. 474—An Act to provide for the construction and repair of bridges in the County of Mendocino

Assembly Bill No. 787—An Act to regulate and protect bee-keeping in the County of San Bernardino.

Assembly Bill No. 744—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State from the organization thereof

Also, this day adopted the report of the Committee of Conference on Assembly Bill No. 500.

And, refused to recede from its amendments to Assembly Bill No. 433, and appointed a Committee of Free Conference on the part of the Senate, as follows: Messrs. Gwin, Searls, and McCoppin.

And, concurred in Assembly amendments to Senate Bills Nos 488 and 559.

R. SHOEMAKER.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1878

MR SPEAKER I am directed to inform your honorable body that the Senate, on the fifteenth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 511—An Act to provide for transcribing the Great Register of El Dorado County.

And, on the eighteenth, passed Senate Bill No. 363—An Act for the relief of purchasers of State lands.

Senate Bill No. 368—An Act to quiet title to land in the County of Yolo.

Senate Bill No. 579—An Act to regulate roads and highways in Lassen County.

Senate Bill No. 578—An Act to authorize the Board of Supervisors of San Bernardino County to purchase the franchise of a toll road company.

Senate Bill No 561—An Act to amend an Act, approved April first, eighteen hundred and seventy-six, entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Senate Bill No. 544—An Act to provide for the construction of a railroad from Ione, in the County of Amador, to a point in or near the Town of Sutter Creek or Jackson, in said county, and to regulate fares and freights thereon

Senate Bill No. 519—An Act to amend an Act entitled an Act to authorize the County Treasurer of El Dorado County to transfer certain funds, approved March sixteenth, eighteen hundred and seventy-six

Senate Bill No. 513—An Act to refund to Tehama County the State's portion of taxes unlawfully collected

Senate Bill No. 486—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for official valuation of life insurance policies, approved April fourth, eighteen hundred and seventy, approved February thirteenth, eighteen hundred and seventy-two

Senate Bill No 504—An Act to repeal an Act entitled an Act for the protection of game in Nevada County.

Also, on the twenty-first of March, passed, and ordered to Assembly without engrossment, Senate Bill No 622—An Act to create a new township in Calaveras County.

Senate Bill No. 630—An Act to provide for the location, construction, and maintenance of public roads in the County of Amador.

Senate Bill No. 628—An Act to authorize the Board of Supervisors of Yolo County to levy taxes for county purposes.

Senate Bill No 626—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provisions for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-seven-seventy-eight.

Senate Bill No. 627—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco

Senate Bill No 601—An Act to prevent the trespassing of animals upon private property in the City of Placerville, El Dorado County, California

Senate Bill No 623—An Act to amend an Act to confer further powers on the Board of Trustees of the City of Sacramento.

Assembly Bill No. 319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and to provide for the payment of the same.

Assembly Bill No. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Assembly Bill No 412—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California.

Assembly Bill No 459—An Act to amend an Act entitled an Act to regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Assembly Bill No. 495—An Act to amend sections thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of

Ventura, State of California, and also to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy-six.

Assembly Bill No. 521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage, and to its permanent protection from overflow.

Assembly Bill No. 585—An Act supplementary to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

Amended and passed Assembly Bill No. 648—An Act to regulate fees and salaries in the County of Los Angeles.

Assembly Bill No. 657—An Act to amend an Act entitled an Act to provide for the grading of public alleys, and the construction of sewers therein, in the City of Sacramento.

Assembly Bill No. 663—An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.

Assembly Bill No. 665—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

Assembly Bill No. 667—An Act to amend an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, and San Bernardino, approved February thirteenth, eighteen hundred and seventy-two, as to Napa County.

Assembly Bill No. 668—An Act to authorize the Board of Supervisors of Napa County to pay certain claims.

Assembly Bill No. 748—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.

Senate Bill No. 430—An Act to create a Bureau of Labor and Statistics of Labor, in the State of California.

Receded from amendment to Assembly Bill No. 136.

Passed Assembly Bill No. 565—An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.

Assembly Bill No. 651—An Act to provide for the election of Road Overseers in Marin County.

Assembly Bill No. 676—An Act fixing the amount of official bonds of Colusa County.

And Assembly Bill No. 677—An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meetings.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first of March, eighteen hundred and seventy-eight, concurred in Assembly amendments to Senate Bills Nos. 455, 369, 384, 203, and 317.

And laid on the table the following Assembly Bills Nos. 159, 189, 271, 311, 349, 350, 452, 423, and 233.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 21st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to concur in Assembly amendment to substitute for Senate Bill No. 200—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof—and appointed Senators McCoppin, Boyston, and McCarthy as a Committee of Free Conference.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 695—An Act ratifying and legalizing Reclamation District Number Fifty-four, of this State, in Sacramento County, and the by-laws and proceedings thereof.

Assembly Bill No. 696—An Act to establish Reclamation District Number Two Hundred and Fifty-two, of this State, in Sacramento County.

Assembly Bill No. 793—An Act to set off the southwestern portion of Sutter Island, in Sacramento County, from Onisbo School District, in said county, to Slough District, in Solano County, for school purposes.

Amended and passed Assembly Bill No. 111—An Act to prevent and restrict sheep and goats from being herded and running at large in certain portions of Lake County.

Amended and passed Assembly Bill No. 274—An Act to provide a new Great Register for the County of Fresno, and re-register the voters thereof.

And, on the twenty-second of March, passed substitute for Senate Bills Nos 117, 190, and 500—An Act making appropriations for public institutions.

Also, substitute for Senate Bill No. 568—An Act to regulate the boxing, stamping, and sale of cigars made in the State of California.

On the twenty-second of March, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco, in case of urgent necessity

On the eighteenth of March, eighteen hundred and seventy-eight, passed Senate Bill No. 598—An Act to close an unused street in San Francisco

And, on this day, passed Senate Bill No 620—An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six.

And, Senate Bill No. 621—An Act to amend an Act entitled an Act to establish a Political Code, approved March eleventh, eighteen hundred and seventy-six

On the twenty-second of March, eighteen hundred and seventy-eight, passed Senate Bill No. 631—An Act to provide for the improvement of Van Ness Avenue, in the City and County of San Francisco, and, Senate Bill No. 540—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square, in said city and county—and ordered the same to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER I am directed to inform your honorable body that the Senate has taken action on various Senate and Assembly Bills, as will more fully appear by the Senate message herewith submitted.

GEO. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second instant, passed Assembly Bill No. 494—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessor.

Also, Assembly Bill No 536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 679—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 691—An Act to confer certain powers on the Board of Supervisors of the County of San Mateo.

Also, Assembly Bill No. 692—An Act relating to fees of Justices of the Peace in Colusa County.

Also, Assembly Bill No. 555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.

Also, Assembly Bill No. 363—An Act to amend section thirty of the Civil Code, in reference to liens for services.

Also, Assembly Bill No 548—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses appertaining thereto.

Also, Assembly Bill No. 594—An Act to establish and maintain a Free Dispensary in the City and County of San Francisco.

Also, Assembly Bill No. 658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin.

Also, Assembly Bill No 437—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street in said city and county.

Also, Assembly Joint Resolution No 65—Relative to constructing a breakwater or sea-wall in the Harbor of Santa Barbara

Also, Assembly Joint Resolution No. 59—Relative to the production of sugar from beets and melons, etc.

Also, Assembly Joint Resolution No 67—Relative to a weekly mail route from the county seat of Fresno County, via Liberty to Waltham Cañon, Fresno County.

Also, amended and passed Assembly Bill No 690—An Act for the scaling of logs in the County of Humboldt.

And, indefinitely postponed Assembly Bill No. 88.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 749—An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.

Assembly Bill No. 511—An Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County, and the Town of Modesto, in Stanislaus County.

Assembly Bill No. 814—An Act to create and organize Reclamation District Number Three Hundred and Seventeen, and to define its boundaries and provide for its government.

And, on the twenty-second of March, eighteen hundred and seventy-eight, passed, and ordered to Assembly without engrossment, substitute for Senate Bill No 300—An Act to add a new section to the Penal Code, to be known as section one thousand six hundred and fifteen.

Substitute for Senate Bill No. 225—An Act regulating the collection of poll tax in Merced County.

Senate Bill No. 534—An Act to amend the Code of Civil Procedure

Senate Bill No 609—An Act to amend an Act entitled an Act to district the City of Oakland into wards, approved February nineteenth, eighteen hundred and seventy-six.

Senate Bill No. 377—An Act to provide for a levee, drainage, and road district in the County of Yolo.

Substitute for Senate Bill No. 525—An Act to authorize and empower the Board of Education of the City and County of San Francisco to sell certain real estate

Senate Bill No. 484—An Act to amend section two hundred of the Code of Civil Procedure.

Senate Bill No. 485—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claims of J. C Smith.

Senate Bill No. 341—An Act to amend section two hundred and ninety-three of the Civil Code.

Senate Bill No. 632—An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grades of streets in said city and county.

Senate Bill No. 634—An Act to amend an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four.

Senate Bill No. 638—An Act to provide for the payment of the indebtedness of Snelling School District, in the County of Merced, State of California.

Senate Bill No. 633—An Act to further define the Judicial Districts in the City and County of San Francisco.

Substitute for Senate Bill No. 494—An Act to amend section three thousand four hundred and eighty-nine of the Political Code

Senate Bill No. 533—An Act for the relief of A. D. Splivalo, J. H. Coleman, and Juan de Toro.

Senate Bill No. 529—An Act for the extension of Fourteenth Street, in the City and County of San Francisco.

Senate Bill No. 527—An Act to amend a certain section of the Civil Code, relating to corporations.

Senate Bill No 292—An Act to amend section three hundred and twenty-five of the Code of Civil Procedure.

Senate Bill No. 493—An Act to amend section four thousand four hundred and twenty-five of the Political Code.

And Senate Bill No 556—An Act to provide for the extermination of squirrels in the County of Contra Costa.

On the twenty-first instant, passed Senate Bill No. 618—An Act entitled an Act to incorporate the City of San Luis Obispo, approved March twentieth, eighteen hundred and seventy-six.

Also, on the twentieth, passed Senate Bill No 443—An Act to amend section eight hundred and twenty-one of the Civil Code of the State of California

And, on the twenty-second instant, passed Senate Bill No. 450—An Act to enable railroad companies to complete their railroads

Also, Senate Bill No. 231—An Act to confer further powers on the Common Council of the City of Santa Barbara.

Also, Senate Bill No. 624—An Act to provide a fund for the repairing of roads in San Luis Obispo County.

Also, Senate Bill No. 625—An Act concerning roads and highways in San Luis Obispo County.

On the twenty-second of March, eighteen hundred and seventy-eight, passed Senate Bill No. 603—An Act to authorize the City and County of San Francisco to allow and pay the claim of John O'Connor.

Senate Bill No. 617—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure.

Senate Bill No. 613—An Act to amend an Act entitled an Act for the relief of purchasers of State lands, approved March twenty-seventh, eighteen hundred and seventy-two.

Senate Bill No. 583—An Act to amend certain sections of the Code of Civil Procedure, in reference to attachments.

Senate Bill No. 563—An Act supplementary to and amendatory of an Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Senate Bill No. 555—An Act to amend section twenty of an Act entitled an Act repealing Article IV 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 all Acts and parts of Acts amendatory thereof and supplementary thereto, approved April first, eighteen hundred and seventy-two.

On this day, passed Senate Bill No. 640—An Act to provide a Contingent Fund for the use of the Legislature—and ordered the same to the Assembly without engrossment.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bills Nos. 274, 643, 690, 111, 648, 474, 680, and 529, each taken up, and Senate amendments concurred in.

Assembly Bill No. 9, referred to the San Francisco delegation.

Assembly Bill No. 425, referred to the Judiciary Committee.

Senate Bill No. 430, read first and second times, and made special order for Wednesday next, at one o'clock P. M.

Senate Bill No. 579, read first and second times, and referred to Lassen delegation.

Senate Bill No. 621, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 620, read first and second times, and referred to Judiciary Committee.

Senate Bill No. 622, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 598, read first and second times, and referred to San Francisco delegation.

The hour of eleven o'clock A. M. having arrived, Mr. Johnson moved that the special order for this hour be temporarily postponed till Senate messages now under consideration should be disposed of, upon which motion the ayes and noes were demanded by Messrs. Tuttle, Mace, and Pace.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Anderson, Asmussen, Blackwell, Coffey, Cooley, Dale, DeWitt, Dinmene, Dunlap, Farnum, Giffen, Gough, Haile, Hanna, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Long, Mace, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pauly, Routier, Russ, Sherman, Swift, Welch, and Whitlock—40.

NOES—Messrs. Allen, Ames, Barstow, Breen, Broderick, Byington, Clark, Dorsey, Ellis, Hinshaw, May, McComas, Pace, Smyth, Thompson, Tuttle, Wheat, Young, and Mr. Speaker—19.

Substitutes for Senate Bills Nos. 117, 190, and 500, read first and second times, and referred to Committee on Public Buildings.

Senate Bill No. 117, read first and second times, and referred to Committee on Public Buildings.

Senate Bill No. 190, read first and second times, and referred to the Committee on Public Buildings.

Senate Bill No. 500, read first and second times, and referred to the Committee on Public Buildings.

Substitute for Senate Bill No. 568, read first and second times, and ordered on general file.

Senate Bill No. 540, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 486, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 511, read first and second times, and referred to the El Dorado delegation,

Senate Bills Nos. 631, 626, and 627, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 363, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 601, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 623, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 628, read first and second times, and referred to the Yolo delegation.

Senate Bill No. 630, read first and second times, and referred to the special file.

Senate Bill No. 504, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 544, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 368, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 578, read first and second times, and referred to the San Bernardino delegation.

Senate Bill No. 561, read first and second times, and referred to the Plumas delegation.

Senate Bill No. 513, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 519, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 200, referred to the San Francisco delegation.

Senate Bill No. 300, read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 225 and 638, read first and second times, and referred to the Merced delegation.

Senate Bills Nos. 534, 484, 341, 527, 292, 493, 443, 617, and 583, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 609, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 377, read first and second times, and referred to the Yolo delegation.

Senate Bills Nos. 525, 632, 633, 529, 603, and 555, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 485, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 634, read first and second times, and referred to the Santa Clara delegation.

Substitute for Senate Bill No. 494, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 533, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 556, read first and second times, and referred to the Contra Costa delegation.

Senate Bills Nos. 618, 231, 624, and 625, read first and second times, and ordered on special file.

Senate Bill No. 563, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 640, read first and second times, and referred to the Committee on Ways and Means.

Pursuant to notice, Mr. Gough moved a reconsideration of the vote by which Assembly Bill No. 175 was indefinitely postponed.

Upon which motion the ayes and noes were demanded by Messrs. Blake, Wilson, and Coffey.

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Barstow, Blackwell, Breen, Byington, Connolly, Dare, DeWitt, Dinmene, Dorsey, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Johnson, Mace, May, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Pace, Pauly, Routier, Russ, Sargent, Sherman, Swift, Thompson, Warden, and Wilson—47.

NOES—Messrs. Allen, Asmussen, Blake, Broderick, Clark, Coffey, Cooley, Dixon, Dunlap, Hanna, Hinshaw, Kercheval, Long, McConnas, Murphy of San Francisco, Nott, Ostrom, Smyth, Waters, Wheat, Young, and Mr. Speaker—22.

The bill was then ordered third on the special file.

On motion of Mr. Ellis, Assembly Bill No. 524 was made special order for Monday next, at one o'clock P. M.

On motion, Senate Bill No. 462 was made special order for Monday next, at eleven o'clock A. M.

SPECIAL ORDER.

Assembly Bill No. 394—An Act to encourage the mining industries and to suppress stock gambling.

Mr. Murphy of San Francisco moved to amend, as follows: Amend section seventeen, in line seven, by inserting after the word "paid" the words "and the per cent. charged by said broker."

Pending discussion, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Assembly Bill No. 394, the question being upon the adoption of the amendment offered by Mr. Murphy of San Francisco, pending discussion of which the House took a recess this day.

The amendment was adopted.

Mr. Murphy of San Francisco moved to further amend by inserting, in line sixteen, section seventeen, after the word "month," "together with the per cent. on such purchases and sales."

On motion of Mr. Tuttle, the consideration of the bill was temporarily postponed, and the following Senate message taken up:

SENATE CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on the twenty-second of March, eighteen hundred and seventy-eight, refused to recede from its amendments to Assembly Bill No. 433—An Act creating a Board of Bank Commissioners, and prescribing

their duties and powers—and herewith return the same to the Assembly, having heretofore notified the Assembly to that effect, and of the appointment of Senators Gwin, Searles, and McCoppin, as a Committee of Free Conference.

G. SECKEL, Assistant Secretary.

On motion of Mr. Murphy of Del Norte, a Committee of Free Conference on the above reported bill was ordered.

House resumed consideration of Assembly Bill No. 394.

Mr. Murphy of San Francisco moved to amend section two, in lines two and three, by striking out the word "business," in line two, and insert the words "except non-judicial," in line three, after the word "year."

Adopted.

Mr. McComas moved to further amend as follows: Amend section thirty, in line three, by inserting after the word "exchange," the words "in this State."

Adopted.

Mr. Murphy of San Francisco moved to further amend in section three, line two, by striking out the word "must" and inserting the word "shall."

Adopted.

Mr. Tuttle moved to strike out "one-eighth" and insert "one-tenth," in section eighteen.

Adopted.

Mr. Murphy of San Francisco moved that the bill be made special order for Tuesday next, immediately after the reading of the Journal, and that the usual number of copies be printed.

Upon which motion the ayes and noes were demanded by Messrs. Tuttle, Haile, and Hugg.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Allen, Anderson, Asmussen, Blackwell, Conroy, Garver, Gough, Griffith, Haworth, Hugg, Kercheval, May, Murphy of San Francisco, Nealley, Pauly, Russ, Sherman, and Swift—19

NOES—Messrs. Adams, Ames, Barstow, Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Haile, Hanna, Hart, Hinshaw, Johnson, Long, Mace, McComas Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Nott, Ostrom, Pace, Routier, Sargent, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—49.

Mr. Tuttle moved to suspend the rules to consider the bill engrossed.

Upon which motion the ayes and noes were demanded by Messrs. May, Sherman, and Conroy.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs Adams, Ames, Anderson, Asmussen, Barstow, Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Haile, Hanna, Hart, Hicks, Hinshaw, Hugg, Johnson, Long, Mace, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pace, Routier, Sargent, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—55.

NOES—Messrs. Abbott, Allen, Backus, Blackwell, Conroy, Garver, Gough, Griffith, Haworth, Kercheval, May, Pauly, Russ, Sherman, and Swift—15.

The bill was then read third time, and the consideration of the bill was temporarily postponed.

On motion of Mr. Tuttle, substitute for Senate Bills Nos. 153, 156, 295, and section three of Senate Bill No. 155—An Act to amend the Political Code, in relation to insurance; Senate Bill No. 154—An Act to amend the Civil Code, relative to insurance; Senate Bill No.

155—An Act to amend the Civil Code, and repeal certain Acts, relative to insurance; Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes; and Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the costs of certain criminal actions—were made special orders for Monday next, at eleven o'clock A. M.

On motion of Mr. Meyers, Assembly Bill No. 480 was made special order for Tuesday next, at one o'clock P. M.

House resumed consideration of Assembly Bill No. 394, the question being upon the passage of the bill.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. May, Blackwell, and Tuttle,

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Barstow, Blake, Breen, Broderick, Clark, Coffey, Connolly, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Giffen, Gildea, Haile, Hart, Hicks, Hinshaw, Johnson, Kercheval, Long, Mace, May, Mayfield, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Pace, Robertson, Routier, Sargent, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Young, and Mr. Speaker—52.

NOES—Messrs. Abbott, Backus, Blackwell, Byington, Conroy, Garver, Gough, Griffith, Hanna, Haworth, Hugg, Pauly, Sherman, Swift, and Wilson—15.

Title approved.

Mr. May gave notice that on Monday next he would move a reconsideration of the vote by which the bill was passed.

REPORTS.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 797—An Act concerning roads and highways in the County of Humboldt.

723—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

BROOKS, for Committee.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 568—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the twenty-fourth and twenty-fifth fiscal years.

759—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use.

YOUNG, Chairman.

Mr. Dorsey moved to suspend the rules for the purpose of submitting a report.

Lost.

Mr. Dare, from Committee on Fish and Game, reported back Senate Bills Nos. 383, 532, 506, 505, and 503 without recommendation, and the bills were made special orders for Monday, at eleven o'clock A. M.

By Mr. Dorsey:

MR. SPEAKER: Your committee, having had Senate Bill No. 120 under consideration, report the same back, and majority recommend its passage.

CALEB DORSEY, Chairman.

On motion of Mr. Broderick, the vote by which Senate Bill No. 200 was referred to the San Francisco delegation was reconsidered, and the bill taken up for consideration, the question being, "Will the House recede from its amendment in which the Senate refused to concur?"

The House refused to recede, and a Committee on Free Conference was ordered.

By Mr. Dare:

MR SPEAKER The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 489—An Act to amend certain sections of the Political Code, and to enact and add certain new sections thereto, relating to pilots and pilot regulations—report the same, and recommend that it do pass.

JAMES HAWORTH, Chairman.

Senate Bill No. 489, above reported, was made special order for Tuesday next, immediately after the reading of Journal.

On motion of Mr. Haile, Assembly Bill No. 581 was made special order for Monday next, at two o'clock P. M.

The Speaker announced the appointment of the following Committees on Free Conference: On Senate Bill No. 200, Messrs. Broderick, Coffey, and May; on Assembly Bill No. 433, Messrs. Murphy of Del Norte, Tuttle, and Farnum.

ADJOURNMENT.

At two o'clock and fifty-eight minutes P. M. Mr. Gough moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Murphy of Del Norte, Waters, and Hart.

The roll was called, and the House adjourned by the following vote:

AYES—Messrs. Abbott, Allen, Backus, Blackwell, Breen, Byington, Clark, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Garver, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Long, McClure, Miller, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Robertson, Routier, Russ, Sherman, Swift, Tuttle, Warden, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—47.

NOES—Messrs. Adams, Anderson, Asmussen, Blake, Forsyth, Gildea, Gough, Hinshaw, Johnson, Kercheval, Mace, May, Mayfield, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Sargent, Smyth, and Thompson—21.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 25th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Rankin.

Mr. Ellis had leave to correct error in a motion made by him on Saturday, to make Assembly Bill No. 524 special order for this day,

at one o'clock P. M., instead of Assembly Bill No. 101, as stated in the original motion.

Journal of Saturday, March twenty-third, read and approved.

Pursuant to notice given by Mr. May, Mr. Dare moved to reconsider the vote by which Assembly Bill No. 394 was passed.

Mr. Tuttle moved the indefinite postponement of the motion to reconsider, upon which motion the ayes and noes were demanded by Messrs. May, Haile, and Gildea.

The roll was called, and the motion to reconsider indefinitely postponed by the following vote:

AYES—Messrs. Adams, Anderson, Blake, Breen, Clark, Connolly, Conroy, Cooley, Dare, DeWitt, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Gildea, Haile, Hanna, Hart, Hicks, Holloway, Johnson, Long, Mace, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Ostrom, Routier, Sargent, Smyth, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—42.

NOES—Messrs Allen, Backus, Blackwell, Byington, Conroy, Dinmene, Garver, Giffen, Gough, Griffith, Haworth, Hugg, May, Murphy of San Francisco, Pauly, Russ, Sherman, Swift, Tobin, Welch, and Wilson—21.

By Mr. Conroy (by permission)—Assembly Concurrent Resolution, relative to authorizing the Enrolling Clerk of the Assembly to insert the enacting clause in Assembly Bill No. 437.

Adopted.

Mr. Tuttle moved that the rules be suspended to take up and consider Senate Bill No. 577 out of order, upon which motion the ayes and noes were demanded by Messrs. May, Routier, and Abbott.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Asmussen, Backus, Blake, Byington, Connolly, Conroy, Cooley, Dare, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Gough, Griffith, Haworth, Holloway, Johnson, Kercheval, Mace, May, McComas, Meyers, Montague, Murphy of Del Norte, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Sargent, Thompson, Tuttle, Welch, Whitlock, and Wilson—43.

NOES—Messrs. Blackwell, Brooks, Clark, Dinmene, Giffen, Gildea, Haile, Hanna, Hart, Hicks, Hugg, Long, Moffat, Ostrom, Sherman, Smyth, Swift, Tobin, Waters, Wheat, Young, and Mr. Speaker—22.

By Mr. Johnson (by permission):

Resolved, That from and after this day no member shall be allowed to speak more than once, nor more than five minutes, upon any one proposition, except by the consent of the Assembly; *provided*, that the author of a bill shall be allowed to speak twice upon his bill.

Mr. Waters moved to amend by exempting Assembly Bill No. 759 from the provisions of the resolution.

Mr. Routier moved to amend by exempting Senate Bill No. 309 from the provisions of the resolution.

Amendment accepted by Mr. Waters, and included in his motion.

Mr. Swift moved to lay the resolution on the table, upon which motion the ayes and noes were demanded by Messrs. Murphy of Del Norte, Smyth, and Dare.

Pending discussion, on motion of Mr. Murphy of Del Norte, the special orders for this hour (eleven o'clock A. M.) were temporarily postponed.

The roll was then called upon the motion of Mr. Swift to lay the resolution offered by Mr. Johnson on the table, and the motion to lay on the table lost by the following vote:

AYES—Messrs. Adams, Asmussen, Blackwell, Blake, Clark, Cooley, Dorsey, Ewing, Garver, Haile, Hanna, Haworth, Holloway, Mace, May, McComas, Montague, Ostrom, Pauly, Russ, Sargent, Swift, Thompson, Tuttle, Waters, Welch, Wilson, and Mr. Speaker—28.

NOES—Messrs. Allen, Ames, Anderson, Backus, Breen, Byington, Coffey, Connolly, Dare, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Long, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Pace, Routier, Sherman, Smyth, Tobin, Warden, Wheat, Whitlock, and Young—38.

Mr. Ostrom moved to amend by exempting Assembly Bill No. 706 from the provisions of the resolution.

Lost.

Mr. Haile moved to amend by exempting the general file from the provisions of the resolution.

Lost.

Mr. Swift moved to amend by exempting Assembly Bill No. 119 from the provisions of the resolution.

Lost.

Mr. Tuttle here arose to a point of order, his point of order being, that one day's notice must be given of any resolution to change or alter the rules of this House.

The Speaker ruled the point of order well taken, thereby ruling the resolution under discussion out of order.

Mr. Gildea moved that the special orders for this morning be further temporarily postponed, to take up and consider Assembly Bill No 774 and Assembly Bill No. 550, upon which motion the ayes and noes were demanded by Messrs. May, Abbott, and Sargent.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Ames, Asmussen, Blackwell, Conroy, DeWitt, Dorsey, Dunlap, Ewing, Giffen, Gildea, Gough, Griffith, Haile, Haworth, Johnson, Kercheval, Mace, McClure, Miller, Montague, Murphy of Del Norte, Ostrom, Routier, Russ, Sargent, Swift, and Tobin—27

NOES—Messrs. Abbott, Adams, Ames, Allen, Blake, Breen, Byington, Clark, Cooley, Dare, Dixon, Ellis, Farnum, Forsyth, Garver, Hanna, Hart, Hinshaw, Holloway, Long, May, McComas, Meyers, Murphy of San Francisco, Pace, Pauly, Sherman, Smyth, Thompson, Tuttle, Warden, Waters, Wheat, Whitlock, Young, and Mr. Speaker—35.

Mr. Whitlock moved to postpone the special orders until the House take up and consider the general file.

Mr. Whitlock moved to amend his motion by placing the special orders at the head of the file.

Lost.

The question recurring upon the original motion, it was lost.

Mr. Tuttle moved that all special orders for this day be continued in their regular order till disposed of.

So ordered.

SPECIAL ORDERS.

Substitute for Senate Bills Nos. 153, 156, 295, and section three of Senate Bill 155—An Act to amend the Political Code, in relation to insurance.

Pending discussion, Mr. Dinniene submitted privileged report, as follows:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER. Your Committee on Engrossment have examined, and find correctly engrossed, substitute for Assembly Bill No. 394—An Act to encourage the mining industry and to suppress stock gambling.

DINNIENE, for Committee.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

SENATE MESSAGE.

On motion of Mr. Anderson, the following Senate message was taken up:

SENATE CHAMBER,
SACRAMENTO, March 25th, 1878

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Resolution No. 53—Requesting the return of Senate Bill No. 292—An Act to amend section three hundred and twenty-five of the Code of Civil Procedure—the same having been transmitted to the Assembly by mistake.

G. SECKEL, Assistant Secretary.

The following resolution, above transmitted, was adopted:

Resolved, That the Assembly be requested to return to the Senate Senate Bill No 292—An Act to amend section three hundred and twenty-five of the Code of Civil Procedure—said bill having been transmitted to the Assembly by a mistake.

Mr. Gildea moved that Assembly Bills Nos. 783, 282, 606, 778, and 323, be made special orders, to follow special orders already made.
Lost.
Mr. Montague moved to suspend the rules to submit a report.
Lost.
Mr. Ewing moved a suspension of the rules to submit a report.
Lost.

REPORT.

By Mr. Young (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills Nos. 608—An Act for the protection of the rights of draymen and others, in the City and County of San Francisco.

821—An Act to define cooperative business corporations, and to provide for the organization and government thereof.

609—An Act in relation to public roads in the County of Sacramento.

755—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow, in the County of Yuba, approved March second, eighteen hundred and seventy-four.

784—An Act to amend section three thousand nine hundred and seventy-two of the Political Code.

YOUNG, Chairman.

SPECIAL ORDER.

House resumed consideration of substitute for Senate Bills Nos. 153, 156, 295, and section three of Senate Bill No. 155—An Act to amend the Political Code, in relation to insurance.
[Speaker pro tem. in the chair.]
Amendments recommended by the Committee on Corporations were adopted.
Mr. Johnson moved to further amend as follows: Amend section

one by adding thereto as follows: "*Provided*, that the above provisions, as to printing and distributing reports, shall not in any manner interfere with any Act or Acts specially provided for the printing or distribution of reports of State officers, or Boards, or Commissioners."

Withdrawn.

Mr. Tuttle moved to amend by striking out sections one and two of the bill, and to number the remaining sections to correspond.

Adopted.

The bill was then read third time, and passed.

Title approved.

PETITION.

By Mr. Backus (by permission)—From citizens of the City of San Francisco, protesting against the passage of a bill closing certain streets in said city.

Referred to the San Francisco delegation.

REPORTS.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 744—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general analytical index of all cases filed in the Supreme Court of this State from the organization thereof.

No. 651—An Act to provide for the election of Road Overseers in Marin County.

No. 521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage, and to its permanent protection from overflow.

No. 677—An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meetings.

No. 696—An Act to establish Reclamation District Number Two Hundred and Fifty-two of this State, in Sacramento County.

No. 695—An Act ratifying and legalizing Reclamation District Number Fifty-four of this State, in Sacramento County, and the by-laws and proceedings thereof.

No. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

No. 565—An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.

No. 343—An Act to prevent the sale of oleomargarine under the name and pretense that said commodity is butter.

No. 412—An Act to cure defects in the application of John D. Justice to purchase lands from the State of California.

No. 663—An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.

No. 459—An Act to amend an Act entitled an Act to regulate salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

No. 665—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

And the same were, March twenty-third, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Whitlock:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: The Lassen County delegation, to whom was referred Senate Bill No. 579—An Act to regulate roads and highways in Lassen County—have had the same under consideration, and report it back with an amendment, and recommend passage as amended.

WHITLOCK, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: The Lassen delegation, to whom was referred Senate Bill No. 561—An Act to amend an Act approved April first, eighteen hundred and seventy-six, entitled an Act to extend

the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four—have had the same under consideration, and report it back with recommendation that it do pass.

WHITLOCK, Chairman.

By Mr. Johnson:

MR. SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 716—An Act to prescribe the number of the members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation—report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six—report the same back with amendments, and recommend its passage as amended

Also, Senate Bill No. 623—An Act to amend an Act entitled an Act to confer further powers on the Board of Trustees of the City of Sacramento—report the same back, and recommend its passage.

Also, Assembly Bill No. 813—An Act in relation to certain swamp land in the County of Sacramento—report the same back with an amendment, and recommend its passage as amended.

JOHNSON, Chairman Delegation.

By Mr. Miller:

MR. SPEAKER: The El Dorado delegation, to whom was referred Senate Bill No. 519—An Act to amend an Act entitled an Act to authorize the County Treasurer of El Dorado County to transfer certain funds, approved March sixteenth, eighteen hundred and seventy-six; also, Senate Bill No. 511—An Act to provide for transcribing the Great Register of El Dorado County—have had the same under consideration, and report the same back, with a recommendation that they pass.

MILLER, }
NOTT, } Delegation.

By Mr. Montague—A supplemental report from the Committee on State Hospitals, which was ordered printed out of order.

By Mr. Coffey:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 634—An Act to amend Title IV, Part IV, of the Civil Code, in reference to street railroads—report the same with an amendment, and recommend that it be referred to the Committee on Corporations. Fifteen members present and voting.

The delegation respectfully ask further time for the purpose of reporting Senate substitute for Senate Bill No. 140, which was referred to the delegation on the twenty-second instant with instructions to report on the twenty-third.

J. V. COFFEY, Chairman.

Also:

ASSEMBLY CHAMBER, }
SACRAMENTO, March 25th, 1878. }

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 633—An Act to further define the Judicial Districts in the City and County of San Francisco—report the same, and recommend that it pass. Fourteen members present and voting.

Also, Senate Bill No. 598—An Act to close an unused street in San Francisco—report the same, and recommend that it do pass. Seventeen members present and voting.

Also, the delegation report Assembly Bill No. 9, and recommend concurrence in Senate amendment. Twelve members voting therefor.

J. V. COFFEY, Chairman.

ASSEMBLY CHAMBER, }
SACRAMENTO, March 25th, 1878 }

MR. SPEAKER: The Contra Costa delegation, to whom was referred Senate Bill No. 556—entitled an Act to provide for the extermination of squirrels in the County of Contra Costa—have had the same under consideration, and report it back, with the recommendation that it pass.

YOUNG, for Delegation.

By Mr. Pace:

ASSEMBLY CHAMBER, }
SACRAMENTO, March 22d, 1878. }

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 262—An Act to change and reconstruct the boundary line between the

Counties of Sacramento and San Joaquin—have had the same under consideration, and beg leave to transmit herewith a substitute, and recommend the passage of the substitute.

GEORGE PACE, Chairman,
J. H WHITLOCK,
WILLIAM HANNA,
LEW. M WARDEN,
J. C. MONTAGUE.

GOVERNOR'S MESSAGE.

A message was received from the Governor, announcing his return of Assembly Bill No. 177, without his approval, the consideration of which, on motion of Mr. Russ, was made special order for to-morrow, at one o'clock P..M.

SPECIAL ORDERS RESUMED.

Senate Bill No. 154—An Act to amend the Civil Code, relative to insurance.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 155—An Act to amend the Civil Code, and repeal certain Acts relative to insurance.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 231—An Act repealing section one thousand five hundred and sixty-three of the Political Code, in reference to teachers when in attendance at the Teachers' Institutes.

Mr. Pauly moved the indefinite postponement of the bill.

On which motion, the ayes and noes being demanded by the requisite number, the roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Brooks, Byington, Conroy, Cooley, Dare, Dixon, Dunlap, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hugg, Kercheval, Long, May, McClure, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Pauly, Routier, Russ, Sherman, Tobin, Whitlock, Wilson, and Young—44.

NOES—Messrs. Clark, Coffey, Connolly, DeWitt, Dunniene, Dorsey, Ellis, Hart, Hinshaw, Holloway, Mace, Miller, Nott, Ostrom, Pace, Robertson, Sargent, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, and Mr. Speaker—25.

On motion of Mr. Tuttle, the vote by which Assembly Bill No. 315 was passed was reconsidered, and Mr. Swift moved to amend as follows: Add a new section, to read as follows:

[SECTION —.] Nothing in this Act shall be so construed as to repeal by implication any special election or registration law applicable to the City and County of San Francisco alone, but this Act shall be construed as if passed prior thereto.

Adopted.

The bill was then read third time, and passed.

Title approved.

Senate Bill No. 244—An Act to provide for the payment, by the State of California, of the costs of certain criminal actions.

It being discovered that the bill was not in possession of the House, Mr. Nott had leave to introduce the following resolution in relation thereto:

Resolved, That the Senate be requested to return Senate Bill No. 224 to the Assembly.

Adopted.

Senate Bill No. 462—An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, and the question recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, DeWitt, and Nott.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Blackwell, Blake, Broderick, Brooks, Clark, Coffey, Connolly, Cooley, Dare, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Haile, Hanna, Hart, Haworth, Holloway, Hugg, Johnson, Kercheval, Mace, May, McClure, McComas, Meyers, Montague, Murphy of San Francisco, Ostrom, Routier, Russ, Sargent, Swift, Thompson, Tobin, Waters, Whitlock, Wilson, Young, and Mr. Speaker—49

NOES—Messrs. Allen, Breen, DeWitt, Dinmiene, Dixon, Hinshaw, Long, Miller, Moffat, Murphy of Del Norte, Nott, Pace, Pauly, Robertson, Sherman, Smyth, Tuttle, Warden, Welch, and Wheat—20.

Title approved.

Mr. Murphy of San Francisco gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Senate Bill No. 503—An Act to amend Chapter I, Title XV, of the Penal Code, relative to violations of the laws for the preservation of fish and game.

Mr. Miller moved to amend by adding two new sections, to be numbered to correspond.

SECTION —. It shall not be lawful for any person or persons to take, kill, or destroy the male or female of any deer in the Counties of Nevada, El Dorado, Yuba, Amador, San Diego, Mendocino, Los Angeles, San Bernardino, Placer, Tuolumne, Modoc, and Calaveras, between the first day of January in each year and the first day of September of each year

SECTION —. It shall not be lawful to take, kill, or destroy any grouse or quail in the Counties of Nevada, El Dorado, Yuba, Calaveras, Amador, Mendocino, Placer, Tuolumne, and Modoc, between the first day of March and the first day of September of each year.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Abbott, Adams, Asmussen, Blackwell, Brooks, Byington, Cooley, Dunlap, Ellis, Ewing, Garver, Giffen, Gildea, Hart, Haworth, Holloway, Hugg, Long, Meyers, Miller, Moffat, Murphy of Del Norte, Pace, Pauly, Robertson, Sherman, Smyth, Thompson, Tuttle, Waters, Wheat, Wilson, and Young—33.

NOES—Messrs. Ames, Anderson, Backus, Blake, Breer, Coffey, Connolly, Conroy, Dare, DeWitt, Dinmiene, Dixon, Dorsey, Farnum, Forsyth, Gough, Griffith, Haile, Hanna, Hicks, Hinshaw, Johnson, Kercheval, May, McClure, McComas, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Routier, Russ, Sargent, Swift, Tobin, Warden, Welch, Whitlock, and Mr. Speaker—41.

Mr. Sherman moved to add as follows: "In the County of Ventura it shall be unlawful to kill any deer between the first day of December and the first day of June of the following year."

Lost.

Mr. Smyth moved to amend as follows: "Exempt Tuolumne County from the provisions of this Act; but nothing herein contained shall be so construed as to repeal the game law now in force in said county."

Lost.

The question occurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Dare, Haile, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blake, Breen, Broderick, Coffey, Connolly, Conroy, Dare, DeWitt, Dinniene, Dixon, Ewing, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Mace, May, McClure, McComas, Meyers, Montague, Ostrom, Pace, Pauly, Routier, Russ, Sargent, Swift, Thompson, Tobin, Warden, Welch, Whitlock, and Young—48.

NOES—Messrs Blackwell, Brooks, Byington, Clark, Cooley, Dunlap, Ellis, Garver, Giffen, Hart, Holloway, Long, Miller, Murphy of Del Norte, Nealley, Nott, Robertson, Sherman, Smyth, Tuttle, Waters, Wheat, and Wilson—23.

Title approved.

Mr. Hugg gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

REPORT.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bills Nos 315—An Act to amend an Act entitled an Act to establish Political Code, in relation to elections.

724—An Act to amend section thirty-eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

DINNIENE, for Committee.

Senate Bill No. 506—An Act to prohibit the destruction of fish in San Leandro Creek, in Alameda County.

Mr. Farnum moved to amend section two by inserting, after the word "tributaries," and before the word "between," the following words: "or in any of the streams or water courses of said county."

Adopted.

The bill was then read third time, and passed.

Title amended to conform to the body of the bill, and approved as amended.

Senate Bill No. 505—An Act to prevent the destruction of deer on Monte Diablo, in Contra Costa County.

Read third time, and passed.

Title approved.

Senate Bill No. 383—An Act to prevent the destruction of fish in King's River.

Read third time, and passed.

Title approved.

Senate Bill No. 532—An Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners.

Read third time, and passed.

Title approved.

Assembly Bill No 706—An Act to preserve the water channels of this State, and to prevent the filling up of the streams, rivers, and bays of this State with the tailings and debris from hydraulic mines.

Mr. Hart moved that the bill be made special order for to-morrow, immediately after the reading of the Journal, upon which motion the ayes and noes were demanded by Messrs. Backus, Waters, and Hart.

Pending discussion, Mr. Ostrom moved to temporarily postpone the bill.

Lost.

Mr. Ames moved the indefinite postponement of the bill.

Pending discussion, Mr. Haile moved that Assembly Bills Nos. 524, 581, and Senate Bill No. 211 be made special orders for eleven o'clock and thirty minutes to-morrow.

Lost.

Mr. Johnson moved that the bills be placed at the head of the special file for this evening.

So ordered.

[Speaker in the chair]

The question recurring upon the motion to indefinitely postpone Assembly Bill No. 706, at five o'clock and fifty-five minutes P. M. Mr. Nott moved to adjourn.

Lost.

The question recurring upon the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Whitlock, Johnson, and Ostrom.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Byington, Clark, Conolly, Dale, DeWitt, Dinmene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hanna, Haworth, Holloway, Hugg, Johnson, Kercheval, Long, Mace, McClure, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Pauly, Robertson, Rouyer, Sargent, Sherman, Smyth, Tobin, Tuttle, Warden, Waters, Wheat, Whitlock, Wilson, and Young—56

NOES—Messrs Brooks, Cooley, Dorsey, Haile, Hart, Hinshaw, Ostrom, Pace, Russ, Thompson, and Mr. Speaker—11.

RECESS.

At six o'clock, on motion of Mr. Johnson, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER, March 23d, 1878.

MR. SPEAKER: Your Judiciary Committee, having considered Assembly Bill No 630—An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists—report the same back, and recommend the passage thereof.

Also, Assembly Bill No 615—An Act to legalize and make valid copies of certain records of the County of Monterey—and recommend the passage thereof.

Also, Assembly Bill No. 733—An Act defining in what cases writs of attachment may issue in civil cases—and recommend that it do not pass

Also, Assembly Bill No. 699—An Act to amend section one thousand six hundred and sev-

enty-eight of the Code of Civil Procedure, in relation to the partition or distribution of estates—and recommend passage thereof.

Also, Assembly Bill No. 364—An Act to legalize the acts of Supervisors of Trinity County in appointing Justices of the Peace for the townships in said county—and recommend that it do not pass.

Assembly Bill No. 298—An Act to add an additional section to the Penal Code, in relation to counterfeiting—report with an amendment, and recommend passage as amended.

ANDERSON, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR SPEAKER: Your Judiciary Committee, having had under consideration substitute for Senate Bill No. 300—An Act to add a new section to the Penal Code, to be known as section one thousand six hundred and fifteen—report the same back, and recommend the passage thereof.

Also, Assembly Bill No. 202—An Act to confer additional powers, in certain cases, on the municipal authorities in corporated towns and cities in the State of California—and recommend that the author be allowed to withdraw the same, as Senate Bill No. 300, above reported, relates to the same subject.

Also, Assembly Bill No. 736—An Act to amend section three thousand eight hundred and eighty-eight of the Political Code, in relation to the kind of money with which taxes must be paid—and report the same without recommendation.

Also, Assembly Bill No. 725—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred and ninety-four, relative to Coroners—and recommend passage thereof.

Also, Senate Bill No. 443—An Act to amend section eight hundred and twenty-one of the Civil Code of the State of California—and recommend that it do not pass.

Also, Senate Bill No. 341—An Act to amend section two hundred and ninety-three of the Civil Code—and recommend passage thereof

Also, Senate Bill No 493—An Act to amend section four thousand four hundred and twenty-five of the Political Code—and recommend that it do not pass, but report a substitute for said bill, and recommend that it do pass

Also, Senate Bill No 450—An Act to enable railroad companies to complete their railroads—and recommend passage thereof.

Also, Senate Bill No 484—An Act to amend section two hundred of the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 571—An Act to repeal section four hundred and seventy-one of the Civil Code—and recommend the passage thereof.

ANDERSON, Chairman.

By Mr. Hinshaw:

MR. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 491—An Act concerning estrays and other animals found running at large in the County of Sonoma—having examined the same, ask leave to report it back with a substitute, and recommend the passage of the substitute.

HINSHAW, for Delegation.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 553—An Act in relation to Indian war bonds of the State of California—have amended the same, and report it back, and recommend its passage as amended.

OSTROM, Chairman.

By Mr. McComas:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 634—An Act to amend an Act entitled an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four—have had the same under consideration, and herewith report the same back, and recommend its passage.

McCOMAS, for Delegation.

Mr. Connolly had leave to withdraw Assembly Bill No. 443.

By Mr Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, March 24th, 1878.

MR. SPEAKER: The Merced delegation, to whom was referred Senate Bill No. 638—An Act to provide for the payment of the indebtedness of Snelling School District, in the County of

Merced, State of California; also, substitute for Senate Bill No. 225—entitled an Act regulating the collection of poll tax in Merced County—have had the same under consideration, and report them back, with the recommendation that they pass.

EWING, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 20th, 1878

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 758—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, and to transfer certain rights conferred thereby—have had the same under consideration, and report it back with amendments, and recommend it pass as amended.

EWING, Chairman.

SPECIAL FILE.

Senate Bill No. 524—An Act making an appropriation for the support of the Ladies' Benevolent Society of the City of Los Angeles.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back without recommendation.

IN ASSEMBLY.

[Speaker in the chair.]

Mr. Tuttle submitted a substitute for the bill, which was ruled out of order.

At ten o'clock and twenty minutes P M. Mr. Nott moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. May, Dinniene, and Haworth.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs Byington, Clark, Cooley, Dunlap, Garver, Haile, Hanna, Hinshaw, Kercheval, Long, Moffat, Montague, Nott, Robertson Sargent, Thompson, Waters, and Welch—18.

NOES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Broderick, Coffey, Connolly, Conroy, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Ewing, Farnum, Forsyth, Gildea, Griffith, Hart, Haworth, Hicks, Holloway, Johnson, May, McClure, McComas, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Rodgers, Russ, Sherman, Smyth, Tobin, Tuttle, Warden, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—51.

Mr. Gildea offered a substitute for the bill.

Mr. Tuttle offered a substitute for the substitute.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the Chair announcing that the question was on the amendment as offered by Mr Tuttle, Mr. Dare arose to a point of order, his point being that the original bill alone was under consideration.

The Speaker ruled that the point of order was not well taken.

Mr Dare appealed from the decision of the Chair.

The question now being, "Shall the decision of the Chair stand as the decision of the House?" the vote was taken, and the Chair sustained.

Mr. Waters now arose to a point of order, his point being that as the substitutes involved an appropriation, they could not be considered, except in Committee of the Whole; and, as the House was now working under the previous question, no motion could be made to go into Committee of the Whole.

The Chair now receded from its original ruling, and decided that the substitutes were out of order, and that the question recurred on the original bill.

The question recurring on the engrossment of the bill, the ayes and noes were demanded by Messrs. Nott, Haile, and Ostrom.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Broderick, Connolly, Conroy, Dare, Dinmiene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Haworth, Hicks, Holloway, Hugg, Johnson, May, McClure, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Pace, Pauly, Routier, Russ, Sargent, Sherman, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, and Young—50.

NOES—Messrs. Clark, Coffey, Cooley, DeWitt, Haile, Hanna, Hart, Hinshaw, Kercheval, Montague, Nott, Ostrom, Robertson, Smyth, and Mr. Speaker—15.

Mr. Gildea moved that Assembly Bills Nos. 783, 282, 606, and 778 be placed second, third, fourth, and fifth, respectively, on the general file for to-morrow, upon which motion the ayes and noes were demanded by Messrs. Wilson, Blake, and Abbott.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Ames, Asmussen, Blackwell Breen, Broderick, Clark, Connolly, Conroy, DeWitt, Dinmiene, Dixon, Ellis, Farnum, Forsyth, Gildea, Hicks, Hinshaw, Holloway, Johnson, May, McClure, Meyers, Murphy of Del Norte, Pace, Pauly, Routier, Russ, Sargent, Sherman, Tobin, Tuttle, Waters, and Young—33.

NOES—Messrs. Abbott, Adams, Allen, Backus, Blake, Cooley, Dare, Dorsey, Dunlap, Garver, Griffith, Haile, Hanna, Hart, Haworth, Hugg, Kercheval, McComas, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Robertson, Smyth, Thompson, Warden, Welch, Wheat, Wilson, and Mr. Speaker—31.

Mr. Murphy of San Francisco moved that a committee of five be appointed by the Chair, to whom the bills should be referred, with instructions to report a bill as a substitute therefor on to-morrow.

Mr. Hicks moved, as an amendment, that Assembly Bills Nos. 783, 282, 606, and 778, be placed at the foot of the special file for to-morrow night.

So ordered.

ADJOURNMENT.

At eleven o'clock and three minutes P. M., on motion of Mr. Farnum, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 26th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

In the absence of the Chaplain prayer was dispensed with.

Journal of yesterday read and approved.

PETITION.

By Mr. McComas—From members of the bar, relative to Senate Bill No. 66.

Ordered to accompany said bill.

REPORTS

By Mr. Dixon:

MR. SPEAKER. Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 334—An Act to appropriate twenty-five thousand dollars, to be used conjointly with a like sum of twenty-five thousand dollars donated by H. D. Bacon, for the construction of a building to be erected on the State University grounds, in Alameda County, for a Library and Art Gallery—would respectfully report the same back, and recommend its passage.

Also, substitute for Senate Bills Nos. 117, 190, and 503—An Act making appropriations for public institutions—report the same back, with amendments, and recommend its passage as amended.

DIXON, Chairman.

On motion of Mr. Dare, the special orders for this hour were temporarily postponed.

Mr. Dixon moved that the rules be suspended to consider the bills above reported.

Lost.

Mr. Dixon also submitted a report from the Committee on Public Buildings and Grounds, which was ordered printed.

By Mr. Anderson:

ASSEMBLY CHAMBER, March 25th, 1878.

MR. SPEAKER: Your Judiciary Committee, having had under consideration Senate Bill No. 527—An Act to amend a certain section of the Civil Code, relating to corporations—report the same back, and recommend the passage thereof.

Also, Senate Bill No. 620—An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—report the same with an amendment, and recommend passage as amended.

Also, Assembly Bill No. 621—An Act to amend an Act entitled an Act to establish a Political Code, approved March eleventh, eighteen hundred and seventy-six—and recommend the passage thereof.

Also, Senate Bill No. 74—An Act to amend section six hundred and eleven of the Political Code, relative to insurance—and recommend reference thereof to the Committee on Corporations.

ANDERSON, Chairman.

Senate Bill No. 74, above reported, was referred to the Committee on Corporations, as recommended.

Also:

ASSEMBLY CHAMBER, March 25th, 1878.

MR. SPEAKER: Your Judiciary Committee beg leave to report Assembly Bill No. 392—An Act to establish quarantine stations, and other matters relating thereto—and recommend the reference thereof to the Committee on Hospitals.

ANDERSON, Chairman

Assembly Bill No. 392, above reported, was referred to the Committee on Hospitals, as recommended.

[Mr. Haile in the chair.]

By Mr. Nott:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 640—An Act to provide a Contingent Fund for the use of the Legislature—have considered the same, and report the same back, and recommend that it do pass.

NOTT, Chairman.

SPECIAL ORDER.

Senate Bill No. 489—An Act to amend certain sections of the Political Code, and to enact and add certain sections thereto, relating to pilots and pilot regulations.

Mr. Backus moved to amend section six as follows: Insert in line

three, between the words "tug" and "between," the words "outward bound, or."

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the adoption of the amendment, it was lost.

The question now recurring upon the passage of the bill, it was passed.

Title approved.

Mr. Backus gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

REPORTS.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER. Your Committee on Corporations, to whom was referred Senate Bill No. 544—An Act to provide for the construction of a railroad from Ione City, in the County of Amador, to a point in or near the Towns of Sutter Creek or Jackson, in said county, and to regulate fares and freights thereon—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

TUTTLE, Chairman.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 811—entitled an Act to declare Dutch Slough, in Contra Costa County, navigable—have had the same under consideration, and report it back with the recommendation that it pass.

YOUNG, for Delegation.

By Mr. Blackwell.

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Bill No. 613—An Act to amend an Act entitled an Act for the relief of purchasers of State lands, approved March twenty-seventh, eighteen hundred and seventy-two—have had the same under consideration, and report it back, with a recommendation that it do pass.

WELCH, Chairman.

By Mr. Berry:

MR SPEAKER The Sutter delegation, to whom was referred Senate Bill No. 549, have considered and amended the same, and recommend the passage as amended.

BERRY, for Delegation.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Long moved to temporarily postpone the special orders for this hour.

So ordered.

Mr. Long moved that substitutes for Senate Bills Nos. 117, 119, and 500, be made special order for to-morrow, immediately after the reading of the Journal.

So ordered.

Pursuant to notice, Mr. Hugg moved a reconsideration of the vote by which Assembly Bill No. 503 was passed.

Mr. Farnum moved that the motion to reconsider be indefinitely postponed, upon which motion the ayes and noes were demanded by Messrs. Hugg, Farnum, and Waters.

The roll was called, and the motion to indefinitely postpone prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Blake, Breen, Coffey, Connolly, Conroy, Dare, DeWitt, Dimmene, Dixon, Ewing, Farnum, Forsyth, Griffith, Haile, Haworth, Hicks, Johnson, Ketcheval, May, Mayfield, McComas, Moffat, Murphy of San Francisco, Routier, Sargent, Switt, Tobin, Warden, Welch, Young, and Mr Speaker—37.

NOES—Messrs. Asmussen, Blackwell, Brooks, Byington, Clark, Cooley, Dorsey, Dunlap, Giffen, Hanna, Hart, Hinshaw, Holloway, Hugg, Long, Meyers, Miller, Montague, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Sherman, Smyth, Thompson, Tuttle, Waters, Wheat, and Wilson—32.

REPORT.

By Mr. Murphy of Del Norte.

MR. SPEAKER Your Committee of Free Conference on Assembly Bill No 433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers—respectfully reports, that the Joint Committee of the Senate and Assembly has unanimously agreed upon the following amendments to the above bill as amended, and passed by the Senate

In printed bill, as amended by the Senate, amend section three, line one, by striking out the word "ninety" and inserting "sixty."

Amend line three, same section, by striking out the words "or doing business," and in line four, of same section, insert, after the word "State," the words "or any other State or county, and doing business in this State" In line eight, same section, strike out the word "ninety" and insert "sixty."

Amend section four, line one, by inserting after the word "Commissioners" the words "as designated by the Commissioners."

Amend line six, of same section, by striking out the words "or doing business in" and inserting in same line and section, after the word "State," the words "or any other State or country, and doing business in this State."

Amend section eight so as to read as follows

"SECTION 8. No savings bank shall receive the license in this Act provided for, unless at least fifty per cent. of all its loans shall be secured by first mortgages, or other prior lien upon real estate situate within this State. Such loans, at the date when made, not to exceed sixty per cent. of the market value of the security, except when made for the purpose of facilitating the sale of property owned by the corporation And it shall be unlawful for any savings or loan society, or savings bank, to purchase, invest, or loan its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any President or managing officer who knowingly consents to a violation of the above provision shall be deemed guilty of a felony."

Amend section sixteen, in line one, by inserting before the word "expenses" the word "annual," and in line four, same section, strike out the words "annual expenses" and insert instead thereof the words "salaries, and all other necessary expenses."

Your committee recommends the adoption of this report.

JAS. E. MURPHY, Chairman,
B. F. TUTTLE,
J. E. FARNUM.
} Committee.

The above report was adopted.

INTRODUCTION OF BILLS.

By Mr. Sherman—An Act to regulate the fees and fix the salaries and compensation of certain officers for the County of Santa Barbara.

By Mr. Meyers—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

Each of the above bills read first and second times, and ordered on the special file.

By Mr. Hicks—An Act to authorize the State Board of Examiners to pay a certain claim against the State of California.

Read first and second times, and referred to the Committee on Claims.

By Mr. Hanna—An Act to repeal section one hundred and seventy-two of the Penal Code, in relation to selling liquor in or in the vicinity of public institutions.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Forsyth—An Act amendatory of and supplemental to an Act entitled an Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor, approved March eighteenth, eighteen hundred and seventy-eight.

By Mr. Griffith—An Act amending section four of an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Each of the above bills read first and second times, and referred to the San Francisco delegation.

By Mr. Ostrom—An Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein.

Read first and second times, and referred to the Yuba, Sutter, and Placer delegations.

By Mr. Abbott—An Act to amend an Act entitled an Act to provide for the purchase of a site and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

Also, an Act to authorize the Board of Supervisors of Monterey County to exempt firemen from the payment of poll taxes for county purposes.

Each of the above bills read first and second times, and ordered on the special file.

REPORTS.

By Mr. Haile:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Joint Committee on Agriculture, and Mines and Mining Interests, to whom was referred Assembly Bill No. 538—An Act to protect the rights of stockholders in mining corporations by causing the tailings of the mines to be worked for the benefit of the stockholders—report it back, and recommend that it be indefinitely postponed.

HAILE, Chairman.

By Mr. Dixon:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 800—An Act entitled an Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six—have had the same under consideration, and report it back, and recommend its passage.

DIXON,
FARNUM, } For the Delegation.

Mr. Anderson moved that the consideration of the general file be made special order for to-morrow, at eleven o'clock A. M., to the exclusion of all other business.

Upon which motion the ayes and noes were demanded by Messrs. Waters, Ostrom, and Smyth

The roll was called, and the Chair announced that the motion had prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Brooks, Connolly, Conroy, Cooley, DeWitt, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Mayfield, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Robertson, Routier, Sherman, Swift, Thompson, Tobin, Warden, Whitlock, and Wilson—49.

NOES—Messrs. Byington, Clark, Coffey, Dare, Dixon, Dorsey, Haile, Hanna, Hinshaw, Holloway, Long, May, McComas, Nott, Ostrom, Pace, Pauly, Russ, Sargent, Smyth, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—26.

Mr. Backus had leave to withdraw his notice of a motion to reconsider the vote by which Senate Bill No. 489 was passed.

Mr. May moved to take up and consider Senate Bill No. 577, upon which motion the ayes and noes were demanded by Messrs. Smyth, Ostrom, and Murphy of San Francisco.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Clark, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Dunlap, Ellis, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Pace, Pauly, Robertson, Routier, Sargent, Sherman, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Whitlock, Wilson, Young, and Mr Speaker—64.

NOES—Messrs. Breen, Brooks, Byington, Hanna, Ostrom, Smyth, Swift, and Wheat—8.

Senate Bill No. 577—An Act to amend section one thousand five hundred and ninety of the Penal Code.

Mr. Swift moved to amend as follows: Amend by adding to section one the following: "*Provided*, that the provisions of this Act shall not apply to any person convicted before the passage of this Act."

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Swift, Ostrom, and Byington.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Blake, Breen, Byington, Conroy, Cooley, Dinniene, Dorsey, Dunlap, Haile, Hanna, Hicks, Ostrom, Pauly, Smyth, Swift, Waters, Wheat, and Mr Speaker—18.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Brooks, Clark, Coffey, Connolly, Dare, DeWitt, Dixon, Ewing, Farnum, Garver, Giffen, Gough, Griffith, Hart, Haworth, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Pace, Robertson, Routier, Russ, Sargent, Thompson, Tobin, Tuttle, Warden, Welch, Whitlock, Wilson, and Young—52.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Swift, Ostrom, and Smyth

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Brooks, Clark, Connolly, DeWitt, Dixon, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Griffith, Haile, Hart, Haworth, Hinshaw, Holloway, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Thompson, Tobin, Tuttle, Warden, Waters, Welch, Whitlock, Wilson, Young, and Mr. Speaker—56.

NOES—Messrs Blake, Breen, Byington, Coffey, Conroy, Cooley, Dare, Dinmene, Dunlap, Gildea, Hanna, Hugg, Murphy of Del Norte, Ostrom, Smyth, Swift, and Wheat—17.

The Speaker here announced that an error had been discovered in the roll call, by which the motion of Mr. Anderson to make the general file special order for to-morrow, at eleven o'clock A. M, and that the motion was lost.

Mr. Anderson then moved that the general file be made special order for to-morrow, at eleven o'clock A. M, to the exclusion of all other business, except the Governor's veto message on Assembly Bill No. 177.

The ayes and noes were demanded by Messrs. Byington, Smyth, and Nott.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Broderick, Brooks, Connolly, Conroy, DeWitt, Dinmene, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Mevers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Swift, Tobin, Warden, Whitlock, and Wilson—47.

NOES—Messrs. Byington, Clark, Coffey, Cooley, Dare, Dixon, Dorsey, Haile, Hanna, Hinshaw, Holloway, Long, Mace, McComas, Miller, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Tuttle, Waters, Welch, Wheat, Young, and Mr. Speaker—27.

[Mr. Tuttle in the chair.]

RESOLUTIONS.

By Mr. Brooks:

Resolved, That Thomas W. Reese, witness before the Committee on Mining Debris, be and is hereby allowed, for mileage and his per diem, the sum of twelve dollars, payable out of the Assembly Contingent Fund.

Referred to the Committee on Public Expenditures.

By Mr. Mace:

Resolved, That the Enrolling Clerk be authorized to correct a clerical error in Assembly Bill No. 274, and to amend the title to the same.

Adopted.

SENATE MESSAGES.

On motion of Mr. Murphy of Del Norte, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted to the Assembly immediately and without engrossment, Senate Bill No. 616—An Act to encourage irrigation in Sierra County.

Also, Senate Bill No. 643—An Act to amend section two hundred and sixty-one of the Political Code

R. SHOEMAKER, Secretary.

Also:

SENATE CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: I am directed to inform you honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 70—Relative to Assembly Bill No. 437.

Also, Senate Concurrent Resolution No 52—Relative to Senate Bill No. 535.

Also, has taken action on sundry Senate and Assembly Bills, the result of which will more fully appear by the Senate message herewith submitted.

On the twenty-second of March, eighteen hundred and seventy-eight, passed Senate Bill No. 439—An Act to amend section one thousand three hundred and eighty-six of the Civil Code—and ordered the same sent to the Assembly without engrossment

And, on the twenty-third of March, passed, and ordered to the Assembly without engrossment, Senate Bill No 586—An Act to authorize the Council of the City of Los Angeles to audit and pay to John S. Griffin the amount of a warrant heretofore drawn in his favor.

Senate Bill No. 641—An Act supplemental to an Act entitled an Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco, approved March nineteenth, eighteen hundred and seventy-eight

Senate Bill No. 646—An Act to create a commission to examine and report the condition of certain funds.

Senate Bill No. 647—An Act granting additional powers to the Board of Supervisors of the County of Santa Cruz.

And, on the twenty-third of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 15—An Act to promote the health of the residents of the City of Sacramento.

Also, Assembly Bill No. 143—An Act to authorize payment for work done in Swamp Land District Number Two.

Amended and passed Assembly Bill No. 165—An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

Amended and passed substitute for Assembly Bill No 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties

Passed Assembly Bill No. 473—An Act to provide for the payment of a claim for collecting delinquent purchases of school lands

Assembly Bill No 522—An Act to organize Levee District Number One of Sacramento County, and to provide for its government.

Amended and passed Assembly Bill No. 587—An Act supplemental to an Act entitled an Act *to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and* seventy-six.

Amended and passed Assembly Bill No. 639—An Act in relation to the State Insane Asylum.

Passed Assembly Bill No. 662—An Act relative to the powers and duties of the Sheriff of Alameda County in the matter of attachments of property in said county.

Also, Assembly Bill No. 664—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six

Also, Assembly Bill No. 666—An Act to amend an Act, approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved twenty-fourth March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 685—An Act to fix the salaries of certain officers in El Dorado County.

Also, Assembly Bill No. 712—An Act to fix the salary of the County Judge of San Joaquin County

Also, Assembly Bill No 711—An Act in relation to distribution of school moneys in Fresno County.

Also, Assembly Bill No. 727—An Act to incorporate the Town of Yuba City.

Also, Assembly Bill No. 734—An Act to provide for the extermination of squirrels in certain counties.

Also, Assembly Bill No. 741—An Act fixing the pay of Supervisors in the County of Alameda.

Also, Assembly Bill No. 743—An act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 760—An Act to provide for the distribution of school moneys in the County of Yolo

Also, amended and passed Assembly Bill No. 785—An Act to declare Smith River, in Del Norte County, navigable.

Also, passed Assembly Bill No. 788—An Act authorizing and directing the Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek: and also, to open and macadamize the bay and marsh roads, and for that purpose to appropriate, from the General Fund of said county, the sum of five thousand dollars.

Also, Assembly Bill No. 790—An Act to repeal an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.

Also, Assembly Bill No. 791—An Act to fix the terms of the County and Probate Courts of the County of San Mateo.

Also, Assembly Bill No. 796—An Act to prevent hogs and goats running at large in the Town of Plymouth, Amador County.

Also, Assembly Bill No. 798—An Act to authorize the transfer of certain funds in the County of Sutter.

Also, Assembly Bill No 802—An Act to provide for the election of Supervisors in the County of Mendocino.

Also, this day, under suspension of the rules, passed Assembly Bill No. 261—An Act to ratify and confirm resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco.

Also, passed Assembly Bill No. 352—An Act to prohibit and punish the sale of adulterated syrup.

Also, amended, and, under suspension of the rules, passed Assembly Bill No. 577—An Act in relation to the county officers of Monterey County, their fees and salaries.

Also, indefinitely postponed Assembly Bill No. 731.

Also, passed, under suspension of the rules, Assembly Bill No 732—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

Also, on this day, under suspension of the rules, passed Assembly Bill No. 730—An Act in relation to the fees to be received by the County Recorder of San Luis Obispo County.

Also, amended and passed Assembly Bill No. 740—An Act entitled an Act to provide sewerage for the City of Santa Cruz.

Also, passed Assembly Bill No 742—An Act to prevent hogs from running at large in Townships Numbers Two and Four, of the County of Amador

Also, passed Assembly Bill No. 763—An Act in relation to the roads and streets within the City of San Luis Obispo.

Also, passed Assembly Bill No. 768—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg District, in Fresno County.

And, on the twenty-third of March, eighteen hundred and seventy-eight, passed Assembly Bill No. 375—An Act to add a new section to the Civil Code, relating to coporations.

Also, on the twenty-third of March, passed Senate Bill No. 515—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, and three thousand four hundred and eighty-one of the Political Code.

And, on March twenty-second, passed Senate Bill No 636—An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act authorizing certain parties to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two, approved March twenty-seventh, eighteen hundred and seventy-six.

And, on the twenty-fifth day of March, eighteen hundred and seventy-eight, passed Senate Bill No. 221—An Act for the protection of children, and to prevent and punish certain wrongs to children.

Also, Senate Bill No. 222—An Act relating to children.

Also, Senate Bill No. 655—An Act to amend an Act entitled an Act to regulate fees of office and salaries of officers in the County of San Diego, approved March thirty-first, eighteen hundred and seventy-six.

Also, Senate Bill No. 656—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court in the County of Merced, approved March eleventh, eighteen hundred and seventy-six.

On this day, passed Senate Bill No. 650—An Act to authorize the Board of Supervisors of Monterey County to construct and build a bridge across the Salinas River—and ordered the same to the Assembly without engrossment.

Also, amended and passed, on March twenty-third, Assembly Bill No. 417—An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the person who employs them.

Also, on the twenty-second of March, eighteen hundred and seventy-eight, passed Senate Bill No. 636—An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act authorizing certain parties to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two, approved March twenty-seventh, eighteen hundred and seventy-six

Also, on the twenty-third of March, eighteen hundred and seventy-eight, amended and passed Assembly Bill No. 353—An Act to protect stockholders and persons dealing with corporations in this State.

And, on the twenty-fifth of March, amended and passed Assembly Bill No. 541—An Act to create the office of Commissioner of Transportation, and to define the powers and duties, to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth instant, passed Senate Bill No. 574—An Act to amend section six hundred and twenty-eight of the Civil Code.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bills Nos. 755—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four

No. 724—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

No. 770—An Act supplemental and amendatory of an Act entitled an Act to incorporate the Town of St. Helena, approved March twenty-fourth, eighteen hundred and seventy-six.

No. 812—An Act amendatory of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight.

No. 750—An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein.

Amended and passed Assembly Bill No. 198—An Act in relation to division fences in the County of Sonoma, and to the lines of counties bordering thereon.

Also, passed Senate Bill No 658—An Act to provide for the construction of a roadway on Bay Farm Island, in the Town of Alameda.

Senate Bill No. 661—An Act relative to the Board of Supervisors of Sacramento County, and ordered the same to Assembly forthwith, without engrossment.

Also passed, and ordered transmitted to the Assembly without engrossment, the following bills

Senate Bill No. 662—An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care

Senate Bill No. 664—An Act concerning the macadamizing, etc. of Tyler Street, from Market Street to Devisadero Street, and to prohibit the laying down of railroad tracks thereon.

Senate Bill No. 665—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure.

Also, passed Assembly Bill No. 567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

Also, passed Senate Bill No. 667—An Act to authorize the Board of Supervisors of Santa Clara County to audit and pay certain claims

Also, adopted Senate Joint Resolution No. 54—In reference to a re-survey, by the Government, of San Pablo and Suisun Bays.

Also, that the Senate concurred in the report of the Committee of Free Conference on Assembly Bill No. 433.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 52 concurred in.

Assembly Bills Nos. 577, 740, 375, 639, 165, 9, 587, 198, 685, 785, 173, and 417, each taken up, and Senate amendments concurred in.

Assembly Bill No. 15 was taken up, and the House refused to concur in the Senate amendments.

Senate Bills Nos. 643, 616, 439, 665, 656, 222, and 221, each read first and second times, and referred to the Judiciary Committee.

Senate Bills Nos. 641 and 664, each read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 586, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 647, read first and second times, and referred to the Santa Cruz delegation.

Senate Bill No. 658, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 661, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 662, read first and second times, and referred to the Committee on Hospitals.

Senate Bills Nos 667 and 636, read first and second times, and ordered on the special file.

Senate Bill No. 655, read first and second times, and referred to the San Diego delegation.

Senate Bill No. 646, read first and second times, and referred to the Committee on Education.

Senate Bill No 515, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 541 was taken up, and, on the adoption of the Senate amendment to sections two and three, the ayes and noes were demanded by Messrs, Waters, Blake, and Ostrom.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Dunlap, Ellis, Farnum, Forsyth, Garver, Giffen, Gough Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Routier, Russ, Sherman, Tobin, Tuttle, Warden, Welch, Whitlock, and Wilson—42.

NOES—Messrs. Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Haile, Hanna, Hinshaw, Holloway, Long, Mace, Mayfield, McComas, Miller, Montague, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Waters, Wheat, Young, and Mr. Speaker—31.

Upon the adoption of the third Senate amendment, the ayes and noes were demanded by Messrs. Waters, Johnson, and Nott.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Broderick, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—42.

NOES—Messrs Blake, Breen, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hanna, Hinshaw, Holloway, Long, Mace, Mayfield, McComas, Miller, Montague, Ostrom, Pace, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—31.

Upon the adoption of the Senate amendment to section sixteen, the ayes and noes were demanded by Messrs. Waters, Berry, and Ostrom.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—40.

NOES—Messrs. Asmussen, Blackwell, Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hanna, Hinshaw, Holloway, Long, Mace, McComas, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—32

Upon the adoption of the Senate amendment to section ten, Chapter II, the ayes and noes were demanded by Messrs. Waters, Ostrom, and Berry.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs Abbott, Allen, Ames, Anderson, Backus, Blackwell, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, May, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Routier, Russ, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—42.

NOES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Clark, Coffey, Cooley, Dorsey, Garver, Haile, Hanna, Hinshaw, Holloway, Long, Mace, McComas, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, Young, and Mr. Speaker—32.

All other Senate amendments were concurred in.

Senate Bill No. 636, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 650, read first and second times, and ordered on the special file.

Senate Bill No. 574, read first and second times, and Mr. Waters moved the reference of the bill to the Committee on Corporations.

Mr. Murphy of Del Norte moved to amend the motion, to refer to the Judiciary Committee, upon which motion the ayes and noes were demanded by Messrs. Murphy of Del Norte, Berry, and Smyth.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Ames, Backus, Breen, Broderick, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Hicks, Holloway, Hugg, Johnson, Kercheval, Mayfield, McClure, Moffat, Murphy of Del Norte, Nealley, Russ, Sherman, Tobin, Warden, and Young—34

NOES—Messrs. Adams, Allen, Asmussen, Blackwell, Blake, Brooks, Clark, Coffey, Dorsey, Dunlap, Ellis, Garver, Gildea, Haile, Hanna, Haworth, Hinshaw, Long, Mace, May, McComas, Meyers, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Wheat, and Mr. Speaker—38.

The question recurring upon the motion to refer to the Committee on Corporations, Mr. Murphy of Del Norte moved that instructions be added that the committee report the bill back on Wednesday next, upon which motion the ayes and noes were demanded by Messrs. Nott, Farnum, and Byington.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Allen, Blake, Breen, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Dare, Dinniene, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gough, Griffith, Haile, Hanna, Hart, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Robertson, Routier, Russ, Sherman, Tobin, Warden, Wheat, Whitlock, and Young—44

NOES—Messrs. Asmussen, Backus, Blackwell, Broderick, Cooley, Dorsey, Farnum, Garver, Gildea, Haworth, Hinshaw, McClure, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pace, Pauly, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, and Mr. Speaker—27.

The question now recurring upon the motion to refer to the Committee on Corporations with instructions, it was adopted.

Assembly Bill No. 353, taken up, and Senate amendments concurred in.

Senate Joint Resolution No. 54, read first and second times, rules suspended, read third time, and passed.

Title approved.

On motion of Mr. Haworth, Assembly Bill No. 805 was recommitted to the Committee on Commerce and Navigation.

REPORTS.

By Mr. Broderick:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled.

No 136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

No. 745—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.

No. 643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco in case of urgent necessity.

No 612—An Act to create an irrigation district, to be called the Modesto Irrigation District.

No 288—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, and to add a new section, to be numbered section five hundred and sixty-eight.

No 442—An Act to add a new section to the Code of Civil Procedure, relating to writings.

No 424—An Act to amend section eight hundred of the Political Code of California, relative to the oath of office of Notaries Public.

No. 585—An Act supplementary to an Act fixing the salaries and compensation of certain officers of San Luis Obispo County, approved March thirty-first, eighteen hundred and seventy-six.

No. 700—An Act concerning the office of Sheriff of Butte County, and to fix his compensation in certain cases.

No. 789—An Act granting the Board of Supervisors of Colusa County additional powers.

No. 657—An Act to amend an Act entitled an Act to provide for the grading of public alleys, and the construction of sewers therein, in the City of Sacramento.

No. 602—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

No. 511—An Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-sixth, eighteen hundred and seventy-two, so as to make the same applicable to the Town of Redding, in Shasta County, and the Town of Modesto, in Stanislaus County.

No. 676—An Act fixing the amount of the official bonds of Colusa County.

No 793—An Act to set off the southwestern portion of Sutter Island, in Sacramento County, from Onisbo School District, in said county, to Slough District, in Solano County, for school purposes.

No. 247—An Act to regulate fees of office in certain counties.

No. 661—An Act to provide for the building of and furnishing a Court-house, offices, and Jail in Napa County, and for improving the Court-house grounds.

No. 667—An Act to amend an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the Counties of Los Angeles, Napa, Merced, and San Bernardino, approved February thirteenth, eighteen hundred and seventy-two, as to Napa County.

No 668—An Act to authorize the Board of Supervisors of Napa County to pay certain claims.

No. 787—An Act to regulate and protect bee-keeping in the County of San Bernardino.

No. 500—An Act to authorize the construction of a public wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.

No. 420—An Act to prevent the trespassing of goats on inclosed land in Amador County.

No. 814—An Act to create and organize Reclamation District Number Three Hundred and Seventeen, and to define its boundaries and provide for its government

No. 536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

No. 691—An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.

No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of this State.

No. 571—An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein

No. 555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.

No. 756—An Act in relation to juries in Justices' Courts and witnesses in Courts of record in the County of Santa Cruz.

No. 594—An Act to establish and maintain a Free Dispensary in the City and County of San Francisco.

No. 437—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street in said city and county.

No. 496—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

No. 495—An Act to amend sections thirteen and nineteen of an Act entitled an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy-six.

And the same were, this day, March twenty-fifth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Also:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin.

No. 760—An Act to provide for the distribution of school moneys in the County of Yolo.

No. 743—An Act to amend section six of an Act entitled an Act to separate the office of

County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

No. 494—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors.

Joint Resolution No 59—Joint resolution relative to the production and manufacture of sugar from beets and melons in the State of California, and the appointment of a suitable person to investigate the subject, and report thereon.

Assembly Bills No. 363—An Act to amend section thirty of the Civil Code, in reference to liens for services

No 548—An Act making an appropriation for the payment of guard and other military duty performed in San Francisco, in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard, and other expenses.

No 474—An Act to provide for the construction and repair of bridges in the County of Mendocino.

No. 648—An Act to regulate fees and salaries in the County of Los Angeles.

No 652—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved March eighteenth, eighteen hundred and seventy-four.

No. 529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.

Joint Resolution No. 65—Joint resolution relative to constructing a break-water or sea-wall in the Harbor of Santa Barbara

Assembly Bills No. 143—An Act to authorize payment for work done in Swamp Land District Number Two.

No. 473—An Act to provide for the payment of a claim for collecting purchases of school lands.

No. 662—An Act relative to the powers and duties of the Sheriff of Alameda County in the matter of attachments of property in said county.

No. 664—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

No 666—An Act to amend an Act, approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

No 711—An Act fixing the pay of Supervisors in the County of Alameda.

No. 319—An Act authorizing Spring School District, in the County of Los Angeles, to issue bonds, and to provide for the payment of the same.

No. 111—An Act to prevent and restrict sheep and goats from being herded and running at large in certain portions of Lake County.

No. 679—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four

No 732—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

No. 763—An Act in relation to the roads and streets within the City of San Luis Obispo.

No. 261—An Act to ratify and confirm resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco.

Assembly Joint Resolution No. 67—Relative to a weekly mail route from the county seat of Fresno County, via Liberty, to Waltham Cañon, in Fresno County.

Assembly Bills No. 791—An Act to fix the terms of the County and Probate Courts of the County of San Mateo.

No. 711—An Act in relation to distribution of school moneys in Fresno County.

No. 727—An Act to incorporate the Town of Yuba City.

No. 768—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg District, in Fresno County.

No 690—An Act for the scaling of logs in the County of Humboldt

No. 352—An Act to prohibit and punish the sale of adulterated syrup.

No 680—An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

No. 692—An Act relating to fees of Justices of the Peace in Colusa County

No. 749—An Act granting leave of absence from the State to W. Hughes, County Assessor of the County of Sierra.

No. 734—An Act to provide for the extermination of squirrels in certain counties.

No. 712—An Act to fix the salary of the County Judge of San Joaquin County.

No. 742—An Act to prevent hogs from running at large in Townships Numbers Two and Four, of the County of Amador

No. 730—An Act in relation to the fees to be received by the County Recorder of San Luis Obispo.

No. 788—An Act authorizing and directing the Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek, and

also to open and macadamize the bay and marsh roads, and for that purpose to appropriate from the General Fund of said county the sum of five thousand dollars.

No. 790—An Act to repeal an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.

No. 796—An Act to prevent hogs and goats running at large in the Town of Plymouth, Amador County.

No. 798—An Act to authorize the transfer of certain funds in the County of Sutter.

No. 802—An Act to provide for the election of Supervisors in the County of Mendocino.

And the same were, this twenty-sixth of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 524—An Act making an appropriation for the support of the Ladies' Benevolent Society of the City of Los Angeles.

ASMUSSEN, for Committee.

By Mr. Miller:

ASSEMBLY CHAMBER,
SACRAMENTO, March 25th, 1878.

MR. SPEAKER: Your Committee on State Prison, on whom was imposed the duty, among other matters, of inquiring into affairs pertaining to the State Prison at San Quentin, have had the subject under advisement, and beg leave to report to your honorable body that they have completed their labors in connection therewith, and submit the result, as embodied in the accompanying report, for your consideration.

MILLER, Chairman State Prison Committee.

The report above alluded to was ordered printed.

SPECIAL ORDER.

Assembly Bill No. 551—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications, and to prohibit certain publications.

Substitute adopted, and Mr. Swift moved that the enacting clause be stricken out.

Pending discussion, on motion of Mr. Meyers, Assembly Bill No. 480, Senate Bill No. 66, and Assembly Bill No. 28 were made special orders for to-morrow, at one o'clock P. M.

The question recurring upon the motion to strike out the enacting clause of Assembly Bill No. 551, the ayes and noes were demanded by Messrs. Murphy of San Francisco, Byington, and Robertson.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Byington, Clark, Coffey, Connolly, Dare, Dorsey, Garver, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hinshaw, Mace, Meyers, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Smyth, Swift, Thompson, Tobin, Tuttle, Waters, Wheat, Young, and Mr. Speaker—35.

NOES—Messrs. Abbott, Adams, Allen, Ames, Brooks, Cooley, Dunlap, Ellis, Farnum, Forsyth, Giffen, Griffith, Holloway, Hugg, Johnson, Kercheval, Long, May, Mayfield, McClure, McComas, Moffat, Pauly, Robertson, Routier, Russ, Sargent, Warden, Welch, and Whitlock—30.

RESOLUTION.

By Mr. Murphy of Del Norte:

Resolved, That Rule Number Two of Assembly Standing Rules be amended to read as follows:

ORDER OF BUSINESS.

1. Roll call.
2. Prayer by the Chaplain.
3. Reading and approval of Journal.
4. Business on general file and third reading of bills.
5. Presentation of petitions.
6. Reports of standing committees.
7. Reports of select committees.
8. Messages from the Governor.
9. Introduction and first reading of bills.
10. Special orders of the day.
11. Messages from the Senate.
12. Notices.
13. Second reading and reference of bills.
14. Motions and resolutions.
15. Unfinished business.

Made special order for to-morrow, immediately after the reading of the Journal.

RECESS.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Berry, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
Mr. Long moved to suspend the rules to take up and consider Assembly Bill No. 811.
So ordered.
Assembly Bill No. 811—An Act to declare Dutch Slough, in Contra Costa County, navigable.
Rules suspended, considered engrossed, read third time, and passed.
Title approved.

SPECIAL FILE.

Assembly Bill No. 581—An Act to create a drainage district, to be called the "Sacramento River Drainage District," to establish a Board of Commissioners therefor, and to define their powers and duties.
Considered in Committee of the Whole.
[Speaker in the chair.]
[Speaker pro tem. in the chair.]
The Committee arose, and reported the bill back with amendments, recommending passage as amended.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]
The report of the Committee was adopted, and Mr. Johnson moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. Waters, Sherman, and Nott.
The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dixon, Dunlap,

Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Ostrom, Robertson, Routier, Russ, Sargent Swift, Thompson, Tobin, Warden, Whitlock, Wilson, Young, and Mr. Speaker—58.

NOES—Messrs. Allen, Clark, Dorsey, Hanna, Hinshaw, Long, Miller, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Sherman, Smyth, Tuttle, Waters, Welch, and Wheat—18.

Mr. Dorsey now moved to recommit the bill to the Committee of the Whole, with instructions to amend as follows: Amend the bill so as to strike out all of that portion of the district lying north of the American River and east of the Sacramento River.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the amendment as offered by Mr. Dorsey, it was rejected.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Hinshaw, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Backus, Blackwell, Blake, Broderick, Brooks, Coffey, Connolly, Conroy, Dare, DeWitt, Dinmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Montague, Murphy of San Francisco, Ostrom, Robertson, Routier, Russ, Sargent, Swift, Thompson, Tobin, Warden, Whitlock, Wilson, Young, and Mr. Speaker—54.

NOES—Messrs Allen, Asmussen, Byington, Clark, Cooley, Hanna, Hinshaw, Long, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Sherman, Smyth, Tuttle, Waters, Welch, and Wheat—19.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Senate Bill No. 211—An Act for the relief of the Oakland Guard, of Oakland City.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back, recommending its passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, the bill read third time, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Hugg, Berry, and Nott.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Blake, Brooks, Connolly, Conroy, Dare, DeWitt, Dixon, Dorsey, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Hinshaw, Johnson, Kercheval, May, Mayfield, McClure, McComas, Meyers, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pauly, Routier, Thompson, Tobin, Warden, Whitlock, and Wilson—42.

NOES—Messrs. Asmussen, Breen, Byington, Clark, Coffey, Cooley, Dunlap, Hanna, Hugg, Long, Montague, Nealley, Nott, Pace, Sherman, Smyth, Swift, Tuttle, Waters, Wheat, Young, and Mr. Speaker—22.

REPORT.

By Mr. Blackwell:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Bill No. 402—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, with a recommendation that it do pass.

WELCH, Chairman.

SPECIAL FILE RESUMED.

Senate Bill No. 566—An Act to amend section two thousand five hundred and forty-eight of the Political Code.

Read third time, and passed.

Title approved.

Senate Bill No. 420—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read third time, and passed.

Title approved.

Assembly Bill No. 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

Mr. Coffey moved that the bill be passed on file.

Lost.

Mr. Gough moved that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. Hicks, Coffey, and Ellis.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Blackwell, Connolly, Cooley, Dinmene, Dixon, Ellis, Ewing, Forsyth, Garvei, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Miller, Montague, Murphy of Del Norte, Pauly, Routier, Russ, Sherman, Swift, Tobin, Tuttle, Warden, and Wilson—38.

NOES—Messrs. Asmussen, Backus, Blake, Brooks, Byington, Clark, Coffey, Farnum, Haile, Hanna, Hinshaw, Holloway, Long, Mayfield, McComas, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Smyth, Waters, Wheat, Young, and Mr. Speaker—25.

The question now recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs Backus, Blake, and Coffey.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Blackwell, Connolly, Cooley, Dare, Dinmene, Dixon, Ellis, Ewing, Forsyth, Garver, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, Miller, Montague, Murphy of Del Norte, Pauly, Routier, Russ, Sherman, Swift, Tobin, Warden, and Wilson—37

NOES—Messrs Asmussen, Backus, Blake, Breen, Brooks, Byington, Clark, Coffey, Farnum, Hanna, Hinshaw, Holloway, Long, Mayfield, McComas, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Smyth, Tuttle, Waters, Wheat, Young, and Mr. Speaker—26.

At ten o'clock and eight minutes P. M. Mr. Nott moved to adjourn.

Lost.

Mr. Tuttle moved to suspend the rules to introduce a bill.

Lost.

At ten o'clock and nine minutes P. M. Mr. Nott moved to adjourn.

Lost.

Assembly Bill No. 593—An Act to authorize the widening of Washington Street, in the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 816—An Act to amend an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Assembly Bill No. 817—An Act to divide the County of San Bernardino into Supervisor districts, and to provide for the election and term of office of Supervisors of said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Assembly Bill No. 819—An Act to amend an Act entitled an Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city, approved March thirty-first, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

At ten o'clock and thirteen minutes P. M. Mr. Smyth moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Nott, Smyth, and Byington.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Asmussen, Blake, Breen, Byington, Coffey, Cooley, Dare, Garvey, Hanna, Holloway, Hugg, May, Murphy of Del Norte, Nealley, Nott, Smyth, Swift, and Wheat—19.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Broderick, Brooks, Connolly, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Hinshaw, Johnson, Kercheval, Long, Mace, Mayfield, McComas, Meyers, Miller, Montague, Murphy of San Francisco, Ostrom, Pace, Pauly, Routier, Russ, Sherman, Tuttle, Warden, Waters, Whitlock, Wilson, Young, and Mr. Speaker—47.

On motion of Mr. Haile, the vote by which Assembly Bill No. 581 was considered engrossed was reconsidered, and the bill ordered engrossed.

INTRODUCTION OF BILLS.

By Mr. Dixon—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

Read first and second times, and ordered on special file.

Also, an Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight.

Read first and second times, and referred to the Committee on Ways and Means.

Mr. Backus moved to take up Senate Bill No. 664.

Lost.

Assembly Bill No. 820—An Act to provide for the establishment and maintenance of public roads in Napa County.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith without engrossment.

Assembly Bill No. 400—An Act to create a Board of Wharf and Harbor Commissioners in the County of Los Angeles.

Withdrawn.

Senate Bill No. 387—An Act to amend an Act entitled an Act in relation to the county officers of Santa Cruz County, their fees and salaries, approved March third, eighteen hundred and seventy-six.

Indefinitely postponed.

Mr. Griffith moved to take up Senate Bill No. 664.

Lost.

Senate Bill No. 550—An Act to provide a sufficient number of deputies for the County Assessor of Santa Cruz County.

Read third time, and passed.

Title approved.

At ten o'clock and thirty-three minutes P. M. Mr. Long moved to adjourn.

Lost.

Messrs. Haile and Cooley were granted leave of absence for the evening.

Senate Bill No. 210—An Act concerning street contracts in San Francisco.

Amendments adopted.

[Speaker in the chair.]

Mr. Gough moved to further amend, in section four, by inserting the name of John McNamara.

Adopted.

ADJOURNMENT.

Pending discussion, at ten o'clock and fifty minutes P. M., on motion of Mr. Nott, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 27th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

One day's leave of absence was granted to Mr. Wheat, indefinite leave to Mr. Barstow, and temporary leave to the Solano delegation.

Journal of yesterday read and approved.

[Mr. Waters in the chair.]

INTRODUCTION OF BILLS.

By Mr. Johnson—An Act to confer further powers upon the Board of Education of the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.

Title approved.

By Mr. Berry—An Act to provide for the liquidation and payment of the indebtedness of North Butte School District, in the County of Sutter.

Read first and second times, and ordered on the special file.

By Mr. Tobin—An Act to authorize the Board of Supervisors of the City and County of San Francisco to establish the grades of streets in said city and county which have not been fixed by ordinance

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

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 581—An Act to create a drainage district to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties.

Also, Assembly Bill No. 811—An Act to declare Dutch Slough, in Contra Costa County, navigable

YOUNG, Chairman.

PETITIONS.

By Mr. Gildea—Relative to granting to women the privilege of practicing law in California.

Also, by Mr. Meyers—Relative to the same subject matter.

Both petitions ordered to accompany Senate Bill No. 66.

REPORT.

By Mr. Holloway:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 586—An Act to authorize the Council of the City of Los Angeles to audit and pay to John L. Griffin the amount of a warrant heretofore drawn in his favor—have had the same under consideration, and report it back, with recommendation that it be passed.

A. ELLIS,
J. B. HOLLOWAY, } For Delegation.

RESOLUTION.

By Mr. Gough:

Resolved, That Senate Bill No. 210, that was under discussion last evening at the time the House adjourned, be placed second on the special file.

Adopted.

SPECIAL ORDER.

Substitute for Senate Bills Nos. 117, 190, and 500—An Act making appropriations for public institutions.

Considered in Committee of the Whole.

[Mr. Waters in the chair.]

The committee arose, and reported the bill back with amendments, recommending passage as amended.

IN ASSEMBLY.

[Mr. Waters in the chair.]

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Johnson, the special orders for this hour were temporarily postponed.

House resumed consideration of substitute for Senate Bills Nos. 117, 190, and 500—An Act making appropriations for public institutions—pending discussion of which the House took a recess this day.

The previous question being moved by the requisite number, the ayes and noes were demanded by Messrs. Waters, Ostrom, and Smyth.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs Abbott, Adams, Ames, Anderson, Backus, Breen, Connolly, Conroy, Dinniene, Dixon, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Routier, Russ, Sargent, Sherman, Tobin, Warden, Whitlock, and Wilson—35.

NOES—Messrs Allen, Asmussen, Blake, Byington, Clark, Cooley, Dorsey, Dunlap, Ellis, Garver, Gildea, Hanna, Hart, Haworth, Hicks Hinshaw, Holloway, Long, McComas, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Smyth, Tuttle, Waters, Welch, Young, and Mr Speaker—32.

The question now recurring upon the amendments recommended by the Committee of the Whole, the ayes and noes, on the adoption of the amendment to the fourth subdivision of section one, were demanded by Messrs. Waters, Ostrom, and Smyth.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Ames, Anderson, Breen Brooks, Clark, Connolly, Conroy, Cooley, DeWitt, Dinniene, Dixon, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Long, Mace, May, McClure, McComas, Moffat, Murphy of Del Norte, Nealley, Nott, Pauly, Routier, Russ, Sargent, Tobin, Warden, Whitlock, Wilson, and Young—42

NOES—Messrs. Adams, Allen, Asmussen, Blake, Byington, Dorsey, Dunlap, Garver, Hanna, Hart, Hinshaw, Holloway, Kercheval, Myers, Miller, Murphy of San Francisco, Ostrom, Pace, Robertson, Sherman, Smyth, Tuttle, Waters, Welch, and Mr. Speaker—25.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Farnum, Waters, and Johnson.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Backus, Blake, Breen, Brooks, Connolly, Conroy, Dinniene, Dixon, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Holloway, Johnson, May, McClure, Meyers, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Sargent, Thompson, Tobin, Tuttle, Warden, Whitlock, Wilson, and Young—40.

NOES—Messrs. Allen, Asmussen, Byington, Clark, Cooley, Dorsey, Dunlap, Garver, Hanna, Hart, Hinshaw, Hugg, Kercheval, Long, Mace, Miller, Moffat, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Waters, Welch, and Mr. Speaker—26.

On motion of Mr. Murphy of Del Norte, the resolution to amend Rule Two of Standing Rules, special order, was temporarily postponed.

[Mr. Tuttle in the chair.]

SPECIAL ORDER.

Governor's veto on Assembly Bill No. 177:

To the Assembly of the State of California.

I herewith respectfully return to your honorable body Assembly Bill No. 177—entitled an Act to aid in the construction of a railroad from the City of Eureka, in Humboldt County, State of California, to Eel River Valley, in said county—without my approval

This is a bill to authorize the City of Eureka, a municipal corporation in the County of Humboldt, to donate the bonds of said corporation in aid of the construction of a railroad. It

provides for a subsidy from a municipal corporation to a private corporation, and is, consequently, identical in all its essential features with all the subsidy laws heretofore passed in this State to aid in the construction of railroads. In principle this bill is not distinguishable from those vetoed by the Executive, during the session of the Legislature of eighteen hundred and sixty-nine and eighteen hundred and seventy. Those vetoes were sustained by the great body of the people of the State as both sound in principle and beneficial in their effects. This bill differs in one principal respect from those, but this difference does not affect its essential character as a subsidy measure

Under those bills, the subsidies were to be granted by counties, under this one, by a municipal corporation

The argument in support of a subsidy by a county to a railroad within such county is better founded, in my judgment, than the argument in favor of a subsidy by a municipal corporation to a railroad which merely starts or terminates within such municipal corporation.

It is recognized as one of the legitimate functions of government to provide its citizens or subjects with public highways, which are a necessary means of intercommunication and commerce. The government must do this, because it involves the exercise of the sovereign power of eminent domain, which only the government, or some one to whom the government has delegated it, can exercise. It is in pursuance of the duty of the government to provide the people with the means of intercommunication and commerce that the ordinary public highways, whether in the State at large, in the counties, or in road districts, are constructed and maintained at the public expense. It is not questioned by any one that it is entirely competent for the State or the counties—the political divisions of the State—to exercise the taxing power in their respective jurisdictions to build and maintain public highways within their respective limits. And if this may be done to obtain and secure to the use of, by the people, ordinary dirt, or plank, or turnpike roads, it would be difficult to say why the same power might not be exerted to build and maintain railroads also for their use. It is only a question of policy, which addresses itself to the discretion of the government, whether it will content itself with providing for the people the ordinary highways, or will go further, and build for them railroads also. And it probably will not be denied that it is competent for the State to perform, through agencies other than its own officers, what is required of it in these respects. As for example, it may construct and maintain, through the agencies of corporations, the highways which the convenience or necessities of the people require, and its power in the premises would be the same, whether the highway required should be only a turnpike road or a railroad.

From all this it would follow, almost inevitably, that a county, in granting a subsidy to aid in the building of a railroad, within its borders, would simply be exercising the power conferred on it, as a political division of the State, to provide the people of such division with the proper or necessary means of intercommunication and commerce

Upon these bases does the granting of subsidy by a county to assist in building a railroad within the county rest. First, the duty of the county, as a political division of the State, to provide the public highways within the county necessary for the intercommunication and commerce of the people: second, the power of the government to discharge its obligations, in these respects, through agencies other than its own officers

Does a subsidy by a municipal corporation to a railroad, which merely has one of its termini within such municipality, rest on a like basis? No doubt a municipality must provide its residents and the general public with streets and thoroughfares within the territorial limits of such municipality. It will not be questioned that it is as properly a function of municipal government to open, construct, and maintain such streets and thoroughfares within the municipality as may be necessary for the business, convenience, and comfort of the citizens, as it is of a county government to construct and maintain the necessary highways within the county. But can it be claimed that a municipality must maintain highways outside of its territorial limits? If so, on what ground does the duty rest?

No doubt a municipal corporation may make expenditures and construct works outside of the municipal boundaries, but what are the conditions under which this can be legitimately done? It will hardly be contended that such expenditures can be made for any or every purpose. One of the purposes for which municipal government is organized is to open and maintain streets within the municipality. Can it be claimed that it has a like purpose with respect to roads and highways outside of the municipality? If not, what are the exceptional circumstances which will justify a municipal government in taking on itself the responsibility and burden of constructing highways—either common roads or railways—through territory over which its governmental powers do not extend? A municipal corporation is formed for purposes of government, not for purposes of business. Such corporation may do, legitimately, whatever may be necessary to the preservation of the lives or the promotion of the health and reasonable comfort of the people of the municipality. If it should be necessary to the preservation of the lives of the inhabitants of a town that the municipal authorities should construct a highway outside the municipal limits, over which corn and other food might be brought to feed such inhabitants, or that an aqueduct should be constructed to convey to them water from some distant point, it would no doubt be competent for the municipal authorities to make the necessary expenditures, and do the necessary work to accomplish these purposes. They would fall within the proper scope of municipal government. It is competent, no doubt, for a municipality to go outside of its territorial limits to expend money in the construction of works to procure a supply of good fresh water for its inhabitants: it is competent, also, for one, situated as Sacramento is,

to go outside of its corporate limits to erect levees or dig canals to protect itself from overflow. In a word, it is competent for a municipality to tax its citizens for the construction of any works outside of its limits which may be necessary for the protection of the town or the preservation of its inhabitants.

But does it come within the proper scope of municipal power to construct outside of the municipal limits works, no matter what their character, which are in no sense necessary either to the protection of the municipality or the preservation of its inhabitants, but which, at best, will only add to the value of the property within the municipality? Does not an enterprise, in behalf of which it can be claimed only that it will add to the value of the property in the municipality and increase the business of the inhabitants, belong rather to the category of business ventures than to the works which the municipality is bound to undertake in behalf of the people? And when it is insisted that a municipal corporation shall undertake or aid an enterprise of this character, is not the fundamental distinction between a municipal and a mere business corporation ignored, and the former summoned to do a work which can be performed legitimately only by the latter? I make this distinction a municipality, within its proper municipal limits, is charged with the duty of opening and maintaining the necessary streets, roadways, etc., for the accommodation of its inhabitants, and in the performance of this duty exercises rightful and legitimate governmental powers, but a municipality is not charged with the duty of building and maintaining public highways outside of the municipal limits, unless such highways are, in some manner, a necessity for the municipality or its inhabitants And the mere fact that such highways will add to the value of the property within the municipality, or enhances the prosperity and wealth of its citizens, does not constitute such necessity. If that fact alone would justify the use of the governmental powers of a municipality in cases where, otherwise, such use of them would be inadmissible, it would justify also their use of them to erect factories and prosecute business enterprises of every conceivable character. Yet will any one say that it would be right to use the municipal powers of taxation to erect, or aid in erecting, mills, and factories, and foundries, because such enterprises would add to the value of the property and the prosperity of the inhabitants of the municipality? It seems clear to me, from the above reasoning, that the governmental powers of a municipality cannot be rightfully called into action to aid in the construction of a railway outside of the municipal limits, unless such use of them can be based on some other ground than the bare assumption that it will add to the prosperity of the inhabitants of the municipality. To base their use on such ground would be to pervert governmental powers to mere business purposes and ends.

The above reasoning shows clearly, I think, that the case against subsidies by municipalities to roads outside of the municipal limits, is much stronger than the one against subsidies by counties to roads within the counties.

But whatever view may be taken as to the legitimacy of that exercise of governmental power, whether by counties or municipalities, which subsidizes private railroad corporations, there are controling reasons, to my mind, why the power ought not to be exercised at this time. It is scarcely necessary to recall that succeeding the veto of certain railroad subsidy bills by Governor Haight, in the spring of eighteen hundred and seventy, the public mind became aroused and greatly excited on the subject of subsidies in general. The question was elaborately discussed in the briefs of lawyers, in the columns of the public press, and finally in the opinions of the Judges of the Supreme Court. In the Stockton and Visalia Railroad Company vs. the City of Stockton (41 Cal.) the Court decided the law authorizing the City of Stockton, a municipal corporation, to donate her bonds in aid of the construction of a railroad from Stockton to Visalia to be constitutional. This decision, rendered in April, eighteen hundred and seventy-one, was a declaration to the people that if they did not desire legislation of this character they must stop it at some point before it should reach the Courts. A majority of the bench recognized the legitimacy of this use of the powers of the government, a minority put in a faint protest against it, but declared themselves powerless to resist it by reason of the doctrine of *stare decisis*.

The public mind was aroused, as it hardly ever had been before, or has been since. The highest judicial tribunal of the State had decided, as a question of constitutional law, in favor of subsidies. The two political parties, into which the people of the State were divided at that time, met in their respective conventions in the ensuing June. In a certain sense, an appeal had been taken from the decision of the Supreme Court to the people. The people, while they recognized the right of the Court to say what the law was, and acquiesced in its decision as a fair and just exposition of the law, arrogated to themselves the right to declare what the law ought to be.

The Democratic State Convention met on June twenty-second. In its platform of principles were the following. "That we are uncompromisingly opposed to subsidizing railway or other private corporations out of the public treasury, to the overwhelming increase of debt and taxation, that laws which impose taxes on the mass of citizens in aid of such corporations, whether in the form of donations, loans, or subscriptions, are an invasion of the rights of private property and a departure from sound maxims of government, and result in the bankruptcy of towns and counties, that they lead to gross abuses, are a prolific source of corruption, and violate the cardinal principles of Democracy, to wit: that government is instituted for the welfare and security of the mass of the people and not for the aggrandizement of a favored few, and that the law upon the statute book known as the five per cent law ought to be immediately repealed; that we are in favor of amending the State Constitution so as to provide additional safeguards against the taxation of private property in aid of private corporations or individuals."

The Republican Convention met one week later, and resolved as follows

"That the subsidizing of railroads, or other private corporations, by grants of public lands or by taxation of private property, in any form, is contrary to sound maxims of government, productive of gross corruption and abuse, and a plain invasion of the rights of the citizen. And we hereby pledge the Republican party to an uncompromising opposition to any and all legislation for such purposes; and whereas, the Supreme Court has decided that such legislation is not in conflict with the Constitution, therefore,

"*Resolved*, That we are in favor of an amendment to that instrument prohibiting the enactment of any law granting such subsidies, that we demand the immediate repeal of the Act to the last Legislature, commonly known as the 'five per cent. subsidy law.'"

It is thus seen that the people of the State, represented in the conventions of the two political parties, were so impressed with the impolicy of laws granting subsidies to private corporations, that they demanded an amendment to the Constitution which would forever prevent future Legislatures from enacting such laws. Each of the conventions represented its party, and the two parties embrace the whole body of the people

Thus did the whole people not only express their disapprobation of the kind of legislation proposed by this bill, but so convinced were they of its impolicy, and of the evils certain to flow from it, that they were not content simply to place on it the seal of their condemnation, but demanded that an inhibition against it should be embodied in the fundamental law, so that no future Legislature might, through weakness or otherwise, revive the policy of granting subsidies

Have the people, through the political parties, stood by the position taken in eighteen hundred and seventy-one? In eighteen hundred and seventy-five there were three State political conventions, representing as many political parties. But the official declarations of these conventions will be searched in vain to find a resolution, a sentence, or a syllable in opposition to the position taken by the conventions of eighteen hundred and seventy-one on the subsidy question.

But some one will ask: Should the declarations of political conventions control legislators in their official action? Upon public questions the declarations of political conventions are supposed to express the deliberate and matured judgment of the parties represented by the conventions. As a private individual it is no doubt the prerogative of any one to abandon any opinion, tenet, or dogma whenever he shall come to doubt its soundness It is not so clear, however, that a public man or representative of the people may, with the same facility, change his position on public questions. On questions on which a party, by its proper representatives, has expressed its deliberate and matured judgment, the party has a right to expect, and perhaps demand, that those who represent it shall stand by and give effect to that judgment. It was the deliberate judgment of both the Democratic and Republican Parties, as expressed by their respective conventions in eighteen hundred and seventy-one, that the evils of subsidy legislation were so great that there ought to be an amendment to the Constitution so that such legislation would be impossible. Neither of these parties has ever revoked this judgment. Is not every representative, of either of them, under a moral obligation to stand by and give effect to this judgment, which should be as potent with him as would be the legal obligation were the Constitution amended as suggested? At all events, I do not care to assist in re-inaugurating a policy which the whole people have deliberately declared to be so doubtful in principle and so pernicious in its effects that it ought to be prohibited by a constitutional provision. The responsibility would be a grave one

But if there were no other objection to this bill, it would be worth while to consider whether the debt it would impose is not greater than the property on which it is to rest can conveniently bear. The present assessed value of the property on which the debt of seventy-five thousand dollars is to be imposed, is about one million two hundred and fifty thousand dollars; or the property is to be saddled with a debt amounting to six per cent of its value. This, it must be remembered, is in addition to its share of the State and county debts, whatever they may be. A subsidy from San Francisco, for a like per cent. of her property, would place on the city a debt between fifteen million dollars and sixteen million dollars: and one from the State would put on her a debt of nearly thirty-five million dollars. A debt of seventy-five thousand dollars does not appear large, yet seventy-five thousand dollars is larger for the City of Eureka than fifteen million dollars would be for the City of San Francisco San Francisco has no county debt in addition to her own to bear, Eureka might have almost or quite as much more to bear as her share of the county debt. What would be thought of the man who should propose to load the State with a debt of thirty-five million dollars? Yet it would be no heavier for the State than the debt provided by this bill will be for Eureka.

WILLIAM IRWIN, Governor.

[Speaker in the chair.]

Mr. Nott moved a call of the House.

[Mr. Haile in the chair.]

[Speaker in the chair.]

Mr. Ostrom moved a call of the House, upon which motion the ayes and noes were demanded by Messrs. Haile, Smyth, and Ostrom.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Allen, Anderson, Asmussen, Blackwell, Blake, Clark, Coffey, Connolly, Cooley, Dixon, Dorsey, Dunlap, Garver, Haile, Hanna, Haworth, Hinshaw, McComas, Meyers, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Smyth, Thompson, Tuttle, Waters, Young, and Mr. Speaker—31.

NOES—Messrs. Abbott, Adams, Backus, Brooks, Byington, Conroy, Dinmene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hart, Hicks, Holloway, Hugg, Johnson, Long, May, McClure, Moffat, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Tobin, Warden, Welch, Whitlock, and Wilson—36.

Pending discussion, at three o'clock and twenty-seven minutes P. M., Mr. Haile moved to adjourn.

Lost.

The previous question now being moved by the requisite number, the ayes and noes were demanded by Messrs. Waters, Hugg, and Haile.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Backus, Blake, Brooks, Connolly, Conroy, Dinmene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hanna, Haworth, Hugg, Johnson, Long, McClure, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Sherman, Warden, Welch, Whitlock, Wilson, and Young—39.

NOES—Messrs. Asmussen, Blackwell, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hart, Hinshaw, Holloway, May, McComas, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Smyth, Swift, Thompson, Tuttle, Waters, and Mr. Speaker—26.

The question recurring upon the proposition, "Shall the bill become a law, notwithstanding the Governor's veto?" the roll was called, and the Governor's veto sustained by the following vote.

AYES—Messrs. Abbott, Adams, Anderson, Backus, Blake, Breen, Brooks, Byington, Connolly, Conroy, Dinmene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Holloway, Hugg, Johnson, Long, May, McClure, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Robertson, Routier, Russ, Sherman, Warden, Welch, Whitlock, and Wilson—40.

NOES—Messrs. Allen, Asmussen, Blackwell, Clark, Coffey, Cooley, Dixon, Dorsey, Dunlap, Garver, Haile, Hinshaw, McComas, Meyers, Miller, Murphy of San Francisco, Nott, Ostrom, Pace, Smyth, Swift, Thompson, Tuttle, Waters, Young, and Mr. Speaker—26.

REPORT.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

BROOKS, for Committee.

SPECIAL ORDERS.

Resolution to amend Rule Two of Standing Rules.

Withdrawn.

Mr. Murphy of San Francisco moved to suspend the rules to introduce a resolution.

Lost.

Senate Bill No. 430—An Act to create a Bureau of Labor and Statistics in the State of California.

Considered in Committee of the Whole.

[Speaker in the chair.]

[Mr. Tuttle in the chair.]

The Committee arose, and reported the bill back, recommending passage.

[Mr. Tuttle in the chair.]

The report of the committee was adopted, and Mr. Nott, at five o'clock and three minutes, moved to adjourn.

Lost.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Waters, and Ostrom.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Clark, Connolly, Conroy, Dale, DeWitt, Dinmene, Dixon, Forsyth, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Mace, McClure, McComas, Meyers, Murphy of Del Norte, Murphy of San Francisco, Pauly, Rontier, Sargent, Sherman, Tobin, Warden, and Young—38.

NOES—Messrs. Backus, Breen, Brooks, Coffey, Cooley, Dorsey, Garvei, Hanna, Hinshaw, Keicheval, May, Miller, Moffat, Montague, Nealley, Nott, Ostrom, Pace, Smyth, Swift, Thompson, Tuttle, Waters, and Welch—24

Title approved.

Mr. Meyers moved that Senate Bill No. 66, Assembly Bill No. 28, and Assembly Bill No. 480, be made special orders for to-morrow, at one o'clock P. M.

So ordered.

By Mr. Mace:

WHEREAS, The Senate, in its action upon Assembly Bill No. 274—An Act to provide a new Great Register of the County of Fresno—so amended the same so as to include in section one the Counties of Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada, and Siskiyou, and also the title so as to conform to said amendment, and having failed to make the body of the bill to conform to said amendments, therefore,

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby authorized to enroll said bill so as to conform to said amendments To insert the words "Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada, and Siskiyou," after the word "Fresno," and to change "County" to "Counties," "Register" to "Registers," and "Clerk" to "Clerks."

Adopted.

On motion of Mr. Nealley, Assembly Bill No. 324 was ordered third on the special file.

Mr. Tobin submitted a report from the Committee on Labor Investigation, which was ordered printed.

RESOLUTIONS.

By Mr. Sherman:

Resolved, That Frank McCarrick be and he is hereby allowed the sum of eighty-five dollars, payable out of the Contingent Fund of this House, as Clerk to the Committee on Assessments, and the Controller of State is hereby directed to draw his warrant on the aforesaid fund, and the Treasurer is requested to pay the same.

Also:

Resolved, That John Ireland be and he is hereby appointed Porter for the committee rooms of this House, in place of James Glennan, deceased, at a per diem of four dollars, his appointment to date from Monday, March eighteenth, eighteen hundred and seventy-eight, and the Controller of State is hereby directed to draw his warrant in favor of the said John Ireland, and the Treasurer is directed to pay the same.

Each of the above resolutions referred to the Committee on Employés and Attachés.

Mr. Anderson moved that the general file be made special order for to-morrow, at eleven o'clock A. M., to the exclusion of all other business.

Mr. Waters moved to amend by exempting the evening session from the provisions of the motion.

Adopted.

The motion as amended was then adopted.

REPORTS.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 26th, 1878

MR. SPEAKER. Your Judiciary Committee have had under consideration Senate Bill No. 643—An Act to amend section two hundred and sixty-one of the Political Code—and report the same back, and recommend the passage thereof.

Also, Senate Bill No. 534—An Act to amend the Code of Civil Procedure—report the same back, and recommend the passage thereof.

Also, Senate Bill No 221—An Act for the protection of children, and to prevent and punish certain wrongs to children—report it back, and recommend the passage thereof.

Also, Senate Bill No. 222—An Act relating to children—and report the same back, and recommend the passage thereof.

Also, Senate Bill No. 656—An Act to amend an Act entitled an Act to fix the terms of the County Court in the County of Merced, etc.—report the same back, and recommend the passage thereof

Also, Assembly Bill No. 781—An Act to amend section three hundred and seventy-six of the Code of Civil Procedure, prescribing who may sue for injury and death of child—and report it back, and recommend passage thereof

Also, Senate Bill No. 665—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure—and report it back, and recommend the passage thereof.

ANDERSON, Chairman.

By Mr. Coffey:

MR. SPEAKER The minority of the San Francisco delegation, to whom was referred substitute for Senate Bill No. 140—An Act to amend an Act entitled an Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco—have had the same under consideration, and, believing from the evidence before the committee that they can convince this Assembly not only of the justice but the necessity for the passage of the bill, they therefore report it back, and recommend its passage.

JAS. HAWORTH,
C. H. GOUGH,
J. E. CONNOLLY,
CHAS. GILDEA,
W. F. ANDERSON,
WM. BRODERICK.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was re-referred, for the purpose of concurring in amendments, Assembly Bill No. 119—An Act to provide for and regulate establishment and collection of water-rates in cities and towns with more than one hundred thousand inhabitants, and to prevent extortionate and unlawful charges for the use of water therein, and to punish persons guilty thereof—report the same, and a majority recommend that the Assembly concur in the Senate amendment to section thirteen, and that the Assembly nonconcur in the Senate amendments to section one, section two, section three, section four, section five, section nine, and section seventeen. Eighteen members present and voting, eight ayes, ten noes, on question of concurrence in amendments to sections one, two, three, four, five, and nine, and five ayes and thirteen noes on the concurrence to Senate amendment to section seventeen.

Also, Senate substitute for Senate Bill No. 297—An Act to authorize the City and County of San Francisco to purchase, own, and maintain public water-works for said city and county, for the use of the same, and of the inhabitants thereof, being amendatory of and supplementary to an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property

for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six—report the same, and recommend that it do not pass. Eighteen members present and voting.

Also, Senate Bill No. 605—An Act for the reduction of water-rates to consumers in the City and County of San Francisco—report the same, and a majority recommend that it be indefinitely postponed. Eighteen members present and voting, sixteen ayes, two noes.

Also, Senate substitute for Senate Bill No. 140—An Act to amend an Act entitled an Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, for the better security of life and property in the City and County of San Francisco, approved March twenty-seventh, eighteen hundred and sixty-six—report the same, and a majority recommend that it do not pass. Fifteen members present and voting, ten ayes, five noes.

Also, Senate Bill No. 357—An Act to provide for the appointing of an additional Deputy Clerk for the Justices' Court of the City and County of San Francisco—report the same, and a majority recommend that it do pass. Seventeen members present and voting: twelve ayes, five noes.

Also, Assembly Bill No. 815—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—report the same, and a majority recommend that it do not pass. *Seventeen members present and voting: ten ayes, seven noes.*

Also, Assembly Bill No. 8—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order Bay Street graded, and to change its grade; and Assembly Bill No. 121—An Act amendatory of and supplemental to an Act entitled an Act providing for a Paid Fire Department in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-four—report the same, and recommend that their respective authors have leave to withdraw them.

Also, Assembly Bill No. 701—An Act to facilitate the course of business in the Justices' Court of the City and County of San Francisco—report a substitute therefor, and recommend that the substitute do pass. Fourteen members present and voting.

Also, Senate Bill No. 424—An Act to amend sections three and four of an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, A. D. eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six—report the same, and recommend that it do pass. Fifteen members present and voting.

Also, Senate Bill No. 56—An Act to provide homes for homeless children, and for such as whose parents or natural guardians are incapable of taking care of—report the same, and recommend it do not pass. Fifteen members present and voting.

Also, to whom was referred Senate Bill No. 664—An Act concerning the macadamizing, etc., of Tyler Street, from Market Street to Devisadero Street, and to prohibit the laying down of railroad tracks thereon—report the same, and recommend that it do pass. Eighteen members present and voting.

J. V. COFFEY, Chairman.

Mr. Coffey also submitted a report from the Committee of Free Conference on Senate Bill No. 200, which was ordered printed.

On motion of Mr. Abbott, Senate Bill No. 650 was ordered fourth on the special file.

RECESS.

At five o'clock and fifty minutes P. M., on motion of Mr. Murphy of Del Norte, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and no quorum appearing, Mr. Murphy of Del Norte moved a call of the House.

The roll was then re-called, and the following members found to be absent:

Messrs. Ames, Asmussen, Backus, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, DeWitt, Dinmene, Ewing, Forsyth, Giffen, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hinshaw, Hugg, Kercheval, May, Mayfield, McClure, Meyers, Murphy of San Francisco, Ostrom, Robertson, Sargent, Swift, and Tuttle.

Messrs. Ames, Ewing, Brooks, Hart, Robertson, Ostrom, Kercheval, Sargent, and Byington were brought to the bar of the House, and, having given acceptable excuses, were excused.

On motion of Mr. Murphy of Del Norte, further proceedings under the call of the House were dispensed with.

Mr. Welch moved a suspension of the rules to take up Senate Bill No. 613.

Lost.

Mr. Kercheval moved to suspend the rules to submit a report.

Lost.

SPECIAL FILE.

Senate Bill No. 630—An Act to provide for the location, construction, and maintenance of public roads in the County of Amador.

Read third time, and passed.

Title approved.

Senate Bill No. 618—An Act to incorporte the City of San Luis Obispo, approved March twentieth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 231—An Act to confer further powers on the Common Council of the City of Santa Barbara

Read third time, and passed.

Title approved.

Senate Bill No. 624—An Act to provide a fund for the repairing of roads in San Luis Obispo County.

Read third time, and passed.

Title approved.

Senate Bill No. 625—An Act concerning roads and highways in San Luis Obispo County.

Read third time, and passed.

Title approved.

Senate Bill No. 425—An Act providing for the payment of certain salaries out of the Special Fee Fund of the City of San Francisco.

Read third time, and passed.

Title approved.

Senate Bill No. 579—An Act to regulate roads and highways in Lassen County.

Read third time, and passed.

Title approved.

[Speaker pro tem. in the chair.]

Senate Bill No. 561—An Act to amend an Act, approved April first, eighteen hundred and seventy-six, entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Read third time, and passed

Title approved.

Assembly Bill No. 324—An Act for the relief of W. S. Safford.

Considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back without recommendation.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Mr. Ostrom moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Johnson, Adams, and Ostrom.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Blackwell, Byington, Dunlap, Ewing, Haile, Hinshaw, Long, McComas, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Waters, Wheat, Young, and Mr. Speaker—18.

NOES—Messrs Abbott, Adams, Allen, Anderson, Breen, Brooks, Cooley, Dare, DeWitt, Farnum, Hanna, Hart, Holloway, Kercheval, McClure, Moffat, Montague, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Warden, Whitlock, and Wilson—25.

PAIRED—Mr. Sargent.

Mr. Johnson moved that the rules be suspended, and the bill placed upon its passage.

Lost.

The question recurring upon the engrossment of the bill, pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the engrossment of the bill the ayes and noes were demanded by Messrs Waters, Hart, and Byington.

The roll was called, and the bill ordered engrossed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Anderson, Brooks, Cooley, Dare, DeWitt, Ellis, Farnum, Hanna, Holloway, Kercheval, Mayfield, McClure, Moffat, Murphy of Del Norte, Nealley, Pauly, Routier, Russ, Warden, Welch, and Wilson—24.

NOES—Messrs Byington, Clark, Dunlap, Ewing, Haile, Hart, Hinshaw, Long, Mace, McComas, Montague, Ostrom, Pace, Robertson, Sherman, Smyth, Thompson, Waters, Wheat, Young, and Mr. Speaker—21.

Senate Bill No. 650—An Act to authorize the Board of Supervisors of Monterey County to construct and build a bridge across the Salinas River.

Mr. Abbott offered a substitute for section one, which was adopted.

Amendments adopted, read third time, and passed.

Title amended to conform to the bill, and approved as amended.

Assembly Bill No. 716—An Act to prescribe the number of the members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 813—An Act in relation to certain swamp lands in the County of Sacramento.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six.

Referred to the Sacramento delegation.

Senate Bill No. 623—An Act to amend an Act entitled an Act to confer further powers on the Board of Trustees of the City of Sacramento.

Read third time, and passed.

Title approved.

Senate Bill No. 519—An Act to amend an Act entitled an Act to authorize the County Treasurer of El Dorado County to transfer cer-

tain funds, approved March sixteenth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 511—An Act to provide for transcribing the Great Register of El Dorado County.

Read third time, and passed.

Title approved.

Senate Bill No. 633—An Act to further define the Judicial Districts in the City and County of San Francisco.

Read third time, and passed.

Title approved.

Senate Bill No. 598—An Act to close an unused street in San Francisco.

Read third time, and passed.

Title approved.

Senate Bill No. 556—An Act to provide for the extermination of squirrels in the County of Contra Costa.

Read third time, and passed.

Title approved.

Assembly Bill No. 262—An Act to change and establish the boundary line between the Counties of Sacramento and San Joaquin.

Ordered second on the special file for to-morrow evening.

Assembly Bill No. 615—An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and ordered transmitted to the Senate forthwith.

REPORT.

By Mr. Dare:

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 580—beg leave to report the same back, without recommendation.

HAILE,
DARE.

Senate Bill No. 580, above reported, was taken up, and Mr. Haile moved to amend as follows: Amend by adding to section one as follows: "*Provided*, that this Act shall not take effect unless, at the first election mentioned in section three of this Act, a majority of the legal voters residing within the corporate limits of said town, as described in section two of this Act, shall vote in favor of the incorporation of said town."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Dare, Haile, and Ostrom.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Allen, Anderson, Asmussen, Blackwell, Blake, Broderick, Byington, Clark, Coffey, Dorsey, Dunlap, Ewing, Griffith, Haile, Hanna, Hinshaw, Holloway, Johnson, Long, May, McClure, McComas, Miller, Moffat, Montague, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Sargent, Smyth, Thompson, Waters, Wheat, and Mr. Speaker—37.

NOES—Messrs. Abbott, Adams, Ames, Brooks, Cooley, Dare, Ellis, Farnum, Gildea, Hart, Kercheval, Mace, Murphy of Del Norte, Routier, Russ, Sherman, Warden, Wilson, and Young—19.

SPECIAL FILE RESUMED.

Senate Bill No. 210—An Act concerning street contracts in San Francisco.

The bill was read, and the previous question being moved by the requisite number, the ayes and noes were demanded by Messrs. Waters, Gough, and Ostrom.

The roll was called, and the House refused to order the previous question by the following vote:

AYES—Messrs. Ames, Anderson, Broderick, Byington, Connolly, Dare, Dinniene, Ewing, Forsyth, Gildea, Gough, Griffith, Hanna, Hart, Hicks, Holloway, Hugg, Johnson, Miller, Moffat, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Routier, Russ, Sherman, Warden, Welch, and Young—31

NOES—Messrs. Abbott, Adams, Allen, Backus, Blackwell, Blake, Breen, Brooks, Clark, Coffey, Cooley, Dorsey, Ellis, Haile, Hinshaw, Kercheval, Long, Mace, May, McClure, McComas, Montague, Ostrom, Sargent, Smyth, Thompson, Waters, Wheat, Whitlock, Wilson, and Mr. Speaker—31.

The question recurring upon the passage of the bill, on which the ayes and noes were demanded by Messrs. Blake, Byington, and May, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Broderick, Brooks, Byington, Clark, Connolly, Dinniene, Dunlap, Ellis, Ewing, Forsyth, Gildea, Griffith, Hanna, Hart, Haworth, Hicks, Hugg, Johnson, Mace, Moffat, Murphy of Del Norte, Nealley, Pace, Pauly, Robertson, Russ, Sherman, Warden, and Welch—33.

NOES—Messrs. Allen, Asmussen, Backus, Blackwell, Blake, Coffey, Cooley, Dare, Dixon, Dorsey, Farnum, Garver, Haile, Hinshaw, Holloway, Kercheval, Long, May, McClure, McComas, Meyers, Nott, Ostrom, Routier, Smyth, Thompson, Tuttle, Waters, Wheat, Whitlock, Young, and Mr Speaker—32.

Title approved.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Mr Pauly, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 28th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

[Mr. Dare in the chair.]

Mr. Nott moved that the reading of the Journal be dispensed with, and that a committee of two be appointed by the Chair to examine and approve the same.

So ordered.

In accordance with the above motion, the Speaker appointed Messrs. Nott and May.

On motion of Mr. Berry, the House took up Senate Bill No. 549—An Act to amend an Act entitled an Act to define the boundary,

provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County, approved March twentieth, eighteen hundred and seventy-four.

Amendments adopted, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

On motion of Mr. Backus, the House took up Senate Bill No. 619—An Act to amend sections one thousand nine hundred and seventy-three, one thousand nine hundred and sixty-two, and one thousand nine hundred and sixty-nine of the Political Code, and to add a new section thereto, and to amend section thirty-eight of an Act entitled an Act to amend the Political Code of the State of California, and other Acts concerning the National Guard, approved March twelfth, eighteen hundred and seventy-eight.

Read third time, and passed.

Title approved.

Mr. Hugg moved to suspend the rules to take up Senate Bill No. 244.

Lost.

RESOLUTION.

By Mr. Gildea (by permission)—Assembly Concurrent Resolution, relative to the payment of bonds and expenses incurred in the Indian wars.

Referred to the Committee on Federal Relations.

[Speaker in the chair.]

REPORTS.

By Mr. Broderick:

SACRAMENTO, March 26th, 1878.

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled:

No. 724—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

And the same was, March twenty-sixth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

SACRAMENTO, March 27th, 1878.

MR SPEAKER. Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No 812—An Act amendatory of an Act entitled an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight.

No. 755—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four.

No. 375—An Act to add a new section to the Civil Code, relating to corporations.

No. 417—An Act giving a lien to loggers and laborers, employed in logging camps, upon the logs cut and hauled by the person who employs them.

No. 9—An Act to change the grades of certain streets in the City and County of San Francisco.

No 785—An Act to declare Smith River, in Del Norte County, navigable.

No. 165—An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons

No 198—An Act in relation to division fences in the County of Sonoma, and to the lines of counties bordering thereon.

No. 685—An Act to fix the salaries of certain officers of El Dorado County.

No. 353—An Act to protect stockholders and persons dealing with corporations in this State.

No. 639—An Act in relation to the State Insane Asylum.

No. 740—An Act entitled an Act to provide sewerage for the City of Santa Cruz.

And the same were, this day, March twenty-seventh, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bills No. 716—An Act to prescribe the number of members of the Board of Supervisors for the County of Sacramento, to fix the time of their election and meeting, and to provide for their compensation.

No. 324—An Act for the relief of W. S. Safford.

DINNIENE, for Committee.

On motion of Mr. Waters, the House took up Senate Bill No. 640—An Act to provide a Contingent Fund for the use of the Legislature.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

REPORTS.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Bill No. 368—An Act to quiet title to land in Yolo County—have had the same under consideration, and report it back, with a recommendation that it do pass.

Also, Senate Bill No. 363—An Act for the relief of purchasers of State lands—have had the same under consideration, and report it back, with a recommendation that it do not pass.

WELCH, Chairman.

By Mr. Hart:

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 494—An Act to amend section three thousand four hundred and eighty-nine of the Political Code—having had the same under consideration, report it back with amendments, and recommend its passage as amended.

T. J. HART, Chairman.

INTRODUCTION OF BILLS

By Mr. Hinshaw—An Act to change the name of the Savings Bank of Santa Rosa to Commercial Bank of Santa Rosa.

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

By Mr. Hart—An Act to provide for the drainage of certain lands in the Counties of Colusa and Yolo.

Read first and second times, and placed on the special file.

By Mr. Mace—An Act to amend section two thousand seven hundred and six of the Political Code.

Read first and second times, and placed on the special file.

By Mr. Meyers—An Act to authorize the purchase of land and the erection of a County Hospital.

Read first and second times, considered engrossed, by unanimous consent read third time, and passed.

Title approved.

By Mr. Farnum (by request)—An Act to authorize R. C. Ball to sue the State of California for pay as architect of the Branch State Prison at Folsom.

Read first and second times, and placed on the general file.

By Mr. Murphy of Del Norte—An Act to add a new section to the Code of Civil Procedure, relating to eminent domain.

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

By Mr. McClure—An Act to regulate the apportionment of the Common School Fund of the County of Alameda, so far as it relates to the City of Oakland and Town of Alameda.

Read first and second times, and ordered to the special file.

By Mr. Moffatt—An Act to define the location of and to legalize the name of "Fisherman's Peak."

Read first and second times, and ordered to the special file.

By Mr. DeWitt—An Act to amend an Act entitled an Act concerning roads and highways in the County of Yolo, approved March twentieth, eighteen hundred and seventy-four.

Read first and second times, and ordered to the special file.

By Mr. Giffin—An Act authorizing the construction of a wagon road from the Town of Truckee to Meadow Lake in the County of Nevada.

Read first and second times, and referred to the Nevada delegation.

Also, an Act to extend certain rights to transportation flumes or ditches hereafter constructed.

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

REPORTS

By Mr. Kercheval:

SACRAMENTO, March 26th, 1878

MR. SPEAKER The Sacramento delegation, having had under consideration Assembly Bill No. 661—An Act relative to the Board of Supervisors of Sacramento County—report the same back with amendments, and recommend its passage as amended.

JOHNSON, Chairman of Delegation.

By Mr. Ostrom:

ASSEMBLY CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 533—An Act for the relief of A. D. Splivalo, J. H. Coleman, and Juan de Toro—report it back, and recommend its passage.

Also, Assembly Bill No. 826—An Act to authorize the State Board of Examiners to pay certain claims against the State of California—report it back, and recommend that it do pass.

OSTROM, Chairman.

Bills above reported were ordered on the special file.

By Mr. Dixon:

MR. SPEAKER Your Committee on Attachés and Employés, to whom was referred the resolution providing for the payment of per diem and mileage to Thos. W Reece, a witness before the Committee on Mining Debris, would respectfully report the same back, and recommend its adoption.

Your committee would also report back, with amendment, the resolution providing for the payment of John Ireland, Porter for the Judiciary Committee rooms, and recommend the adoption of the resolution as amended.

Your committee would also recommend the adoption of the resolution directing the payment of Frank McCarrick, as Clerk of the Committee on Assessments.

The resolutions, above reported, were adopted.

By Mr. Hanna:

MR. SPEAKER. The Santa Clara delegation, to whom was referred Senate Bill No. 667—An Act to authorize the Board of Supervisors of Santa Clara County to audit and pay certain

claims—have had the same under consideration, and herewith report it back, and recommend its passage.

HANNA, for Delegation.

By Mr. Wheat:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 707—An Act concerning Roads and Highways in the County of Monterey—have had the same under consideration, and beg leave to return the same without recommendation.

WHEAT, Chairman.

By Mr. Montague:

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 662—An Act to authorize the Managers of Orphan Asylums to give their consent to the adoption of certain children under their care—have considered the same, report it back, and recommend its passage.

Also, Assembly Bill No. 392—An Act to provide for the establishment of quarantine stations at the ports of entry for foreign commerce of this State, and to provide for the acquiring land for quarantine purposes, and the erection thereon of buildings for the reception of quarantine immigrant passengers, and offices for the use of the Quarantine and Health Officers, and to provide for the examination of the sanitary condition of vessels arriving at the ports of entry, and prescribing penalties for violation of the same—have considered the same, and recommend that it pass.

MONTAGUE, Chairman.

Mr. Hicks submitted a verbal report, recommending the adoption of the following resolutions:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of J. E. Clark for the sum of forty-seven dollars and forty cents, for his mileage as Assemblyman for Santa Clara, for the twenty-second session of the Legislature, and the Treasurer to pay the same.

Adopted.

Also:

Resolved, That the Controller of State is hereby authorized and directed to draw his warrant in favor of the following named members, and to the amounts set opposite their names, as payment of mileage on account of visit to the State Prison at San Quentin, in accordance with a resolution of the Assembly, passed January seventeenth, eighteen hundred and seventy-eight.

NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
Miller	200	$30 00	May	200	$30 00
Moffat	200	30 00	Abbott	200	30 00
Griffith	200	30 00	Routier	200	30 00
Broderick	200	30 00	Giffen	200	30 00
Allen	200	30 00			

And the Treasurer of State is directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

By Mr. DeWitt.

MR. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No. 628—An Act to authorize the Board of Supervisors of Yolo County to levy taxes for county purposes—having had the same under consideration, report the same back, and request that the rules be suspended, and the bill passed now.

Also, Senate Bill No. 377—An Act to provide a levee, drainage, and road district in Yolo County—having had the same under consideration, herewith report the same back, with an amendment or substitute for the whole subject matter of section one of said bill, and recommend that the bill pass with the amendment

WM. DEWITT.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No 577—An Act in relation to the county officers of Monterey county, their fees and salaries.

No. 567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

No. 770—An Act supplemental and amendatory of an Act entitled an Act to incorporate the Town of St. Helena, approved March twenty-fourth, eighteen hundred and seventy-six.

No. 750—An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein

No. 587—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.

No. 173—An Act for the incorporation of mutual fire insurance companies, and defining their powers and duties.

No. 541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon.

No. 433—An Act to create a Board of Bank Commissioners, and prescribing their duties and powers.

No 649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

And the same were, on March twenty-seventh, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Also:

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bill has been correctly enrolled

No. 326—An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlement of County Treasurers with the Controller of State.

And the same was, this twenty-eighth day of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Mr. Tuttle moved that the Committee on Corporations be granted one day's extension of time to report on Senate Bill No. 574, upon which motion the ayes and noes were demanded by Messrs. Dare, Hugg, and Byington.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Allen, Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Brooks, Clark, Coffey, Dorsey, Garvey, Gildea, Haile, Haworth, Hinshaw, Holloway, Johnson, Kercheval, May, McClure, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Whitlock, Young, and Mr. Speaker—40.

NOES—Messrs. Abbott, Adams, Ames, Backus, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinmene, Ewing, Forsyth, Giffen, Gough, Griffith, Hart, Hicks, Hugg, Long, Mace, McComas, Murphy of Del Norte, Nealley, Pauly, Sherman, Tobin, Warden, Welch, Wheat, and Wilson—31.

By Mr. Thompson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 512—An Act entitled an Act for the protection of sheep, lambs, Angora goats, and kids—report it back without recommendation

Also, Assembly Bill No. 530—An Act to amend the Civil Code of the State of California by adding three new sections thereto, to be numbered sections two thousand nine hundred and seventy-two, two thousand nine hundred and seventy-three, and two thousand nine hundred and seventy-four, in reference to mortgages on growing crops—have amended the same by inserting the enacting clause, and report it back without recommendation.

THOMPSON, Chairman

By Mr. McClure:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 609—An Act entitled an Act to amend an Act entitled an Act to district the City of Oakland into wards, approved February nineteenth, one thousand eight hundred and seventy-six—have had the same under consideration, and report it back, and recommend its passage.

Also, Senate Bill No. 658—An Act entitled an Act to provide for the construction of a roadway on Bay Farm Island, in the Town of Alameda—have had the same under consideration, and report it back, and recommend its passage.

McCLURE, for the Delegation.

On motion of Mr. Swift, the special order for this hour, eleven o'clock A. M., was temporarily postponed.

On motion of Mr. Coffey, the House took up Assembly Bill No. 119, the question being upon the adoption of the report of the San Francisco delegation.

The report of the delegation was concurred in.

GENERAL FILE.

Assembly Bill No. 774—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and recommended the passage of the bill.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted, and Mr. Gildea moved that the rules be suspended to consider the bill engrossed, upon which motion the ayes and noes were demanded by Messrs. Nott, Kercheval, and Sargent.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Asmussen, Blake, Breen, Broderick, Clark, Connolly, Conroy, Cooley, DeWitt, Dinmene, Dixon, Gildea, Griffith, Hart, Haworth, Hicks, Johnson, Mace, May, Mayfield, McComas, Meyers, Miller, Moffat, Murphy of Del Norte, Pauly, Thompson, Tobin, Warden, and Wilson—38.

NOES—Messrs. Byington, Coffey, Dare, Dorsey, Ewing, Farnum, Forsyth, Garver, Haile, Hanna, Hinshaw, Hugg, Kercheval, Long, McClure, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Robertson, Routier, Sargent, Sherman, Smyth, Swift, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—31.

The question recurring upon the engrossment of the bill, pending discussion the previous question being moved by the required number, it was so ordered by the House.

Upon the engrossment of the bill the ayes and noes were demanded by Messrs. Nott, Waters, and Kercheval.

During the calling of the roll, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

[Speaker in the chair.]

Roll called, and a quorum present.

The roll call on the engrossment of Assembly Bill No. 774, pending which the House took a recess this day, was completed, and the bill ordered engrossed by the following vote:

AYES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Blake, Broderick, Clark, Coffey, Connolly, Conroy, Cooley, Farnum, Gildea, Gough, Griffith, Hart, Hicks, Hinshaw, Johnson, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pauly, Smyth, Thompson, Tobin, and Wilson—34.

NOES—Messrs. Abbott, Blackwell, Brooks, Byington, Dare, Dixon, Dorsey, Ellis, Haile, Hanna, Hugg, Kercheval, Long, Miller, Montague, Nealley, Nott, Robertson, Routier, Sargent, Sherman, Swift, Tuttle, Waters, Welch, Wheat, Whitlock, Young, and Mr. Speaker—29.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 813—An Act in relation to certain swamp land in the County of Sacramento.

Also, Assembly Bill No. 615—An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

DINNIENE, for Committee.

Mr. Johnson moved that the special orders for one o'clock P. M., this day, except the general file, be made special orders for to-morrow, at one o'clock P. M.

So ordered.

GENERAL FILE.

Assembly Bill No. 550—An Act to amend sections three thousand seven hundred and eighty and three thousand eight hundred and thirteen of the Political Code, in relation to the redemption of property sold for taxes.

Read third time, and passed.

Title approved.

Assembly Bill No. 759—An Act to amend section one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use.

Mr. Murphy of Del Norte moved that the bill be referred to the Committee of the Whole, with instructions to amend by striking out section one and inserting a substitute therefor.

Mr. Nott moved that the Committee of the Whole be further instructed to amend by striking out section three of the bill, and renumbering the remaining sections.

Lost.

Mr. Hanna moved to further instruct the committee to amend section one as follows: "The award made by the Court or jury shall be paid on the party taking possession of the privilege to the party surrendering the same, which shall be a part or whole of the amount of the final determination."

Lost.

The question now recurring upon the motion by Mr. Murphy of Del Norte, to refer to the Committee of the Whole, with instructions to report a substitute for section one, it was so ordered.

The bill was then considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending the adoption of a substitute for section one.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the Committee of the Whole was concurred in.

The question recurring upon the passage of the bill, the previous

question being moved by the requisite number, it was so ordered by the House.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Ostrom, Gough, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Backus, Blackwell, Broderick, Brooks, Connolly, Conroy, Dare, DeWitt, Dinniene, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Miller, Murphy of Del Norte, Murphy of San Francisco, Pace, Robertson, Routier, Russ, Sherman, Swift, Tobin, Tuttle, Warden, Whitlock, and Wilson—45.

NOES—Messrs. Allen, Asmussen, Blake, Byington, Clark, Coffey, Cooley, Dixon, Dorsey, Garver, Haile, Hanna, Hart, Hinshaw, Long, Mayfield, McComas, Moffat, Montague, Nealley, Nott, Ostrom, Pauly, Sargent, Smyth, Thompson, Waters, Welch, Wheat, Young, and Mr. Speaker—31.

Title approved.

Mr. Robertson gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

REPORT.

By Mr. Young:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 774—An Act authorizing the State Board of Examiners to allow certain claims against the State.

YOUNG, Chairman.

On motion of Mr. Murphy of Del Norte the House took up the following resolution, laid over under the rules:

Resolved, That from and after this day no member shall be allowed to speak more than once, nor more than five minutes, upon any one proposition except by the unanimous consent of the Assembly; *provided*, that the author of a bill shall be permitted to speak twice upon his bill.

Mr. Johnson moved to strike out the word "unanimous."

Lost.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Hugg, Tuttle, and Waters.

[Mr. Tuttle in the chair.]

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blake, Breen, Broderick, Brooks, Byington, Connolly, Dare, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Mace, McClure, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Pace, Pauly, Routier, Russ, Sherman, Swift, Thompson, Tobin, Warden, Welch, Wheat, Whitlock, and Wilson—56.

NOES—Messrs. Coffey, Conroy, Cooley, Dinniene, Dorsey, Garver, Long, May, Mayfield, Meyers, Ostrom, Robertson, Sargent, Smyth, Tuttle, Waters, and Young—17.

INTRODUCTION OF BILLS.

By Mr. Gildea—An Act to amend an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property therefor, approved March twenty-seventh, eighteen hundred and seventy-six.

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

RESOLUTION.

By Mr. Tobin:

Resolved, That John P. Cosgrave, Phonographic Reporter of the Assembly Committee on Labor Investigation, be allowed the sum of four hundred and forty dollars for per diem and transcript of testimony and proceedings taken by said committee, the same to be paid out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant, and the Treasurer to pay the same.

Referred to the Committee on Expenditures and Accounts.

SENATE MESSAGES.

On motion of Mr. Gough, the order of Senate messages was taken up.

SENATE CHAMBER,
SACRAMENTO, March 26th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Joint Resolution No. 55—Concerning United States Engineers acting with State Engineers in reference to irrigation, and the improvement of the Sacramento and San Joaquin Rivers.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 326—An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlement of County Treasurers with the Controller of State.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of March, eighteen hundred and seventy-eight, adopted Senate Resolution No. 171, requesting the Assembly to return to the Senate Assembly Bill No. 417—entitled an Act giving a lien to loggers and laborers, employed in logging camps, upon logs cut and hauled by the person who employs them.

GEO. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth instant, passed Assembly Bill No. 649—An Act to improve and perfect the present sewerage system of the City and County of San Francisco.

Also, this day adopted Senate Concurrent Resolution No. 55, relative to the correction of Senate Bill No. 503.

Also, on yesterday, passed Senate Bill No. 292—An Act to amend section three hundred and twenty-five of the Code of Civil Procedure.

Also, return Senate Bill No. 244, as per request.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of March, eighteen hundred and seventy-eight, passed, and ordered to the Assembly without engrossment, Senate Bill No. 659—An Act to ratify certain contracts and ordinances of the City of Los Angeles; and Senate Bill No. 668—An Act for the relief of John Bays, of the City and County of San Francisco.

GEO. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh of March, eighteen hundred and seventy-eight, adopted Senate Concurrent Resolution No. 58—Relating to the appointment of a commission to devise a plan for the government of cities.

Also, Senate Bill No. 677—An Act supplemental to an Act entitled an Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two, approved March thirtieth, eighteen hundred and seventy-four.

Also, on this day, passed Senate Bill No. 611—An Act to grant the right of way for a railroad track within the limits of the City and County of San Francisco.

Also, passed Senate Bill No. 669—An Act amendatory of and supplementary to an Act entitled an Act to improve and perfect the present sewerage system in the City and County of San Francisco.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed substitute for Assembly Bill No. 113—An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco, and to repeal all other Acts relating to said Fire Department, and the same sent to the Assembly by special message.

On the twenty-third day of March, eighteen hundred and seventy-eight, passed Senate Bill No. 470—An Act to amend an Act to regulate and govern the California State Prison, approved April third, eighteen hundred and seventy-six.

Also, passed Senate Bill No. 642—An Act in relation to swamp land districts to be formed where the land in such districts lies in two or more counties.

And, on the twenty-seventh instant, passed the following Senate Bills, and ordered them transmitted to the Assembly without engrossment:

No. 670—An Act to authorize the Board of Supervisors of Amador County to declare that portion of the Amador and Nevada wagon road which lies in Amador County a toll road.

No. 672—An Act to confer further powers on the Board of Regents of the University of the State of California.

No. 674—An Act to amend an Act entitled an Act to provide for the improvement of the streets of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six.

Also, passed, and ordered transmitted to the Assembly without engrossment, Senate Joint Resolution No. 57—Relative to rifle teams at the Paris Exposition.

Also, passed the following Assembly Bills, on the same day:

No. 321—An Act concerning certain property within the City and County of San Francisco.

No. 410—An Act to provide for the distribution of school moneys in certain counties.

No. 485—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

No. 545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwest line of Mission Street, and to condemn property for the roadway of said street.

No. 603—An Act for the relief of Edward Christy.

No. 656—An Act to provide for the election of officers for the City of Sacramento.

No. 669—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

No. 713—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.

No. 779—An Act to supply the Town of Oroville with water for fire purposes.

No. 780—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda.

Also, amended and passed Assembly Bill No. 792—An Act making appropriations for the payment of claims accruing from the repair of and furnishing the State Capitol, and for the improvement of the State Capitol grounds.

Also, passed the following Assembly Bills.

No. 816—An Act to amend an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino.

No. 817—An Act to divide the County of San Bernardino into Supervisor districts, and to provide for the election and term of office of Supervisors of said county.

No. 821—An Act to define cooperative business corporations, and to provide for the organization and government thereof.

Also, on the twenty-seventh instant, amended and passed Assembly Bill No. 389—An Act to incorporate the Town of Berkeley, in Alameda County.

And, on this day, passed Assembly Bill No. 296—An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries, and provide for its government.

Amended and passed Assembly Bill No. 769—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, amended by an Act, appproved March twenty-ninth, eighteen hundred and seventy-six.

Passed Assembly Bill No. 820—An Act to provide for the establishment and maintenance of public roads in Napa County.

Adopted Assembly Concurrent Resolution No. 72—Relative to Assembly Bill No. 274.

And also, passed, and ordered transmitted to the Assembly without engrossment, the following Senate Bills:

No. 426—An Act for the relief of purchasers of State lands.

No. 576—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to street railroad corporations.

No. 678—An Act amendatory of and supplementary to an Act entitled an Act for the construction and repair of bridges in the County of Mendocino.

No. 679—An Act in relation to certain streets in the Town of Alameda.

No. 680—An Act to amend section six hundred and thirty-three of the Penal Code.

No. 554—An Act to amend section five hundred and eighty of the Code of Civil Procedure.

Also, passed Assembly Bill No. 584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate fares and freights thereon.

Passed Assembly Bill No. 632—An Act granting to John C. Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer.

Passed substitute for Assembly Bill No. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

Also, amended and passed the following Assembly Bills:

No. 178—An Act to amend section six hundred and ninety of the Code of Civil Procedure exempting from execution and forced sale.

No. 369—An Act for the preservation of fish in the waters of Lake Tahoe.

No. 554—An Act for the relief of Frederick Kuhnle.

No. 543—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six.

And adopted a substitute for Assembly Bill No. 477—An Act to reestablish Court-house School District, in the County of Sonoma, and repeal an Act in relation thereto.

And, on the twenty-third instant, passed Senate Bill No. 541—An Act for the relief of the purchasers of State lands.

And, on the twenty-sixth instant, passed Senate Bill No. 606—An Act to authorize William Hook and his associates and assigns to construct a canal, for shipping purposes, in Contra Costa County.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Substitute for Assembly Bill No. 113, and Assembly Bill No. 792, taken up, and Senate amendments concurred in.

Senate Bill No. 292, Senate Concurrent Resolution No. 58, Senate Bill No. 554, and Senate Bill No 680, each read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 57, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Concurrent Resolution No. 55, taken up and adopted.

Senate Joint Resolution No. 55, read first and second times, and referred to the Committee on Irrigation.

Senate Bill No. 659, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 470, read first and second times, and referred to the Committee on State Prison.

Senate Bill No. 611, read first and second times, and ordered on the special file.

Senate Bill No. 669, read first and second times, and referred to the San Francisco delegation.

Senate Bills Nos. 426 and 521, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 576, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 678, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 679, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 606, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 674, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 642, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bills Nos. 389, 543, and 369, taken up, and Senate amendments concurred in.

Assembly Bill No. 178 was taken up, and Senate amendments concurred in, except the Senate amendment to subdivision ten, of section one.

Assembly Bill No. 769, taken up, and the House refused to concur in Senate amendments.

Senate Bill No. 672, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 668, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 670, read first and second times, and referred to the Amador delegation.

Senate Bill No. 677, read first and second times, and referred to the Alameda delegation.

On motion of Mr. Adams, the House took up Assembly Bill No. 710—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

[Speaker in the chair.]

Mr. Kercheval moved that Assembly Bills Nos. 635 and 720 be placed on the special file.

Lost.

RECESS.

At five o'clock and thirty-two minutes P. M., on motion of Mr. Dinniene, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

RESOLUTION.

By Mr. Johnson:

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly is hereby authorized and directed to fill blanks in Assembly Bill No. 522—An Act to organize Levee District Number One, of Sacramento County, and to provide for its government, by inserting in blank, on line twenty-two of section one, between the words "point" and "feet," the words "one hundred;" by inserting in blank, on line eighteen, section twelve, after the word "exceed," the words "three hundred," and in line twenty-one, same section, "two hundred dollars" before the words "per year."

Adopted, and ordered transmitted to the Senate forthwith.

REPORTS.

By Mr. Pace:

ASSEMBLY CHAMBER,
SACRAMENTO, March 22d, 1878.

MR. SPEAKER: Your Committee, to whom was referred Assembly Bills Nos. 660, 672, and 673, each of them relating to the boundary line of the County of San Luis Obispo—have had the same under consideration, and beg leave to report the same back, with the recommendation that they do not pass.

GEO. PACE, Chairman,
L. BYINGTON.
J. H. WHITLOCK,
CHAS D ALLEN,
J. C. MONTAGUE,
WILLIAM HANNA,
JOSEPH RUSS.

Also:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No. 647—had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

GEO. PACE, Delegation.

INTRODUCTION OF BILLS.

By Mr. Miller—An Act to amend an Act entitled an Act to amend Chapter I, Title XV, of the Penal Code, relative to violations of the laws for the preservation of fish and game.

Read first and second times, and ordered third on the special file for to-morrow evening.

SPECIAL FILE.

Assembly Bill No. 364—An Act to legalize the acts of the Board of Supervisors of Trinity County, in appointing Justices of the Peace for the townships of said county.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 491—An Act concerning estrays and animals found running at large in the County of Sonoma.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 634—An Act to amend an Act entitled an Act to re-incorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four.

Read third time, and passed.

Title approved.

Senate Bill No. 225—An Act regulating the collection of poll tax in Merced County.

Read third time, and passed.

Title approved.

Assembly Bill No. 758—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, and to transfer certain rights conferred thereby.

Temporarily passed on file.

Assembly Bill No. 175—An Act extending the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Blake, Coffey, and Wilson.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Blackwell, Connolly, Dimmene, Dunlap, Ellis, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hugg, Johnson, Mace, May, Meyers, Murphy of Del Norte, Nealley, Nott, Pauly, Russ, Sherman, Swift, Thompson, Tobin, Warden, and Welch—31.

NOES—Messrs. Asmussen, Blake, Breen, Broderick, Byington, Coffey, Cooley, Dare, Dixon, Dorsey, Farnum, Hanna, Hinshaw, Holloway, Mayfield, McComas, Montague, Pace, Routier, Smyth, Tuttle, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—27.

Title approved.

Mr. Nott gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Assembly Bill No. 758—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, and to transfer certain rights conferred thereby.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Senate Bill No. 638—An Act to provide for the payment of the indebtedness of Snelling School District, in the County of Merced, State of California.

Read third time, and passed.

Title approved.

Assembly Bill No. 783—An Act making appropriations for benevolent purposes.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose and reported the bill back with amendments, recommending passage as amended.

IN ASSEMBLY.

[Speaker in the chair.]

On motion of Mr. Gildea, the amendments recommended by the Committee of the Whole were taken up *seriatim*.

On the adoption of the amendment to strike out "one" and insert "two," in line twenty-eight of section one, the ayes and noes were demanded by Messrs. Meyers, Johnson, and Blake.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blackwell, Blake, Breen, Clark, Connolly, Conroy Cooley, Dare, Dimmene, Dixon, Dorsey, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garver, Griffith, Haile, Haworth, Hicks, Hinshaw, Holloway, Johnson, Mace, May,

McClure, McComas, Meyers, Montague, Nott, Pace, Routier, Russ, Tobin, Wheat, Wilson, Young, and Mr. Speaker—45.

NOES—Messrs. Broderick, Brooks, Byington, Coffey, Gildea, Gough, Hanna, Hart, Hugg, Kercheval, Long, Ostrom, Pauly, Robertson, Sherman, Smyth, Swift, Tuttle, Warden, and Waters—20.

Mr. Tuttle arose to a question of privilege, to explain his vote on the above measure.

Upon the amendment to appropriate one thousand dollars for the support of a Female Hospital, in the County of Placer, the same to be paid to the Board of Supervisors, the ayes and noes were demanded by Messrs. Johnson, Byington, and Montague.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Asmussen, Backus, Blackwell, Blake, Broderick, Byington, Clark, Connolly, Dare, Dinniene, Dixon, Doisey, Dunlap, Ellis, Farnum, Forsyth, Gough, Griffith, Haile, Holloway, Hugg, Johnson, May, McClure, Meyers, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Waters, Welch, and Wilson—39.

NOES—Messrs. Brooks, Coffey, Cooley, Ewing, Garver, Gildea, Hanna, Hinshaw, Long, McComas, Smyth, Swift, Thompson, Wheat, Young, and Mr. Speaker—16.

The amendment to appropriate one thousand dollars to the Sisters of Mercy of Eureka, Humboldt County, was adopted.

The amendment to appropriate five hundred dollars to the Ladies' Relief Society of Salinas City was adopted.

The amendment to appropriate one thousand dollars to the Hospital Fund of San Bernardino County was adopted.

The amendment to appropriate one thousand dollars to the Sisters of Mercy of San Luis Obispo County was adopted.

The amendment to appropriate one thousand dollars to the German Hospital Society of Trinity County was adopted.

The amendment to appropriate five hundred dollars to the Markleville Ladies' Relief Society of Alpine County was adopted.

At nine o'clock and twenty-five minutes P. M. Mr. Welch moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Johnson, Haile, and Holloway.

Prior to the calling of the roll, Mr Johnson gave notice that on to-morrow he would move a reconsideration of the vote by which Assembly Bill No. 758 was passed.

The roll was then called, and the House refused to adjourn by the following vote:

AYES—Messrs. Blackwell, Dunlap, Haile, Hanna, Hugg, Long, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Smyth, Welch, Wheat, and Mr. Speaker—16.

NOES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blake, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Hart, Haworth, Hicks, Hinshaw, Holloway, Johnson, Mace, McComas, Meyers, Montague, Murphy of Del Norte, Nealley, Routier, Sherman, Swift, Thompson, Tobin, Warden, Waters, Wilson, and Young—46.

Mr. Johnson now moved that Assembly Bills Nos. 783, 282, 606, and 778, be placed at the head of the special file for Saturday evening.

So ordered.

Dr. Dare moved to suspend the rules to take up Senate Bill No. 221 and Senate Bill No. 222.

So ordered.

Senate Bill No. 221—An Act for the protection of children, and to prevent and punish certain wrongs to children.

Read third time, and passed.

Title approved.

[Speaker pro tem. in the chair.]

Senate Bill No. 222—An Act relating to children.

Read third time, and passed.

Title approved.

Senate Bill No. 544—An Act to provide for the construction of a railroad from Ione, in the County of Amador, to a point in or near the Town of Sutter Creek or Jackson, in said county, and to regulate fares and freights thereon.

Amendments adopted, read third time, and passed.

Title approved.

RESOLUTION.

By Mr. Long:

Resolved, That at eleven o'clock on Friday, March twenty-ninth, there shall be a call of the roll, to be continued until the whole has been completed, and each member, as his name is called, may call up a bill for engrossment and passage.

Laid over one day.

On motion of Mr. Dixon, Senate Bill No. 570 was placed fifth on the general file.

On motion of Mr. Farnum, Senate Bill No. 344 was placed sixth on the general file.

REPORTS.

By Mr. Coffey:

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 669—An Act amendatory of and supplementary to an Act entitled an Act to improve and perfect the present sewerage system in the City and County of San Francisco, passed at the twenty-second session of the Legislature—report the same with a substitute, and recommend that the substitute do pass. Sixteen members present and voting.

Also, Assembly Bill No. 830—An Act amending section four of an Act entitled an Act repealing Article IV 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April the first, eighteen hundred and seventy-two—report the same, and recommend that it do not pass. Sixteen members present and voting.

Also, Assembly Bill No. 693—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—report the same, and recommend that the author have leave to withdraw it.

Also, Senate Bill No. 560—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, in relation to accepted streets—report the same with amendments, and recommend its passage as amended. Sixteen members present and voting.

Also, substitute for Senate Bill No. 525—An Act to authorize and empower the Board of Education of the City and County of San Francisco to sell certain real estate—report the same with amendments, and recommend its passage as amended. Fifteen members present and voting.

Also, Senate Bill No. 631—An Act to provide for the improvement of Van Ness Avenue, in the City and County of San Francisco—report the same with amendments, and recommend its passage as amended. Sixteen members present and voting.

Also, Assembly Bill No. 818—An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof—report the same, and a majority recommend its passage. Sixteen members present and voting; ten ayes, and six noes.

Also, Senate substitute for Assembly Bill No. 153—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and to provide for the appointment, regulation, and payment thereof—report the same, and a majority recommend that the Assembly do concur in the Senate substitute. Fifteen members present and voting; ten ayes, five noes.

J. V. COFFEY, Chairman.

Senate Bill No. 669, above reported, taken up, substitute adopted, read third time, and passed.

Title approved.

By Mr. Coffey:

SACRAMENTO, March 28th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 1—An Act for the improvement of certain public reservations of the City and County of San Francisco; and Assembly Bill No. 100—An Act to relieve laborers, and improve the City and County of San Francisco—report a substitute therefor, entitled "An Act for the improvement of certain public reservations of the City and County of San Francisco," and recommend that the substitute do pass. The delegation further request that the rules be suspended for the purpose of considering the bills at once. Eighteen members present and voting

J. V. COFFEY, Chairman.

Assembly Bills Nos. 1 and 100, above reported, taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

At nine o'clock and fifty-eight minutes P. M. Mr. Dinniene moved to adjourn.

Lost.

By Mr. Ostrom:

MR. SPEAKER: The Yuba, Placer, and Sutter delegations, to whom was referred Assembly Bill No. 833—report the same back, recommending its passage.

OSTROM.

Assembly Bill No. 833, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

By Mr. Nott:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 513—An Act to refund to Tehama County the State's portion of taxes unlawfully collected—report it back, and recommend that it do not pass.

Also, Assembly Bill No 835—An Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight—report the same back, and recommend its passage.

NOTT, Chairman.

Assembly Bill No. 835, above reported, taken up, and considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back recommending passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, the rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Smyth moved that Assembly Bill No. 630 be made the special order for Saturday next, immediately after the reading of the Journal.

Lost.

Assembly Bill No. 800—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 636—An Act amendatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act authorizing certain parties to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two, approved March twenty-seventh, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Assembly Bill No. 825—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Santa Barbara.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Assembly Bill No. 829—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 834—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 832—An Act to amend an Act entitled an Act to provide for the purchase of a site, and the erection of a Courthouse and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

Ordered to retain its position on file.

Senate Bill No. 586—An Act to authorize the Council of the City of Los Angeles to audit and pay to John S. Griffin the amount of a warrant heretofore drawn in his favor.

Read third time, and passed.

Title approved.

Assembly Bill No. 831—An Act to authorize the Board of Supervisors of Monterey County to exempt firemen from the payment of poll taxes for county purposes.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith

Assembly Bill No. 837—An Act to provide for the liquidation and payment of the indebtedness of North Butte School District, in the County of Sutter.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Senate Bill No. 656—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Merced, approved March eleventh, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 297—An Act to amend sections three and five of an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to

condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six.

Indefinitely postponed.

Senate Bill No. 605—An Act to provide for the reduction of water-rates to consumers in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 140—An Act to amend an Act entitled an Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco, approved March twenty-seventh, eighteen hundred and sixty-six.

Mr. Coffey moved the indefinite postponement of the bill.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. May, Coffey, and Nott.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Asmussen, Blake, Byington, Clark, Coffey, Conroy, Cooley, Dinmene, Dorsey, Ewing, Farnum, Forsyth, Garvey, Haile, Hinshaw, Holloway, May, Mayfield, McClure, McComas, Meyers, Montague, Nealley, Nott, Ostrom, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Tuttle, Waters, Young, and Mr. Speaker—37.

NOES—Messrs. Adams, Ames, Anderson, Dare, Dixon, Dunlap, Ellis, Gildea, Gough, Hanna, Hart, Haworth, Johnson, Long, Mace, Murphy of Del Norte, Pace, Pauly, Russ, Sherman, Warden, Wheat, and Wilson—23.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Haile, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 29th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Mr. Warden moved that a committee of two be appointed to examine and approve the Journal, and that its reading be dispensed with.

So ordered.

In accordance with the above resolution, the Speaker appointed Messrs. Warden and Sargent.

REPORT.

By Mr. Nott:

MR. SPEAKER: Your committee, appointed to compare and read the Journal, report that they have examined the same and find it correct.

NOTT, for Committee.

Mr. Ostrom submitted majority and minority reports from the Committee on Mining Debris, which were ordered printed.

INTRODUCTION OF BILLS.

By Mr. Mace—An Act to incorporate the Town of Fresno.

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

Title approved.

REPORT.

By Mr. Welch:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878.

MR SPEAKER Your Committee on Public Lands, to whom was referred Senate Bill No. 426 —An Act for the relief of purchasers of State lands—have had the same under consideration, and report it back, with a recommendation that it do pass.

WELCH, Chairman.

Pursuant to notice, given on yesterday by Mr. Robertson, Mr. Johnson moved a reconsideration of the vote by which Assembly Bill No. 759 was passed.

Mr. Dare moved the indefinite postponement of the motion to reconsider.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon indefinite postponement, the ayes and noes being demanded by Messrs. Johnson, Clark, and Blackwell, the roll was called, and the motion to reconsider indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Blackwell, Brooks, Connolly, Conroy, Dare, DeWitt, Dinmene, Dixon, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Gough, Haworth, Hicks, Hugg, Johnson, Kercheval, Mace, May, McClure, Meyers, Murphy of Del Norte, Murphy of San Francisco, Pace, Sherman, Swift, Tobin, Tuttle, Warden, Welch, Whitlock, and Wilson—39.

NOES—Messrs. Allen, Asmussen, Blake, Breen, Byington, Clark, Coffey, Cooley, Dorsey, Garver, Haile, Hanna, Hart, Hinshaw, Holloway, Long, Mayfield, McComas, Moffat, Montague, Nealley, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Thompson, Waters, Wheat, Young, and Mr. Speaker—32.

On motion of Mr. Gough, Assembly Bill No. 175 was ordered transmitted to the Senate forthwith.

PETITION.

By Mr. Murphy of San Francisco—Relative to Senate Bill No. 46. Laid on the table.

RESOLUTIONS.

On motion of Mr. Johnson, the House took up the following resolution:

Resolved, That James M. Farrelly be and he is hereby allowed the sum of fifty dollars, payable out of the Contingent Fund of the Assembly, for expenses incurred on the evening of February twentieth, eighteen hundred and seventy-eight, during the call of the House, and the Controller of State is hereby directed to draw his warrant on the State Treasurer for the above amount, and the Treasurer is directed to pay the same out of the said fund.

Lost.

On motion of Mr. Murphy of Del Norte, the House took up the following resolution, laid over under the rules on yesterday:

Resolved, That at eleven o'clock A. M., on Friday, March twenty-ninth, there shall be a call of the roll, to be continued until the whole has been completed, and each member, as his name is called, may call up a bill for engrossment and passage.

Mr. Murphy of Del Norte moved to amend by striking out "eleven o'clock A. M." and inserting "one o'clock P. M."

Adopted.

Mr. Dinniene moved to amend by inserting, "that if five members object, the bill shall be passed on the file.

Lost.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Waters, Dinniene, and May.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Blackwell, Breen, Connolly, Conroy, Dare, Dixon, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gildea, Gough, Haile, Haworth, Hicks, Holloway, Johnson, Long, Mace, Mayfield, McClure, Miller, Moffat, Murphy of Del Norte, Nealley, Nott, Pace, Sherman, and Warden—34.

NOES—Messrs. Allen, Asmussen, Blake, Byington, Clark, Coffey, Cooley, DeWitt, Dinniene, Dorsey, Gaiver, Hanna, Hart, Hinshaw, Hugg, Kercheval, May, Meyers, Montague, Murphy of San Francisco, Ostrom, Pauly, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Waters, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—36.

REPORTS OF STANDING COMMITTEES.

By Mr. Dixon:

MR. SPEAKER Your Committee on Attachés and Employés, to whom was referred the resolution allowing J. D. McKim fifty dollars for services as Clerk to the special committee appointed to investigate matters connected with the University domain, respectfully report the same back, and recommend its adoption.

DIXON, Chairman.

The following resolution, above reported, was adopted:

Resolved, That J. D. McKim be allowed the sum of fifty (50) dollars, payable out of the Contingent Fund of this Assembly, in full for services as Clerk to the special committee appointed to investigate the matters connected with the domain of the State University.

By Mr. Tuttle:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878

MR. SPEAKER Your Committee on Corporations, to whom was referred Senate Bill No. 486—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for official valuation of life insurance policies, approved April fourth, eighteen hundred and seventy, approved February thirteenth, eighteen hundred and seventy-two—have had the same under consideration, and report it back, with the recommendation that it do not pass.

Also, Senate Bill No 74—An Act to amend section six hundred and eleven of the Political Code, relative to insurance—and recommend that it do not pass.

Also, Assembly Bill No. 776—An Act to authorize the Mayor and Common Council of the City of Santa Rosa, County of Sonoma, to submit to the electors of said city the proposition for said city to subscribe to the capital stock of the Santa Rosa and Sonoma Valley Railway Company—and recommend that it do not pass.

Also, Assembly Bill No 777—An Act to authorize the Board of Supervisors of Sonoma County to submit to the electors of Sonoma Township the proposition to subscribe to the capital stock of a railway company, to be known as the Santa Rosa and Sonoma Valley Railway Company—and recommend that it do not pass.

Also, Assembly Bill No 228—An Act to prevent railroad companies from discriminating unjustly between localities—and report it back without recommendation.

Also, Assembly Bill No. 775—An Act to require fire insurance companies to deposit bonds with the State—and recommend that it do not pass.

Also, Assembly Bill No. 33—An Act to provide for and regulate the establishment and collection of water-rates, to prevent extortionate and unlawful charges for the use of water, and to punish persons guilty thereof—and report it back without recommendation.

TUTTLE, Chairman.

Mr. Murphy of Del Norte moved that the Committee on Corporations be instructed to report back Senate Bill No. 574 forthwith.

So ordered.

By Mr. Haile:

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 646—An Act to create a commission to examine and report the condition of certain funds—have had the same under consideration, and report it back, with a recommendation that it be passed.

Also, Assembly Bill No. 804—An Act to amend section one thousand seven hundred and seventy of the Political Code, in relation to the times of meeting of the County School Boards of Examination—which they report back, with a recommendation that it do not pass.

Also, Assembly Bill No. 824—An Act to amend section one thousand seven hundred and fifty of the Political Code, relative to certificates issued by the State Board of Examination—which they report back, with a recommendation that it do not pass.

HAILE, Chairman.

By Mr. Gildea:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 73—Relative to Indian war bonds—have had the same under consideration, report it back, and recommend its passage.

GILDEA, Chairman.

Mr. Gildea moved to suspend the rules to consider Assembly Joint Resolution No. 73, above reported.

Lost.

By Mr. Ewing:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Joint Resolution concerning United States Engineers acting with State Engineers in reference to irrigation and the improvement of the Sacramento and San Joaquin Rivers—have had the same under consideration, and report it back, with the recommendation that it pass.

EWING, Chairman.

By Mr. Tuttle:

MR. SPEAKER: The Committee on Corporations have considered Senate Bill No. 574—An Act to amend section six hundred and twenty-eight of the Civil Code—have had the same under consideration, report the same back, and a majority of the committee recommend that it do not pass. Seven members present and voting.

Also, Assembly Bill No. 634—An Act to amend Title IV, Part IV, of the Civil Code, in reference to street railroads—report the same, and recommend that it do not pass.

TUTTLE, Chairman.

Mr. Dare moved that Senate Bill No. 574 be made special order for this day, at four o'clock P. M.

The ayes and noes being demanded by Messrs. Tuttle, Holloway, and Haworth, the roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Backus, Breen, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Dare, DeWitt, Dinmene, Dunlap, Ellis, Ewing, Forsyth, Giffen, Gough, Griffith, Hart, Hicks, Hugg, Johnson, Kercheval, Mace, May, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Routier, Sherman, Swift, Tobin, Warden, Welch, Wheat, and Wilson—43.

NOES—Messrs. Allen, Anderson, Asmussen, Blackwell, Blake, Broderick, Cooley, Dixon, Dorsey, Garver, Gildea, Haile, Hanna, Haworth, Hinshaw, Holloway, Long, Mayfield, McClure, McConnas, Meyers, Miller, Montague, Pauly, Robertson, Sargent, Smyth, Thompson, Tuttle, Whitlock, Young, and Mr. Speaker—32.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Judiciary Committee, having considered Senate Bill No. 616—An Act to encourage irrigation in Sierra County—report the same with an amendment, and recommend the passage thereof as amended.

Also, Assembly Bill No. 425—An Act to amend section nine hundred and nine of the Political Code, relative to oath of office of County Judges and County Clerks—and recommend concurrence in Senate amendment.

Also, Senate Bill No. 617—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure—and recommend the passage thereof.

Also, Senate Bill No. 292—An Act to amend section two hundred and ninety-two of the Code of Civil Procedure—and recommend the passage thereof

Also, Senate Concurrent Resolution No 58--Relative to municipal reform—and recommend the passage thereof.

Also, Assembly Bill No. 839—An Act to change the name of the Savings Bank of Santa Rosa to Commercial Bank of Santa Rosa--and recommend that it do not pass.

ANDERSON, *Chairman.*

By Mr. Haworth:

MR. SPEAKER. The *Committee on Commerce and Navigation, to whom* was referred Senate Bill No 485—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claim of J. C. Smith—report the same back, and recommend that it do pass.

Also, Assembly Bill No 597—An Act to provide and pay for the construction of a bulkhead or wharf along a portion of the water front of the northern part of the City and County of San Francisco—report the same, and recommend that it do not pass

Also, Senate Joint Resolution No 49—Relative to a sea-wall at Santa Barbara—report the same, and recommend that it do pass.

Also, Assembly Bill No 805—An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, and to authorize the construction of a wharf and the purchase thereof by said Board—report the same, and recommend that it do not pass

JAS. HAWORTH, Chairman.

By Mr. Hinshaw:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER Your Committee on Public Expenditures have examined the following bills, and recommend that they be paid·

Chico Enterprise	$4 00
John P. Cosgrave, Phonographic Reporter for the Committee on Labor Investigation	440 00

Resolved, That the Controller of State is hereby authorized and shall draw his warrant in favor of John P. Cosgrave for the sum of four hundred and forty dollars, and the Chico Enterprise for the sum of four dollars, and the State Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

The resolution, above reported, was adopted.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR SPEAKER· Your *Committee on Public Expenditures have examined the bill of James M.* Farrelly, Sergeant-at-Arms of the Assembly, for mileage and serving subpœnas in the investigation of the Special Committees on Savings Banks and Labor, and recommend that it be paid; therefore, be it

Resolved, That the Controller of State shall draw his warrant in favor of James M. Farrelly for the sum of one hundred and ninety-three and fifty one-hundredths dollars, and the State Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

The resolution, above reported, was adopted.

Also:

ASSEMBLY CHAMBER, March 28th, 1878.

MR. SPEAKER· Your Committee on Public Expenditures beg leave to report that they have examined the following bills, and recommend that they be paid

Charles B. Higby, Calaveras Chronicle	$2 00
Abend Post, San Francisco	3 00
George I. Lytle, Sacramento	4 60
W. H. Mills, Record-Union	6 25
Nevada Daily Transcript	8 00
W. M. Penry, Amador Dispatch	10 00
P. A Bell, Elevator	4 00
San Mateo Publishing Company	4 00
Fresno Expositor	13 50

Los Nietos Valley Courier	2 00
Sutter Banner	17 00
Placer Herald	34 00
Tuolumne Independent	2 00
Pacific Ice Company	22 50
H. S Foote	4 10
J. E. Farrelly, Sergeant-at-Arms, for stamps furnished Hon. J E. Clark	15 00
Chief Clerk's desk, for stamps	6 00
Johanna D Lextin, for washing towels	35 00

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the persons or papers named in the above report, for the sum set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly

HINSHAW, Chairman.

The resolution, above reported, was adopted.

By Mr. Montague:

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 517—An Act to create a Board of Health in each of the counties of this State—have had the same under consideration, and report it back without recommendation

Also, Assembly Bill No 766—An Act making appropriations for benevolent societies in the County of Los Angeles—and recommend that it do not pass.

MONTAGUE, Chairman.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 626—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-seven-seventy-eight—report the same, and recommend that it do pass. Eighteen members present and voting The delegation further ask that the rules be suspended for the purpose of considering the bill at once.

Also, Senate Bill No 627—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—report the same, and recommend that it do pass. The delegation further request that the rules be suspended for the purpose of considering the bill at once. Sixteen members present and voting

Also, Assembly Bill No 822—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco, approved April fourth, eighteen hundred and seventy—report the same, and a majority recommend that it do pass Sixteen members present and voting; ten ayes, six noes.

Also, Assembly Bill No 850—An Act to amend an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose, approved March twenty-seventh, eighteen hundred and seventy-six—report the same, and a majority recommend that it do pass. Fifteen members present and voting; eight ayes, and seven noes.

J. V. COFFEY, Chairman.

On motion of Mr. Coffey, Senate Bills Nos. 626 and 627, above reported, were taken up, read third time, and passed.

Title approved.

By Mr. Dixon:

MR. SPEAKER The delegation, to whom was referred substitute for Senate Bill No. 201—An Act entitled an Act to fix the compensation of the Under-Sheriff, Deputy Sheriff, and County Jailers of Alameda County—have had the same under consideration, and we report it back amended, and recommend its passage as amended.

DIXON,
McCLURE,
FARNUM,
For the Delegation.

RESOLUTION.

By Mr. Hicks:

Resolved, That the Controller of State is hereby authorized to draw warrants in favor of Messrs Dare, Meyers, and Smyth, for thirty-six dollars each, for mileage as members of Special Committee on State University, and in favor of J. D. McKim for thirty-six dollars, as Clerk, payable out of the Contingent Fund of this House, and the Treasurer is hereby authorized to pay the same.

Adopted.

On motion of Mr. Robertson, the House took up Senate Bill No. 643—An Act to amend section two hundred and sixty-one of the Political Code.

Read third time, and passed.

Title approved.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Warden moved to suspend the rules to take up Assembly Concurrent Resolution No. 31.

Mr. Welch moved to amend to include Senate Bill No. 613.

Adopted, and the motion as amended lost.

REPORT.

By Mr. Dinniene:

ASSEMBLY CHAMBER,
SACRAMENTO, March 28th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, substitutes for Assembly Bills Nos. 1 and 100—An Act for the improvement of certain public reservations in the City and County of San Francisco.

491—An Act concerning estrays and animals found running at large in the County of Sonoma.

Also, Assembly Bills Nos. 835—An Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight.

800—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

829—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

834—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

364—An Act to legalize the acts of the Board of Supervisors of Trinity County in appointing Justices of the Peace for the townships of said county.

DINNIENE, for Committee.

SPECIAL ORDERS.

Veto message of Governor on Assembly Bill No. 245.

The question being, "Shall the bill become a law, notwithstanding the Governor's veto?" the roll was called, and the veto sustained by the following vote:

AYES—Messrs. Abbott, Ellis, Hart, Holloway, Johnson, May, Murphy of Del Norte, Pauly, and Routier—9.

NOES—Messrs. Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Cooley, Dare, Dinniene, Dixon, Dorsey, Dunlap, Ewing, Forsyth, Garver, Giffen, Griffith, Haile, Hanna, Haworth, Hinshaw, Hugg, Kercheval, Long, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Robertson, Sargent, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—60.

On motion of Mr. Hugg, Senate Bill No. 244 was ordered on the special file.

Motion to indefinitely postpone motion to reconsider vote on recon-

sideration of vote on Senate Bill No. 66—An Act to amend sections two hundred and seventy-five and two hundred and seventy-nine of the Code of Civil Procedure, relating to attorneys, etc.

Upon the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Johnson, Haile, and Holloway.

The roll was called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs Blackwell, Byington, Coffey, Dixon, Dorsey, Dunlap, Griffith, Haile, Hart, Haworth, Hinshaw, Kercheval, Miller, Nealley, Nott, Ostrom, Robertson, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Whitlock, and Mr Speaker—25.

NOES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Brooks, Clark, Connolly, Conroy, Cooley, Dimmene, Ewing, Forsyth, Garver, Giffen, Gough, Hanna, Hicks, Holloway, Hugg, Johnson, Long, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Pace, Pauly, Routier, Sargent, Sherman, Swift, Tobin, Warden, Wilson, and Young—41.

Mr. Hart moved that the bill be made special order for to-morrow, at seven o'clock and thirty minutes P. M., upon which motion the ayes and noes were demanded by Messrs. Haile, Hart, and Ostrom.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Blackwell, Brooks, Byington, Coffey, Dorsey, Dunlap, Gildea, Griffith, Haile, Hart, Hinshaw, Kercheval, Miller, Moffat, Montague, Murphy of Del Norte Nott, Ostrom, Pace, Robertson, Smyth, Thompson, Tuttle, Waters, Welch, Whitlock, and Mr. Speaker—27.

NOES—Messrs Abbott, Adams, Allen, Ames, Asmussen, Backus, Blake, Broderick, Clark, Connolly, Conroy, Cooley, Dimmene, Dixon, Ewing, Farnum, Forsyth, Garver, Giffen, Gough, Hanna, Haworth, Hicks, Holloway, Hugg, Johnson, Long, May, Mayfield, McClure, McComas, Meyers, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Sherman, Swift, Tobin, Warden, Wheat, Wilson, and Young—44.

The question now recurring upon the reconsideration of the vote by which the bill was refused passage, the ayes and noes were demanded by Messrs. Hart, Ostrom, and Brooks.

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Asmussen, Backus, Blake, Clark, Connolly, Conroy, Cooley, Dare, Ewing, Forsyth, Garver, Gildea, Gough, Hanna, Hicks, Holloway, Hugg, Johnson, Long, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Pace, Pauly, Routier, Sargent, Sherman, Swift, Tobin, Warden, and Wilson—39.

NOES—Messrs. Blackwell, Broderick, Brooks, Byington, Coffey, Dimmene, Dixon, Dorsey, Dunlap, Farnum, Giffen, Griffith, Haile, Hart, Haworth, Hinshaw, Kercheval, Miller, Montague, Murphy of Del Norte Nealley, Nott, Ostrom, Robertson, Smyth, Thompson, Tuttle, Waters, Welch, Wheat, Whitlock, Young, and Mr. Speaker—33.

The previous question now being moved by the requisite number, the ayes and noes were demanded by Messrs. Waters, Dorsey, and Haile.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Asmussen, Backus, Blake, Breen, Broderick, Byington, Clark, Connolly, Conroy, Cooley, Dimmene, Dorsey, Ewing, Farnum, Forsyth, Garver, Gildea, Gough, Hanna, Hicks, Hugg, Johnson, Long, May, Mayfield, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Sherman, Tobin, Warden, Wilson, and Young—43

NOES—Messrs Blackwell, Brooks Dare, Dixon, Dunlap, Griffith, Haile, Hart, Haworth, Hinshaw, Holloway, Kercheval, Miller, Montague, Nott, Ostrom, Pace, Robertson, Smyth, Swift, Thompson, Tuttle, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—27

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Waters, Byington, and Haile.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blake, Breen, Clark, Connolly, Conroy, Cooley, Dare, Ewing, Forsyth, Garver, Gildea, Gough, Hanna Hicks, Hugg, Johnson, Long, May, Mayfield, McClure, McComas Meyers, Moffat, Murphy of San Francisco, Pauly, Routier, Sargent, Sherman, Tobin, Warden, Wilson, and Young—37.

NOES—Messrs Anderson, Asmussen, Blackwell, Broderick, Brooks, Byington, Dinniene, Dixon, Dorsey, Dunlap, Farnum, Griffith, Hale, Hart, Haworth, Hinshaw, Holloway, Kercheval, Miller, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Robertson, Smyth, Swift, Thompson, Tuttle, Waters, Welch, Wheat, Whitlock, and Mr. Speaker—35.

Mr. Adams moved to suspend the rules to introduce a resolution.
Lost.
Mr. Dare moved to suspend the rules to submit a report.
Lost.

REPORT.

By Mr. Broderick:

SACRAMENTO, March 28th, 1878.

MR SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 321—An Act concerning certain property within the City and County of San Francisco

No 780—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda.

No. 656—An Act to provide for the election of officers for the City of Sacramento.

No. 713—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six

No. 410—An Act to provide for the distribution of school moneys in certain counties

No. 669—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six

No. 603—An Act for the relief of Edward Christy.

No. 485—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

No. 821—An Act to define cooperative business, and to provide for the organization and government thereof.

No. 816—An Act to amend an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino.

No 817—An Act to divide the County of San Bernardino into Supervisor districts, and to provide for the election and term of office of Supervisors of said county.

No. 545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwest line of Mission Street, and to condemn property for the roadway of said street

No 779—An Act to supply the Town of Oroville with water for fire purposes.

And the same were, on March twenty-eighth, eighteen hundred and seventy-eight, presented to the Governor for his approval

Also, No. 113—An Act to provide for re-organizing and better regulating the Paid Fire Department of the City and County of San Francisco, and to repeal all Acts relating to said Fire Department.

No 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

No. 296—An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries and provide for its government.

No 632—An Act granting to John C Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer

No. 369—An Act for the preservation of fish in the waters of Lake Bigler.

No 274—An Act to provide a new Great Register for the Counties of Fresno, Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada, and Siskiyou.

No. 543—An Act to amend an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six.

No 389—An Act to incorporate the Town of Berkeley, in the County of Alameda.

And the same were, this twenty-ninth day of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

SPECIAL ORDERS RESUMED.

Motion to reconsider the vote by which Assembly Bill No. 28—An Act to protect the rights of married women—was indefinitely postponed.

The previous question being moved by the requisite number, it was so ordered by the House.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Waters, Haile, and Hart.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Adams, Backus, Clark, Connolly, Cooley, Ewing, Forsyth, Gough, Hanna, Johnson, Kercheval, Long, Meyers, Murphy of San Francisco, Pauly, Routier, Sargent, Tobin, Wheat, and Wilson—20.

NOES—Messrs Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Byington, Conroy, Dare, Dixon, Dorsey, Dunlap, Farnum, Garver, Haile, Hart, Haworth, Hinshaw, Holloway, May, Mayfield, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Ostrom, Pace, Sherman, Smyth, Swift, Thompson, Tuttle, Warden, Waters, Welch, Whitlock, Young, and Mr. Speaker—44.

Assembly Bill No. 480—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

[Mr. Waters in the chair.]

Mr. Gough moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Haile, May, and Meyers.

The roll was called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Abbott, Anderson, Backus, Blackwell, Byington, Dorsey, Gough, Griffith, Haworth, Hugg, Long, Miller, Montague, Routier, Smyth, Tobin, Tuttle, and Warden—18.

NOES—Messrs Allen, Ames, Asmussen, Clark, Connolly, Conroy, Cooley, Dare, Dinniene, Dixon, Dunlap, Ellis, Ewing, Forsyth, Garver, Haile, Hanna, Hinshaw, Johnson, Kercheval, Mace, May, McClure, Meyers, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Swift, Thompson, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—39.

Mr. Gildea moved that the further consideration of the bill be postponed till Monday, April first, at two o'clock P. M.

Lost.

Mr. Gildea moved that the enacting clause be stricken from the bill, upon which motion the ayes and noes were demanded by Messrs. Gildea, Nealley, and Byington.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Adams, Anderson, Asmussen, Backus, Blackwell, Breen, Brooks, Byington, Clark, Connolly, Dorsey, Dunlap, Forsyth, Gildea, Gough, Griffith, Hart, Haworth, Hugg, Miller, Murphy of Del Norte, Nealley, Tuttle, Warden, and Mr. Speaker—25.

NOES—Messrs Abbott, Allen, Blake, Conroy, Cooley, Dare, Dixon, Ewing, Haile, Hanna, Hinshaw, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, Meyers, Montague, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Smyth, Swift, Thompson, Waters, Welch, Wheat, Whitlock, Wilson, and Young—37.

The amendments were adopted, and Mr. Johnson moved that the rules be suspended to consider the bill engrossed, and place it upon its passage.

Upon which motion the ayes and noes were demanded by Messrs. Hugg, Forsyth, and Murphy of San Francisco.

Prior to the roll call, Mr. Murphy of Del Norte moved that the bill be laid on the table.

Upon which motion the ayes and noes were demanded by Messrs. Haile, May, and Dinniene.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Anderson, Asmussen Backus, Blackwell, Broderick, Brooks, Byington, Clark, Coffey, Connolly, DeWitt, Dorsey, Dunlap, Farnum Garver, Giffen, Gildea, Gough, Hart, Haworth, Hinshaw, Holloway, Hugg, McComas, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Robertson, Sherman, Smyth, Tuttle, Warden, Whitlock, Young, and Mr Speaker—41.

NOES—Messrs. Allen, Ames, Conroy, Cooley, Dare, Dinniene, Dixon, Ellis, Ewing, Forsyth, Haile, Hanna, Johnson, Kercheval, Long, May, McClure, Meyers, Nott, Pace, Pauly, Routier, Sargent, Swift, Thompson, Waters, Welch, Wheat, and Wilson—29.

Mr. Dixon moved to suspend the rules to take up Senate Bill No. 570.

So ordered.

Senate Bill No. 570—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twenty-sixth, eighteen hundred and sixty-one.

Read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Pauly, Young, and Clark.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Allen, Ames, Anderson, Backus, Broderick, Connolly, Conroy, Cooley, DeWitt, Dinniene, Dixon, Ellis, Ewing, Farnum, Forsyth, Garver, Griffith, Haile, Haworth, Hicks, Hugg, Johnson, Kercheval, May, Mayfield, McClure, Meyers, Moffat, Murphy of Del Norte, Murphy of San Francisco, Routier, Sherman, Tobin, Tuttle, Warden, and Whitlock—37.

NOES—Messrs Asmussen, Blackwell, Blake, Brooks, Byington, Clark, Coffey, Dare, Dorsey, Dunlap, Giffen, Gough, Hanna, Hart, Hinshaw, Long, Mace, McComas, Miller, Montague, Nott, Ostrom, Pauly, Robertson, Sargent, Smyth, Swift, Waters, Welch, Wheat, Wilson, Young, and Mr. Speaker—33.

Title approved.

Senate Bill No. 574—An Act to amend section six hundred and twenty-eight of the Civil Code.

Mr. Sargent moved to amend by adding to section one the following: "*Provided*, this Act shall not apply to cities of less than twenty-five thousand inhabitants."

Lost.

Mr. Tuttle moved to amend section one to read that the Act should apply only to the City and County of San Francisco.

Lost.

Mr. Farnum moved to amend by inserting at the end of section one: "*Provided*, this Act shall not apply to cities of less than one hundred thousand inhabitants."

Mr. Ostrom moved to amend the amendment as follows: Add to section one: "*Provided*, that this Act shall not apply to city or towns of less than five thousand inhabitants."

Lost.

The question recurring upon the amendment offered by Mr. Farnum, it was rejected.

Mr. Farnum moved to amend by inserting: "To be regulated by the city authorities according to section four thousand four hundred and thirteen of Political Code."

Lost.

Mr. Farnum moved to amend by adding: "This Act shall not apply to the County of Alameda."

Lost.

Mr. Gildea moved to amend by striking out after the word "counties" the words "that have a population of less than thirty thousand inhabitants."

The ayes and noes were demanded by Messrs. Tuttle, Gildea, and Farnum.

[Speaker in the chair.]

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Allen, Anderson, Asmussen, Blackwell, Blake, Broderick, Brooks, Cooley, Dixon, Farnum, Garvey, Giffen, Gildea, Haile, Hanna, Haworth, Hinshaw, Holloway, Kercheval, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Ostrom, Pauly, Sargent, Smyth, Swift, Thompson, Tobin, Tuttle, Warden, Waters, Wheat, Whitlock, Young, and Mr Speaker—42.

NOES—Messrs Abbott, Adams, Ames, Backus, Breen, Clark, Coffey, Connolly, Conroy, Dare, DeWitt, Dinmene, Dorsey, Ellis, Ewing, Forsyth, Gough, Griffith, Hart, Hicks, Hugg, Johnson, Long, Murphy of Del Norte, Murphy of San Francisco, Nealley, Nott, Pace, Robertson, Routier, Sherman, Welch, and Wilson—33.

Mr. Conroy moved the indefinite postponement of the bill.

Carried.

Mr. Johnson gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was indefinitely postponed.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Murphy of Del Norte, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Assembly Bill No. 832—An Act to amend an Act entitled an Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Ellis moved to suspend the rules to take up Senate Bill No. 523.

So ordered.

Senate Bill No. 523—An Act making an appropriation for the benefit of the Southern California Horticultural Society.

Considered in the Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker in the chair]

The report of the committee was adopted, and Mr. Johnson moved

that the rules be suspended, the bill considered engrossed, read third time, and placed upon its passage.

The ayes and noes were demanded by Messrs. Haile, Ostrom, and Smyth.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Broderick, Byington, Clark, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Mace, May, Mayfield, McClure, McComas, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Sargent, Sherman, Swift, Tobin, Warden, Waters, Whitlock, Wilson, and Young—55.

NOES—Messrs. Dorsey, Garver, Haile, Hinshaw, Kercheval, Long, Meyers, Miller, Nott, Ostrom, Robertson, Smyth, Thompson, Welch, Wheat, and Mr. Speaker—16.

The bill was then read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Mr. Griffith moved to take up the order of Senate messages.

Lost.

Assembly Bill No. 153—An Act to increase the police force of the City and County of San Francisco.

Pending discussion, Mr. May moved that the rule which prohibits members from speaking more than five minutes on any proposition be suspended during the pendency of Assembly Bill No. 153, upon which motion the ayes and noes were demanded by Messrs. Waters, Sargent, and Dinniene.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Allen, Asmussen, Blackwell Blake, Broderick, Brooks, Clark, Coffey, Cooley, Dare, Dinniene, Griffith, Johnson, May, Routier, Smyth, Thompson, and Welch—18.

NOES—Messrs. Abbott, Adams, Anderson, Backus, Byington, Connolly, Conroy, DeWitt, Dixon, Dunlap, Ellis, Forsyth, Garver, Giffen, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway Hugg, Long, Mace, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Sherman, Swift, Tobin, Warden, Waters, Wheat, Whitlock, Wilson, Young, and Mr Speaker—49.

The question recurring on the adoption of the Senate amendment, the ayes and noes were demanded by Messrs. Dinniene, Ostrom, and Forsyth.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Byington, Connolly, Conroy, DeWitt, Dinniene, Dunlap, Ellis, Forsyth, Giffen, Gildea, Gough, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, McComas, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Sherman, Swift, Tobin, Warden, Welch, Whitlock, Wilson, and Young—39.

NOES—Messrs. Asmussen, Blackwell, Blake, Broderick, Brooks, Clark, Coffey, Cooley, Dare, Dixon, Farnum, Garver, Griffith, Haile, Hanna, Hinshaw, May, McClure, Miller, Montague, Nott, Ostrom, Pace, Pauly, Robertson, Routier, Sargent, Smyth, Thompson, Waters, Wheat, and Mr. Speaker—32.

Mr. Dinniene gave notice that on to-morrow he would move a reconsideration of the vote by which the amendment was concurred in.

At nine o'clock and fifty minutes P. M. Mr. Waters moved to adjourn.

Lost.

Mr. Long moved to suspend the rules to take up Senate Bill No. 334.

Lost.

Mr. Long moved that Senate Bill No. 334 be placed at the head of the file for to-morrow evening.

Lost.

Senate Bill No. 357—An Act to provide for the appointment of an additional Deputy Clerk for the Justices' Court of the City and County of San Francisco.

Amendment adopted, read third time, and passed.

Title approved.

Assembly Bill No. 815—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Passed on file.

Assembly Bill No. 701—An Act to facilitate the course of business in the Justices' Court of the City and County of San Francisco.

Indefinitely postponed.

[Speaker pro tem. in the chair.]

Senate Bill No. 424—An Act to amend sections three and four of an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two, and amended March thirty-first, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 664—An Act concerning the macadamizing of Tyler Street, from Market Street to Devisadero Street, and to prohibit the laying down of railroad tracks thereon.

Read third time, and passed.

Title approved.

Assembly Bill No. 262—An Act to change and reëstablish the boundary line between the Counties of Sacramento and San Joaquin.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Kercheval gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

At ten o'clock and twenty minutes P. M. Mr. Robertson moved to adjourn.

Lost.

Mr. Dare moved to suspend the rules to submit a report.

So ordered.

REPORTS.

By Mr. Dare:

MR. SPEAKER: Your special committee, appointed to investigate the condition of the domain of the University, and the constitutionality of the Board of Regents, have had the same under careful consideration, and beg leave to report as follows

Resolved, That the Speaker of the Assembly do appoint a special committee of three to investigate the state of the University domain, and the constitutionality of the present Board of Regents, and report at an early day. And that said committee be empowered to send for persons and papers, and if necessary to employ a Clerk, at a per diem not to exceed five dollars, payable out of the Contingent Fund of the Assembly.

In accordance with the spirit of the above resolution, your committee proceeded to the State University, and made such investigation as our limited time permitted. We cannot claim that it was as thorough as might be desired.

We found the able and honored President, the Professors, as well as the Secretary, and others in authority, courteous and ready to answer all questions, and what information we obtained was chiefly through them. We have also looked into reports of committees appointed by previous Legislatures to investigate questions connected with the administration of the affairs of the University, and find that so far as the question of the constitutionality of the Board of Regents is concerned, that it was inquired into two years ago by a Senate committee of able

lawyers, and we think that their conclusions, which we embody in our report, ought to be accepted, at any rate, until some high Court decides otherwise.

As to the constitutionality of the Board of Regents your committee beg leave to submit a portion of the report of the Senate special committee of the twenty-first session, as follows.

First—We have no doubt but that the Regents of the University of California is a legal body It owes its creation and existence to laws of the State of California, passed in pursuance to the Constitution, and could hardly be an illegal body

Second—The fourth section of the ninth article of the Constitution provides for the organization of a University, the language of which shows that the management of the funds was in the nature of a trust vesting in the State. The Act of March twenty-third, eighteen hundred and sixty-eight, providing for the organization of the University, was formed on this theory, and it was therein declared that no member of the Board of Regents or of the University shall be deemed a public officer by virtue of such membership, or required to take an oath of office, but his employment as such shall be held and deemed to be exclusively a private trust

We believe this to be the essential nature of the duties imposed on the Board, and the very object of its creation, and the mere change of names amounts to nothing. The Code, it is true, places the Regents in the list of officers of the State; but this does not bring them within the constitutional provisions, as we read the cases of the People *vs.* Middleton (28 Cal. 603), and the People *vs* Provines (34 Cal. 520). The President of the University and a Commissioner of Deeds are, in one sense, officers of the State, but, in our judgment, not the kind referred to in the Constitution

Your committee could obtain from the Regents no official maps, properly sectionized, of the University domain, and could, therefore, make no intelligent investigation as to its condition. It is a little surprising that so important a trust—one involving so much of interest vital to the welfare of the State—should be left in a condition not susceptible of intelligent comprehension, and your committee would suggest the adoption, by the Board, of a system at once clear and comprehensive, by which committees of the Legislature, whose duty it is to look after the interests of the people, may be enabled to make reports that will be entirely satisfactory to their constituents

To this end, your committee recommend that the Surveyor-General be directed to prepare maps of all lands, other than Congressional grant, of the University, and submit the same, at as early a day as practicable, to the Governor; and that the Board of Regents be requested, through their Secretary, to cooperate with the Surveyor-General in the preparation of the same. Your committee further desire to refer to the fact that no plats, showing the source or supply of water for the University, were placed at our disposal, except as to some springs, known as the Hayward Springs, and would suggest that the Surveyor-General be requested to prepare and furnish to the Governor carefully arranged maps and plats of water sources for the University, and that these, together with such maps of the domain of the University as may be furnished, be by him laid before the Legislature at its next session.

JOHN T. DARE, Chairman,
E. SMYTH,
S. MEYERS.

By Mr. Dunlap (by permission):

MR. SPEAKER The Amador delegation, to whom was referred Senate Bill No 670—An Act to authorize the Board of Supervisors of Amador County to declare that portion of the Amador and Nevada wagon road which lies in Amador County a toll road—have amended the same, and beg leave to report the bill back, and recommend its passage as amended.

DUNLAP, Delegation.

Senate Bill No. 493—An Act to amend section four thousand four hundred and twenty-five of the Political Code.

Substitute adopted, read third time, and passed.

Title approved.

Senate Bill No. 368—An Act to quiet title to land in Yolo County.

Read third time, and passed.

Title approved.

Senate Bill No. 661—An Act relative to the Board of Supervisors of Sacramento County.

Read third time, and passed.

Title approved.

Senate Bill No. 667—An Act to authorize the Board of Supervisors of Santa Clara County to audit and pay certain claims.

Read third time, and passed.

Title approved.

Assembly Bill No. 707—An Act concerning roads and highways in the County of Monterey.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 628—An Act to authorize the Board of Supervisors of Yolo County to levy taxes for county purposes.

Read third time, and passed.

Title approved.

Senate Bill No. 377—An Act to provide for a levee, drainage, and road district in the County of Yolo.

Read third time, and passed.

Title approved.

Senate Bill No. 609—An Act to amend an Act entitled an Act to district the City of Oakland into wards, approved February nineteenth, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 658—An Act to provide for the construction of a roadway on Bay Farm Island, in the Town of Alameda.

Read third time, and passed.

Title approved.

Senate Bill No. 560—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, in relation to accepted streets.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 525—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to sell certain real estate.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 631—An Act to provide for the improvement of Van Ness Avenue, in the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 818—An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Assembly Bill No. 830—An Act amending section four of an Act entitled an Act repealing Article IV of an Act entitled an Act to repeal the several charters of the City of San Francisco, establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Passed on file.

Assembly Bill No. 840—An Act to provide for the drainage of certain lands in the Counties of Colusa and Yolo.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Senate Bill No. 494—An Act to amend section three thousand four hundred and eighty-nine of the Political Code.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 845—An Act to regulate the apportionment of the Common School Fund of the County of Alameda, so far as the same relates to the City of Oakland and Town of Alameda.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to Senate forthwith.

Assembly Bill No. 847—An Act to amend an Act entitled an Act concerning roads and highways in the County of Yolo, approved March twentieth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 851—An Act to amend an Act entitled an Act to amend Chapter I, Title XV, of the Penal Code, relative to violations of the laws for the preservation of fish and game.

Ordered engrossed.

Senate Bill No. 611—An Act to grant the right of way for a railroad track within the City and County of San Francisco.

Read third time, and passed.

Title approved.

Assembly Bill No. 660—An Act to amend section three thousand nine hundred and forty-seven of the Political Code.

Indefinitely postponed.

Assembly Bill No. 673—An Act to amend section three thousand nine hundred and fifty-one of the Political Code.

Indefinitely postponed.

Assembly Bill No. 672—An Act to amend section three thousand nine hundred and forty-seven of the Political Code.

Indefinitely postponed.

At eleven o'clock P. M. Mr. Dinniene moved to adjourn.

Lost.

Senate Bill No. 647—An Act granting additional powers to the Board of Supervisors of the County of Santa Cruz.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 776—An Act to authorize the Mayor and Common Council of the City of Santa Rosa, County of Sonoma, to submit to the electors of said city the proposition for said city to subscribe to the capital stock of the Santa Rosa and Sonoma Valley Railroad.

Passed on file.

Assembly Bill No. 777—An Act to authorize the Board of Supervisors of Sonoma County to submit to the electors of Sonoma Township the proposition to subscribe to the capital stock of a railroad company, to be known as the Santa Rosa and Sonoma Valley Railroad Company.

Passed on file.

Senate Bill No. 616—An Act to encourage irrigation in Sierra County.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 324—An Act for the relief of W. S. Safford.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Waters, Berry, and Ostrom.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Ames, Anderson, Asmussen, Backus, Broderick, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dimmiene, Ellis, Farnum, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Johnson, McClure, Murphy of Del Norte, Nealley, Pauly, Routier, Sherman, Tobin, Warden, Waters, Whitlock, Wilson, and Young—35.

NOES—Messrs. Blackwell, Blake, Byington, Coffey, Dixon, Dorsey, Dunlap, Foisyth, Garver, Haile, Hanna, Hinshaw, Kercheval, Mace, May, McComas, Meyers, Miller, Murphy of San Francisco, Ostrom, Pace, Robertson, Wheat, and Mr. Speaker—24.

Title approved.

Mr. Waters gave notice that on to-morrow he would move a reconsideration of the vote by which the bill was passed.

Assembly Bill No. 833—An Act to change the name of the Savings Bank of Santa Rosa to Commercial Bank of Santa Rosa.

Withdrawn.

Senate Bill No. 201—An Act to fix the compensation of the Under-Sheriff, Deputy Sheriff, and County Jailers of Alameda County.

Amendments adopted, read third time, and passed.

Title approved.

Assembly Bill No. 805—An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, and to authorize the construction of a wharf and the purchase thereof by said Board.

Passed on file.

Assembly Bill No. 766—An Act making appropriations for benevolent societies in the County of Los Angeles.

Passed on file.

Assembly Bill No. 822—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco.

Mr. Griffith moved that the rules be suspended, the bill considered engrossed and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. May, Waters, and Blake.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Anderson, Blackwell, Broderick, Coffey, Connolly, DeWitt, Dimmiene, Dixon, Dunlap, Ellis, Foisyth, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Johnson, Long, McClure, Murphy of Del Norte, Nealley, Pace, Pauly, Routier, Sherman, Thompson, Tobin, Warden, and Young—33.

NOES—Messrs Abbott, Adams, Blake, Brooks, Cooley, Farnum, Garver, Hinshaw, Kercheval, Mace, May, McComas, Meyers, Murphy of San Francisco, Ostrom, Robertson, Waters, Wheat, Whitlock, Wilson, and Mr. Speaker—21.

The bill was ordered engrossed.

Assembly Bill No. 850—An Act to amend an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property therefor, approved March twenty-seventh, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Blake, Anderson, and Coffey.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Ames, Anderson, Backus, Blackwell, Broderick, Brooks, Connolly, Cooley, Dare, DeWitt, Dimmiene, Dunlap, Ellis, Giffen, Gildea, Gough, Griffith, Haworth, Hicks,

Hugg, Johnson, Long, Mace, Murphy of San Francisco, Nealley, Pauly, Routier, Sherman, Tobin, Warden, Whitlock, and Young—33.

NOES—Messrs. Adams, Asmussen, Blake, Coffey, Dixon, Dorsey, Farnum, Forsyth, Garver, Haile, Hanna, Hart, Hinshaw, Kercheval, May, McClure, McComas, Meyers, Murphy of Del Norte, Ostrom, Pace, Robertson, Thompson, Waters, Wheat, Wilson, and Mr. Speaker—27.

Title approved.

The bill was ordered transmitted to the Senate forthwith.

RESOLUTION.

Mr. Johnson moved to suspend the rules to introduce a resolution.

So ordered.

Resolved, That one dollar per day be allowed to John Conrad, from the beginning to the end of the session, for repairing and taking care of clocks in the Assembly Chamber.

Referred to the Committee on Expenditures and Accounts.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Mr. Hart, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 30th, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Temporary leave of absence was granted to the State Prison Committee.

Prayer by the Chaplain.

On motion of Mr. Tuttle, the reading of the Journal was dispensed with, and a committee, consisting of Messrs Tuttle and Meyers, was appointed to compare and approve the same.

RESOLUTION.

By Mr. Farnum—Assembly Concurrent Resolution, relative to requesting the Governor to return Assembly Bill No. 433 for correction.

Adopted, and ordered transmitted to the Senate forthwith.

REPORT.

By Mr. Warden:

MR. SPEAKER: Your committee, appointed to read and compare the Journal, report that they have examined the same and find it correct.

LEW. M. WARDEN, for Committee.

INTRODUCTION OF BILLS.

By Mr. Dare—An Act to make the Auditor of Solano County ex officio Clerk of the Board of Supervisors of said county.

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

Title approved.

Ordered transmitted to the Senate forthwith.

REPORTS.

By Mr. Gough:

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Senate Bill No. 621—An Act entitled an Act to establish a Political Code, approved March eleventh, eighteen hundred and seventy-six—having had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 620—An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six—have had the same under consideration, and report it back, with recommendation that it pass.

C. H. GOUGH, Chairman.

Also:

MR. SPEAKER: We, the undersigned, Committee on Public Printing, beg leave to report that, pursuant to a resolution of this House, passed February twentieth, eighteen hundred and seventy-eight, authorizing and directing the said committee to investigate the method of printing Assembly Bills and documents, and generally the management of the State Printing Office, that we have looked into the management of the State Printing Office, and find the same conducted in an efficient and satisfactory manner, a model of neatness and dispatch, a credit to the State, and an honor to the Superintendent of State Printing.

All of which is respectfully submitted.

C. H. GOUGH, Chairman on Public Printing.

On motion of Mr. Gough, the rules were suspended to take up Senate Bills Nos. 620 and 621.

Senate Bill No. 620—An Act to amend the Political and Penal Codes, concerning public printing, and for other purposes, approved April third, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

Senate Bill No. 621—An Act to amend an Act entitled an Act to establish a Political Code, approved March eleventh, eighteen hundred and seventy-six.

Read third time, and passed.

Title approved.

On motion of Mr. Long, Senate Bill No. 634 was made special order for to-day, at one o'clock P. M.

Pursuant to notice, Mr. Brooks moved a reconsideration of the vote by which Assembly Bill No. 324 was passed, and, on motion of Mr. Johnson, the motion to reconsider was indefinitely postponed.

RESOLUTIONS.

By Mr. Thompson:

WHEREAS, The Clerk of the Committee on Agriculture has not received any compensation for his services, we, the members of the committee, present the following resolution, and recommend its adoption:

Resolved, That the Controller of State is hereby authorized to and shall draw his warrant in favor of James S. Davis, Clerk of the Committee on Agriculture, for the sum of one hundred dollars, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

R. B. THOMPSON, Chairman,
MAX BROOKS,
J. M. MAYFIELD,
RUSH McCOMAS,
R. C. HAILE.

Referred to the Committee on Employés and Attachés.

By Mr. Garver:

Resolved, That the Committee on Public Expenditures and Accounts be required and directed to have a statement made out by the Secretary of State, showing the amount of stationery drawn from his office by each member of the Assembly during this session of the Legislature; also, the amount drawn by each attaché of this House, and report the same as soon as possible.

Adopted.

By Mr. Conroy:

Resolved, That the sum of thirty dollars be allowed out of the Contingent Fund of the Assembly, to the Superintendent of State Printing, to pay the postage on advance sheets of the laws passed at this session of the Legislature, said proof-sheets to be sent to the address of each member of this House, after adjournment.

Referred to the Committee on Employés and Attachés.

On motion of Mr. Gildea, the House took up Assembly Concurrent Resolution No. 73—Relative to Indian war bonds—for consideration.

Mr. Gildea moved to suspend the rules, consider the resolution engrossed, and place it on its passage, upon which motion the ayes and noes were demanded by Messrs Nott, Gildea, and Pauly.

The roll was called, and the motion prevailed by the folllowing vote:

AYES—Messrs. Ames, Anderson, Blackwell, Broderick, Coffey, Connolly, Conroy, Cooley, Dare, Dinniene, Ellis, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Long, Mace, McClure, McComas, Meyers, Montague, Murphy of San Francisco, Ostrom, Pauly, Robertson, Russ, Tobin, Tuttle, Warden, Waters, Welch, Wheat, and Young—45.

NOES—Messrs Asmussen, Blake, DeWitt, Dixon, Kercheval, Nott, Pace, Sargent, Sherman, Smyth, Whitlock, and Mr. Speaker—12.

The resolution was then read third time, and on passage the ayes and noes were demanded by Messrs. Nott, Kercheval, and Waters.

The roll was called, and the resolution passed by the following vote:

AYES—Messrs. Ames, Blackwell, Blake, Broderick, Connolly, Conroy, Cooley, Dinniene, Ewing, Farnum, Garver, Giffen, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hinshaw, Holloway, Hugg, Johnson, Long, Mace, May, McClure, Meyers, Murphy of San Francisco, Pauly, Robertson, Russ, Sherman, Tobin, Tuttle, Waters, Wheat, and Young—38.

NOES—Messrs. Asmussen, Coffey, Dixon, Kercheval, McComas, Montague, Nott, Ostrom, Pace, Sargent, Smyth, Welch, Whitlock, and Mr. Speaker—14.

Title approved.

Resolution ordered transmitted to the Senate forthwith.

By Mr. Gough:

Resolved, That the Engrossing Clerk be empowered and instructed to insert the enacting clause in Assembly Bill No 82, and to sectionize the bill properly.

Adopted.

On motion of Mr. Murphy of Del Norte, the House took up Senate Bill No. 234—An Act relating to advances, bona fide, made to agents entrusted with goods, and for the better protection of such advances.

Read third time, and passed.

Title approved.

By Mr. Young—Assembly Concurrent Resolution, relative to requesting Senate to return Assembly Bill No. 737.

Adopted.

Mr. Johnson moved that the rules be suspended to take up the general file, to the exclusion of all other business.

So ordered.

REPORT.

By Mr. Young (privileged):

ASSEMBLY CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 851—An Act to amend an Act entitled an Act to amend Chapter I, Title XV, of the Penal Code, relative to violations of the laws for the preservation of fish and game.

Substitute for Assembly Bill No. 707—An Act concerning roads and highways in the County of Monterey.

BROOKS, for Committee.

GENERAL FILE.

Assembly Bill No. 425—An Act to amend section nine hundred and nine of the Political Code of California, relative to oaths of office of County Judges and County Clerks.

Senate amendment concurred in.

Assembly Bill No. 774—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Read third time, and passed.

Title approved, and bill ordered transmitted to the Senate.

Assembly Bill No. 309—An Act to amend section eight hundred and eighty-eight of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 638—An Act to amend an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March sixth, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Assembly Bill No. 578—An Act to reorganize and simplify the school system of public education of the State of California.

Mr. Dare offered a substitute for the bill, which was adopted.

Mr. Haile moved that the rules be suspended, the bill considered engrossed, and placed upon its passage, upon which motion the ayes and noes were demanded by Messrs. Haile, Tuttle, and Dare.

[Mr. Tuttle in the chair.]

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Clark, Coffey, Connolly, Conroy, Cooley, Dare, Dinmene, Dixon, Dorsey, Dunlap, Ewing, Forsyth, Garver, Gildea, Gough, Haile, Hanna, Hart, Hicks, Holloway, Hugg, Kercheval, Long, Mace, May, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nealley, Ostrom, Pauly, Robertson, Russ, Sargent, Sherman, Thompson, Welch, Wheat, Whitlock, Young, and Mr. Speaker—53.

NOES—Messrs. Farnum, Hinshaw, Johnson, Nott, Pace, Smyth, Tuttle, and Wilson—8.

[Speaker in the chair.]

The bill was then read third time, and on its passage the ayes and noes were demanded by Messrs. Tuttle, Haile, and Dare.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, Dixon, Dorsey, Dunlap, Ellis, Ewing, Forsyth, Garver, Gildea, Gough, Haile, Hanna, Hart, Haworth, Hugg, Johnson, Kercheval, Long, Mace, May, McClure, McComas, Meyers, Moffat, Murphy of San Francisco, Nealley, Ostrom,

Pauly, Robertson, Russ, Sherman, Tuttle, Warden, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—52.

NOES—Messrs. Adams, Clark, Farnum, Hinshaw, Holloway, Pace, Smyth, and Thompson—8.

Title approved, and the bill ordered transmitted to the Senate forthwith.

Mr. McComas moved to suspend the rules to take up substitute for Senate Bills Nos. 109 and 293, and Senate Bill No. 303.

So ordered.

Substitute for Senate Bills Nos. 109 and 293—An Act to amend the Civil Code, concerning the mortgage of growing crops.

Read third time, and passed.

Title approved.

Senate Bill No. 303—An Act to add a section to Title XII, Part IV, of the First Division of the Civil Code.

Read third time, and passed.

Title approved.

Assembly Bill No. 21—An Act to prescribe the manner of furnishing text-books for the public schools of this State.

Indefinitely postponed.

REPORT

By Mr. Dinniene (privileged):

ASSEMBLY CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 822—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

DINNIENE, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 682—An Act to amend Chapter I, Title XV, of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Withdrawn.

Assembly Bill No. 683—An Act to amend section six hundred and forty-two of the Political Code, respecting the duties of the Fish Commissioners.

Withdrawn.

Mr. Coffey moved that the rules be suspended for the purpose of submitting reports.

Lost.

RESOLUTION.

By Mr. Warden:

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be empowered to correct a clerical error in Assembly Bill No. 732, now in the hands of the Governor, by inserting the word "seventy" instead of "eighty," in section six of said Act.

GENERAL FILE RESUMED.

Adopted.

Assembly Bill No. 618—An Act to provide for the payment of certain Controller's warrants drawn upon the State treasury.

Withdrawn.

Assembly Bill No. 488—An Act to provide for the payment of certain Controller's warrants drawn against the swamp land districts in this State.

Withdrawn.

Assembly Bill No. 539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

[Mr. Tuttle in the chair.]

Senate Bill No. 183—An Act to provide for the payment of John Sutherland, Jr., for his services in destroying the Vasquez banditti.

Mr. Nott moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Mace, Adams, and Dorsey.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Blake, Clark, Coffey, Dinniene, Dixon, Farnum, Garver, Griffith, Haile, Hart, Hinshaw, Holloway, Kercheval, Long, May, McComas, Meyers, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Robertson, Smyth, Waters, Welch, Wheat, and Mr. Speaker—28.

NOES—Messrs. Adams, Allen, Ames, Blackwell, Brooks, Byington, Conroy, Cooley, Dare, Dorsey, Dunlap, Ewing, Forsyth, Giffen, Gildea, Gough, Hanna, Haworth, Hugg, Johnson, Mace, Pauly, Routier, Russ, Sargent, Tobin, Tuttle, Warden, Whitlock, Wilson, and Young—31.

The bill was considered in Committee of the Whole.

[Mr. Tuttle in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Mr. Tuttle in the chair.]

The report of the committee was adopted, and on the passage of the bill the ayes and noes were demanded by Messrs. Berry, May, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Blackwell, Broderick, Brooks, Byington, Conroy, Cooley, Dare, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Haworth, Hicks, Holloway, Johnson, Mace, McClure, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Tobin, Tuttle, Warden, Whitlock, Wilson, and Young—45

NOES—Messrs Blake, Breen, Clark, Coffey, Dinniene, Griffith, Haile, Hanna, Hart, Hinshaw, Hugg, Kercheval, Long, May, McComas, Murphy of San Francisco, Nott, Smyth, Waters, Welch, Wheat, and Mr. Speaker—22.

Title approved.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

[Speaker in the chair.]

Roll called, and a quorum present.

INTRODUCTION OF BILLS.

By Mr. Murphy of Del Norte—An Act appropriating money for the conservation of the public peace.

Read first and second times, and considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Mr. Dixon moved to take up Senate Bill No. 613.

So ordered.

Senate Bill No. 613—An Act to amend an Act entitled an Act for the relief of purchasers of State lands, approved March twenty-seventh, eighteen hundred and seventy-two.

Read third time, and passed.

Title approved.

Mr. Gildea moved to reconsider the vote by which the House passed Senate Bill No. 560—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, in relation to accepted streets.

So ordered.

Amendment adopted, read third time, and passed.

Title approved.

REPORT.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 477—An Act to reestablish Court-house School District, in the County of Sonoma, and to repeal an Act in relation thereto.

No. 792—An Act making appropriations for the payment of claims accruing from the repair of and furnishing the State Capitol, and for the improvement and care of the State Capitol grounds.

No. 554—An Act for the relief of Frederick Kuhnle.

No 584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, Placer County, and to regulate fares and freights thereon.

No. 723—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

No. 522—An Act to organize Levee District Number One of Sacramento County.

No. 389—An Act to incorporate the Town of Berkeley, in Alameda County.

And the same were, on the twenty-ninth of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

No. 325—An Act to provide for the registration of policies of life insurance.

No. 615—An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

No. 837—An Act to provide for the liquidation and payment of the indebtedness of North Butte District, in the County of Sutter.

No. 842—An Act to authorize the purchase of land, and erection of a County Hospital.

No. 407—An Act to amend section six hundred and sixty-two of the Political Code, in relation to insurance.

No. 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

No. 292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba.

No. 753—An Act to provide for the relief of schools in the flooded districts.

No. 218—An Act to permit John J. Wesselhoft to redeem certain lands sold to the State for delinquent taxes, for the fiscal year eighteen hundred and seventy-five-six.

No. 759—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use.

No. 819—An Act to amend an Act entitled an Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city, approved March thirty-first, eighteen hundred and seventy-six.

No. 833—An Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein.

And were, on the thirtieth of March, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

SENATE MESSAGES.

On motion of Mr. Nott, the House took up Senate messages.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 842 –An Act to authorize the purchase and erection of a county hospital.

Passed Assembly Bill No. 833—An Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repairs of levees therein.

Passed Assembly Bill No. 175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

Passed Assembly Bill No. 837—An Act to provide for the liquidation and payment of the indebtedness of North Butte School District, in the County of Sutter

Passed Assembly Bill No. 813—An Act in relation to certain swamp land in the County of Sacramento.

Passed Assembly Bill No. 615—An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

Passed, and ordered transmitted to the Assembly without engrossment, the following Senate Bills.

No. 682—An Act to amend section one thousand seven hundred and ninety of the Political Code.

No. 663—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, passed the following Assembly Bills

No. 292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba.

No. 753—An Act to provide for the relief of schools in flooded districts.

Also, adopted, and ordered transmitted to Assembly without engrossment·

Senate Joint Resolution No. 59—Relative to the restoration of Major and Brevet-Colonel Joseph B. Collins to his former position in the Army of the United States.

Also, passed Assembly Bill No. 819—An Act to amend an Act to authorize the Trustees of the City of Napa to provide a supply of wholesome fresh water for the use of the inhabitants of said city, approved March thirty-first, eighteen hundred and seventy-six.

R. SHOEMAKER, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 723—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Also, concurred in Assembly Concurrent Resolution No 71—Relative to Assembly Bill No 522.

Also, passed Assembly Bill No. 764—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years.

Also, passed Senate Bill No. 214—An Act in relation to the House of Correction of the City and County of San Francisco.

Also, passed Assembly Bill No. 325—An Act to provide for the registration of policies of life insurance.

Also, passed Assembly Bill No 407—An Act to amend section six hundred and two of the Political Code, in relation to insurance.

Also, passed Assembly Bill No. 218—An Act to permit John J. Wesselhoft to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-five-seventy-six.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 759—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relative to condemnation of lands for public use.

Also, on March thirtieth, eighteen hundred and seventy-eight, passed Assembly Bill No. 558—An Act to provide for the payment of certain outstanding road warrants of Sacramento County.

Also passed, under suspension of the rules, and ordered to the Assembly without engrossment, Senate Bills No. 676—An Act to provide for the improvement of the State Capitol grounds.

No. 653—An Act for the relief of indigent sailors and soldiers, veterans of the Mexican war, and their widows in this State.

Also, concurred in Assembly Concurrent Resolution No. 75—Relative to the return of Assembly Bill No. 433 from the Governor.

Passed Assembly Bills No. 254—An Act for the relief of Colusa County.

No. 574—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.

This day adopted Senate Concurrent Resolution No. 60—Relative to a correction to be made in Assembly Bill No. 153.

This day passed Assembly Bills No. 302—An Act to amend certain sections of the Political Code, relating to the school law of California.

No. 636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.

No. 800—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

No. 834—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

Also, on the twenty-ninth day of March, eighteen hundred and seventy-eight, refused to concur in Assembly amendments to Senate Bills Nos. 153, 154, and 155, and substitute for Senate Bills Nos. 153, 156, and 295, and appointed Senators McGarvey, Haymond, and Pierson a Committee of Conference.

G. SECKEL, Assistant Secretary.

On motion of Mr. Tuttle, a Committee of Free Conference on the bills above reported was ordered.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 663, read first and second times, rules suspended, read third time, and, on the passage of the bill, the ayes and noes were demanded by Messrs. May, Blake, and Holloway.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Ames, Anderson, Blackwell, Byington, Connolly, Dare, Dinmene, Dixon, Ellis, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haile, Haworth, Hicks, Hugg, Johnson, Long, Mace, Murphy of Del Norte, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Tobin, Walden, Waters, Wheat, Whitlock, and Young—38.

NOES—Messrs. Abbott, Adams, Allen, Asmussen, Blake, Broderick, Brooks, Clark, Cooley, Dunlap, Garvey, Hanna, Hart, Holloway, Kercheval, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Murphy of San Francisco, Nott, Ostrom, Smyth, Thompson, Tuttle, Welch, Wilson, and Mr. Speaker—31.

Title approved.

Senate Joint Resolution No. 59, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 214, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 653, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 676, read first and second times, and referred to the Committee on Ways and Means, with special instruction to report this evening.

Senate Bill No. 682, read first and second times, rules suspended, read third time, and passed.

Title approved.

[Mr. Waters in the chair.]

Assembly Bill No. 764, returned from the Senate with amendments,

was taken up, the question being on concurrence in the Senate amendments.

The House refused to concur in the first Senate amendment, and concurred in the second, third, fourth, and fifth amendments to section one.

Upon the adoption of the sixth Senate amendment, to add a new section to the bill, the ayes and noes were demanded by Messrs. Hart, Haile, and Nott.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Adams, Ames, Backus, Blackwell, Broderick, Byington, Connolly, Conroy, Dare, Dinniene, Dixon, Ellis, Ewing, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Hicks, Holloway, Hugg, Mace, Mayfield, McClure, McComas, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Routier, Sherman, and Tobin—33.

NOES—Messrs Abbott, Anderson, Asmussen, Blake, Breen, Brooks, Clark, Coffey, Cooley, Dorsey, Dunlap, Garvey, Giffen, Hanna, Hart, Haworth, Hinshaw, Johnson, Kercheval, Long, May, Meyers, Nealley, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sargent, Smyth, Thompson, Tuttle, Warden, Waters, Welch, Wheat, Whitlock, Wilson, Young, and Mr. Speaker—41.

Senate Concurrent Resolution No. 60, read, and the previous question being moved by the requisite number, it was so ordered by the House.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Coffey, Hicks, and Connolly.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Breen, Brooks, Byington, Connolly, Conroy, Dare, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, Mayfield, McComas, Meyers, Miller, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Tobin, Warden, Welch, Whitlock, and Wilson—52.

NOES—Messrs Asmussen, Blackwell, Blake, Broderick, Clark, Coffey, Cooley, Dinniene, Dixon, Dorsey, Haile, Hanna, Hinshaw, May, Nott, Ostrom, Smyth, Waters, Wheat, Young, and Mr. Speaker—21.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 61—Relative to an amendment proposed to the joint rules of the Senate and Assembly.

G. SECKEL, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 61, read, and adopted.

SPECIAL ORDER.

Senate Bill No. 334—An Act to appropriate twenty-five thousand dollars to be used, conjointly with a like sum of twenty-five thousand dollars donated by H. D. Bacon, for the construction of a building to be erected on the State University grounds, in Alameda County, for a library and art gallery.

Considered in Committee of the Whole.

[Mr. Waters in the chair.]

The committee arose, and reported the bill back, recommending passage.

[Mr. Waters in the chair.]

The report of the committee was adopted, the bill read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Nealley, Ostrom, and Smyth.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Clark, Connolly, Conroy, Cooley, Dare, Dinmene, Dixon, Ellis, Farnum, Forsyth, Griffith, Haile, Hicks, Hugg, Johnson, Long, May, McClure, Meyers, Montague, Murphy of San Francisco, Pauly, Routier, Russ, Sargent, Swift, Tuttle, Wilson, Young, and Mr. Speaker—40.

NOES—Messrs. Anderson, Asmussen, Coffey, Dunlap, Garver, Hanna, Hart, Haworth, Hinshaw, Holloway, Kercheval, McComas, Moffat, Nealley, Nott, Ostrom, Pace, Robertson, Sherman, Smyth, Warden, Waters, Welch, and Wheat—24.

Title approved.

Mr. Dare moved to suspend the rules to take up out of order Senate Bills Nos. 662, 533, 646, 426, 274, and 260.

Pending discussion, Mr. Sargent moved a reconsideration of the vote by which Assembly Bill No. 262 was passed.

Mr. Meyers moved the indefinite postponement of the motion to reconsider.

So ordered.

The question recurring upon the motion by Mr. Dare, to suspend the rules, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the motion to suspend the rules, the ayes and noes were demanded by Messrs. Gough, Haworth, and Berry.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Allen, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Connolly, Conroy, Cooley, Dare, DeWitt, Dorsey, Ewing, Farnum, Forsyth, Garver, Gough, Griffith, Haile, Hart, Hicks, Hinshaw, Johnson, Kercheval, Long, Mayfield, McClure, McComas, Meyers, Montague, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Pace, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tobin, Warden, Welch, Wheat, and Young—50.

NOES—Messrs. Adams, Anderson Dunlap, Hanna, Haworth, Mace, May, Nealley, Nott, Smyth, Tuttle, Waters, Wilson, and Mr. Speaker—14.

Senate Bill No. 662—An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care.

Read third time, and passed.

Title approved.

Senate Bill No. 533—An Act for the relief of A. D. Splivalo, J. H. Coleman, and Juan de Toro.

Read third time, and passed.

Senate Bill No. 646—An Act to create a commission to examine and report the condition of certain funds.

Read third time, and passed.

Senate Bill No. 426—An Act for the relief of purchasers of State lands

Ordered at the head of the special file for this evening.

Senate Bill No. 274—An Act to amend section one thousand one hundred and sixty of the Civil Code.

Amendment adopted, read third time, and passed.

Title approved.

Senate Bill No. 260—An Act to amend sections one thousand three hundred and fifty, one thousand three hundred and sixty-five, one thousand three hundred and sixty-nine, and one thousand three hundred and seventy-nine of the Code of Civil Procedure.

Mr. Routier moved to indefinitely postpone the bill.

Lost.

The amendments were adopted, the bill read third time, and on passage the ayes and noes were demanded by Messrs. Routier, Blake, and Adams.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Adams, Anderson, Backus, Breen, Broderick, Byington, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dorsey, Ellis, Ewing, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Long, Mace, May, Mayfield, McClure, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Pauly, Russ, Sherman, Warden, and Young—47.

NOES—Messrs. Abbott, Allen, Asmussen, Blake, Clark, Coffey, Garver, Giffen, Hinshaw, Kercheval, McComas, Robertson, Routier, Smyth, Thompson, Tuttle, Waters, Wheat, Whitlock, Wilson, and Mr. Speaker—21.

Title approved.

The Speaker announced as a Committee of Free Conference on Senate Bill No. 155, Senate Bill No. 154, and substitute for Senate Bills Nos. 153, 156, and 195, Messrs. Waters, Coffey, and Tuttle.

Mr. Ostrom moved to suspend the rules to take up Senate Bills Nos. 135, 527, 292, 418, 276, and Assembly Bill No. 630.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The question recurring upon the motion to suspend the rules, the ayes and noes were demanded by Messrs. May, Haile, and Waters.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Breen, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Cooley, Dare, Dixon, Ellis, Ewing, Farnum, Forsyth, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hinshaw, Hugg, Johnson, Kercheval, Long, Mace, Mayfield, McClure, McComas, Meyers, Miller, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ostrom, Pace, Pauly, Robertson, Russ, Sherman, Smyth, Warden, and Young—52.

NOES—Messrs. Blackwell, Blake, Dinniene, Dorsey, Dunlap, Garver, Giffen, Hanna, Holloway, May, Moffat, Routier, Sargent, Thompson, Tuttle, Waters, Whitlock, Wilson, and Mr. Speaker—19.

Pursuant to notice, Mr. Johnson moved to reconsider the vote by which Senate Bill No. 574 was indefinitely postponed.

Mr. Routier moved the indefinite postponement of the motion to reconsider.

So ordered.

Senate Bill No. 135—An Act to add two new sections to the Civil Code, to be numbered sections two hundred and thirty-one and two hundred and thirty-two.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 527—An Act to amend a certain section of the Civil Code, relative to corporations.

Read third time, and passed.

Title approved.

Senate Bill No. 292—An Act to amend section three hundred and twenty-five of the Code of Civil Procedure.

Read third time, and passed.

Title approved.

Assembly Joint Resolution No. 56—Concerning the Atlantic and Pacific Railroad land grants.

Rules suspended, considered engrossed, read third time, and passed,

Title approved, and resolution ordered transmitted to the Senate forthwith.

Mr. Tuttle moved to suspend the rules to introduce a resolution.

Lost.

Senate Bill No. 418—An Act to amend section six hundred and two of the Penal Code.

Read third time, and passed.

Title approved.

Senate Bill No. 276—An Act to add another section to the Penal Code, to be designated as section five hundred and ninety-two.

Read third time, and passed.

Title approved.

Assembly Bill No. 630—An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relative to the publication of delinquent tax lists.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Assembly Bill No. 42—An Act to amend section three thousand four hundred and seventy-one of the Political Code.

Ordered second on the special file for this evening.

Senate Bill No. 571—An Act to repeal section four hundred and seventy-one of the Civil Code.

Read third time, and passed.

Title approved.

Senate Bill No. 450—An Act to enable railroad companies to complete their railroads.

Read third time, and passed.

Title approved.

REPORT.

By Mr. Hart (by permission):

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 515—An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-six, and three thousand four hundred and eighty-one of the Political Code—have had the same under consideration, and have amended the same, and a majority of your committee, who were present, recommend the passage of the bill as amended.

T. J. HART, Chairman.

At five o'clock and fifty minutes P. M. Mr. Haile moved to take a recess till seven o'clock and thirty minutes P. M., on which motion the ayes and noes were demanded by Messrs. Johnson, Gildea, and Abbott.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Asmussen, Byington, Clark, Dinniene, Dorsey, Dunlap, Ewing, Garver, Haile, Hart, Hinshaw, Kercheval, Long, McComas, Meyers, Moffat, Montague, Ostrom, Pace, Pauly, Robertson, Smyth, Waters, Wheat, Young, and Mr. Speaker—26.

NOES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Broderick, Connolly, Conroy, Dare, Ellis, Farnum, Forsyth, Gildea, Gough, Griffith, Hanna, Hicks, Hugg, Johnson, Miller, Routier, Russ, Sargent, Sherman, Thompson, Tobin, Tuttle, Warden, Whitlock, and Wilson—31.

Mr. Abbott moved that the general file be made the special order for this evening, to immediately succeed the special file.

The Speaker ruled that, under a previous resolution, the general file would follow the special file.

RECESS.

At six o'clock and eight minutes P. M., on motion of Mr. Griffith, the House took a recess till seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Wheat was granted leave of absence for the evening.

SPECIAL FILE.

Assembly Bill No. 783—An Act making appropriations for benevolent purposes

Assembly Bill No. 282—An Act making an appropriation for the California Street Woman's Hospital.

Assembly Bill No. 606—An Act for the relief of the Sacramento Protestant [Orphan] Asylum.

Assembly Bill No. 778—An Act to appropriate money for the relief of the Oakland Benevolent Society.

Each of the above bills passed on file.

Senate Bill No. 426—An Act for the relief of purchasers of State Lands.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The bill was then indefinitely postponed.

REPORTS.

By Mr. Coffey (by permission):

ASSEMBLY CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 809—An Act for the relief of George Dougherty—report the same, and recommend that the author have leave to withdraw the same. Sixteen members present and voting.

Also, Senate Bill No. 594—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 641—An Act supplemental to an Act entitled an Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco, approved March nineteenth, eighteen hundred and seventy-eight—report the same, and recommend that it do pass. Sixteen members present and voting.

Also, Senate Bill No. 540—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square, in said city and county—report the same, and a majority recommend that it do pass. Seventeen members present and voting; nine ayes, eight noes.

Also, Senate Bill No. 603—An Act to authorize the City and County of San Francisco to allow and pay the claim of John O'Connor—report the same, and a majority recommend that it do not pass. Fifteen members present and voting; eleven ayes, four noes.

Also, Assembly Bill No. 10—An Act to increase and regulate the police force of the City and County of San Francisco; and, Assembly Bill No. 186—An Act for the better government of the Police Department of the City and County of San Francisco—report the same, and recommend that the authors have leave to withdraw the same.

J. V. COFFEY, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: The undersigned, members of the San Francisco delegation, respectfully dissent from the report recommending the passage of Senate Bill No. 540—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square, in said city and county.

J. V. COFFEY, Chairman,
R. W. MURPHY,
WILLIAM B. MAY,
S. B. BLAKE,
W. F. ANDERSON,
WILLIAM BRODERICK,
A. J. GRIFFITH,
A. ASMUSSEN,
J. F. SWIFT.

By Mr. Haworth:

MR. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 606—An Act to authorize William Hook, and his associates and assigns, to construct a canal for shipping purposes in Contra Costa County—report the same, and recommend that it do pass.

JAS. HAWORTH, Chairman.

RESOLUTION.

By Mr. Blackwell:

Resolved, That J. G. Underwood, Journal Clerk of the Assembly, be allowed the sum of fifty dollars for finishing, comparing, and ruling of the Journal, and the Controller of State is hereby directed to draw his warrant for the above sum, and the Treasurer is authorized to pay the same out of the appropriation for the Assembly.

Referred to the Committee on Employés and Attachés.

REPORT.

By Mr. Nott:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 676—An Act to provide for the improvement of the State Capitol grounds—have considered the same, and recommend its passage.

NOTT, Chairman,

Senate Bill No. 676, above reported, was considered in Committee of the Whole.

[Speaker in the Chair.]

The Committee arose, and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was adopted.

The bill made special order for Monday, immediately after the reading of the Journal.

On motion of Mr. Young, Senate Bills Nos. 606, 496, and 460 were ordered on the special file for this evening.

Mr. Ostrom moved that Senate Bill No. 164, Senate Concurrent Resolution No. 50, Senate Bills Nos. 435 and 234, be placed on the special file for this evening.

Pending discussion, the previous question being moved by the

requisite number, the ayes and noes were demanded by Messrs. Conroy, Wilson, and Gough.

The roll was called, and the previous question ordered by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Dixon, Dorsey, Dunlap, Ewing, Farnum, Griffith, Haile, Haworth, Holloway, Hugg, Johnson, Kercheval, Long, Mayfield, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nott, Ortrom, Pauly, Robertson, Routier, Russ, Sherman, Smyth, Waters, Wilson, Young, and Mr. Speaker—45.

NOES—Messrs. Backus, Clark, Connolly, Conroy, Cooley, Dale, Dunnene, Ellis, Forsyth, Garver, Gough, Hanna, Hart, Hinshaw, May, Miller, Nealley, Tuttle, Warden, and Welch—20.

The question recurring upon the motion to place the bills on the file, it was so ordered.

SPECIAL FILE RESUMED.

Assembly Bill No. 822—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco.

Passed on file.

Senate Bill No. 244—An Act to provide for the payment, by the State of California, of cost of certain criminal actions.

Indefinitely postponed.

Assembly Bill No. 841—An Act to amend section two thousand seven hundred and six of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered to the Senate.

REPORT.

By Mr. Brooks:

ASSEMBLY CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 638—An Act to amend an Act entitled an Act to provide for the future management of the Napa State Asylum for the Insane, approved March sixth, eighteen hundred and seventy-six.

BROOKS, for Committee.

SPECIAL FILE RESUMED.

Assembly Bill No. 846—An Act to define the location of and to legalize the name of Fisherman's Peak.

Rules suspended, considered engrossed, read third time, and passed.

Title approved, and bill ordered transmitted to the Senate forthwith.

Assembly Bill No. 815—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Withdrawn.

Mr. Griffith had leave to withdraw Assembly Bill No. 830.

Assembly Bill No. 776—An Act to authorize the Mayor and Common Council of the City of Santa Rosa, County of Sonoma, to submit to the electors of said city the proposition for said city to subscribe to the capital stock of the Santa Rosa and Sonoma Valley Railroad.

Indefinitely postponed.

Assembly Bill No 777—An Act to authorize the Board of Supervisors of Sonoma County to submit to the electors of Sonoma Township the proposition to subscribe to the capital stock of a railroad

company, to be known as the Santa Rosa and Sonoma Valley Railroad Company.

Indefinitely postponed.

Assembly Bill No. 805—An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes, and to authorize the construction of a wharf and the purchase thereof by said Board.

Withdrawn.

Assembly Bill No. 766—An Act making appropriations for benevolent societies in the County of Los Angeles.

Passed on file.

Senate Bill No. 670—An Act to authorize the Board of Supervisors of Amador County to declare that portion of the Amador and Nevada wagon road which lies in Amador County a toll road.

Amendments adopted, read third time, and passed.

Title approved.

Senate Bill No. 606—An Act to authorize William Hook and his associates and assigns to construct a canal, for shipping purposes, in Contra Costa County.

Read third time, and passed.

Title approved.

Senate Bill No. 460—An Act for the improvement and preservation of the Yosemite Valley and the Mariposa Big Tree Grove.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back without recommendation.

IN ASSEMBLY.

[Speaker in the chair.]

The question recurring on the adoption of the substitute recommended by the Committee on Ways and Means, the ayes and noes were demanded by Messrs. Johnson, Haile, and Ostrom.

The roll was called, and the substitute rejected by the following vote:

AYES—Messrs. Anderson, Asmussen, Blackwell, Broderick, Byington, Coffey, Cooley, Dare, Dixon, Dorsey, Dunlap, Garver, Haile, Hanna, Hinshaw, Holloway, Hugg, Kercheval, May, McComas, Meyers, Miller, Montague, Nott, Ostrom, Pace, Robertson, Smyth, Tuttle, Waters, Welch, and Mr. Speaker—32.

NOES—Messrs. Abbott, Adams, Allen, Ames, Backus, Blake, Brooks, Connolly, Conroy, Dinniene, Ellis, Ewing, Farnum, Forsyth, Gough, Griffith, Haworth, Johnson, Long, Mace, Mayfield, McClure, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Tobin, Warden, and Wilson—34.

The bill was then read third time, and on its passage the ayes and noes were demanded by Messrs. Smyth, Ostrom, and Hugg.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Backus, Blake, Breen, Broderick, Brooks, Connolly, Conroy, Ellis, Ewing, Farnum, Forsyth, Giffen, Gilden, Gough, Griffith, Haworth, Hicks, Holloway, Hugg, Johnson, Long, Mace, May, Mayfield, McClure, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pauly, Routier, Russ, Sargent, Sherman, Tobin, Tuttle, Warden, Wilson, and Mr. Speaker—44.

NOES—Messrs. Asmussen, Blackwell, Byington, Clark, Coffey, Cooley, Dare, Dinniene, Dixon, Dorsey, Dunlap, Garver, Haile, Hanna, Hinshaw, Kercheval, McComas, Miller, Nott, Ostrom, Pace, Robertson, Smyth, Waters, and Welch—25.

Title approved.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled

No. 558—An Act to provide for the payment of certain outstanding road warrants of Sacramento County.

No. 800—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

No. 834—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

No. 302—An Act to amend certain sections of the Political Code, relating to the school law of California.

No. 636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.

No. 574—An Act making an appropriation of deficiencies in the support of the Napa State Asylum for the Insane for the fiscal year ending June thirtieth, eighteen hundred and seventy-six

No. 254—An Act for the relief of Colusa County.

No. 153—An Act to increase the police force of the City and County of San Francisco.

No. 813—An Act in relation to certain swamp land in the County of Sacramento.

No. 820—An Act to provide for the establishment and maintenance of public roads in Napa County.

And were, this day, March thirtieth, eighteen hundred and seventy-eight, presented to the Governor for his approval.

BRODERICK, Chairman.

Senate Bill No. 496—An Act to establish a public pound in the Yosemite Valley.

Read third time, and passed.

Title approved.

Senate Bill No. 435—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relative to chattel mortgages.

Read third time, and passed.

Title approved.

INTRODUCTION OF BILLS.

By Mr. Garver—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Read first and second times, and ordered at the head of the general file for Monday next.

SPECIAL FILE RESUMED.

Senate Joint Resolution No. 50—Relative to Federal tax upon deposits in savings banks.

Read third time, and passed.

Title approved.

Senate Bill No. 164—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Read third time, and passed.

Title approved.

Mr. Hugg moved to suspend the rules to take up Senate Bills Nos. 205, 594, 485, and 515.

A division vote being demanded, the question being on suspending the rules to take up Senate Bill No. 205, it was so ordered.

Senate Bill No. 205—An Act granting relief to taxpayers whose lands have been sold to the State.

Read third time, and passed.

Title approved.

The rules were now further suspended, and the House took up Senate Bill No. 485—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claims of J. C. Smith.

Read third time, and passed.

Title approved.

Senate Bill No. 594—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Read third time, and passed.

Title approved.

Mr. Johnson moved that Senate Bill No. 515 be made special order for Monday next, at eleven o'clock A. M.

Pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

The roll was called, and the House refused to suspend the rules by the following vote:

AYES—Messrs. Adams, Allen, Ames, Backus, Blake, Breen, Broderick, Brooks, Connolly, Conroy, Dinniene, Dixon, Dunlap, Ewing, Farnum, Forsyth, Giffen, Gildea, Gough, Griffith, Haworth, Holloway, Hugg, Johnson, Mace, May, McClure, McComas, Miller, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nott, Pace, Pauly, Routier, Russ, Saigent, Sherman, Tobin, Walden, Wilson, and Young—43

NOES—Messrs. Abbott, Anderson, Asmussen, Byington, Clark, Coffey, Cooley, Dare, Dorsey, Garver, Haile, Hanna, Hart, Hicks, Hinshaw, Kercheval, Long, Meyers, Montague, Nealley, Ostrom, Robertson, Smyth, Tuttle, Waters, Welch, and Mr. Speaker—27.

On motion of Mr. Nott, the order of Senate messages was taken up.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, by the constitutional majority, notwithstanding the Governor's objections, Senate Bill No. 305—An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.

Also, that the Senate voted to adhere to its amendment to Assembly Bill No. 764, commonly called the Appropriation Bill, and appointed Senators McCoppin, Haymond, and Gwin as a Committee of Free Conference.

Also, adopted Senate Concurrent Resolution No. 62—Relative to correcting Senate Bill No. 609.

Also, amended and passed substitute for Assembly Bill No. 22—An Act to provide for the completion of the Branch State Prison.

Also, passed Assembly Bill No. 854—An Act appropriating money for the conservation of the public peace.

Assembly Bill No. 539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

And, receded from last amendment to Assembly Bill No. 178—An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale.

Also, Senate Bill No. 629—An Act to amend sections seven hundred and fifty-six, seven hundred and fifty-seven, seven hundred and fifty-nine, seven hundred and sixty, and seven hundred and ninety-eight of the Code of Civil Procedure—and ordered the same transmitted to the Assembly without engrossment

And, also, receded from Senate amendments to Assembly Bill No. 769—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, amended by an Act approved March twenty-ninth, eighteen hundred and seventy-six.

Also, passed Assembly Bill No. 850—An Act to amend an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property therefor, approved March twenty-seventh, eighteen hundred and seventy-six.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Joint Resolution No. 73—Relative to Indian war bonds

Also, adopted Assembly Concurrent Resolution No. 74—Relative to Assembly Bill No. 737.

Also, adopted Assembly Concurrent Resolution No. 76—Relative to Assembly Bill No. 732.

And return Assembly Bill No. 737, as per request.

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 764.

The Senate having refused to recede from its amendments, in which the House refused to concur, a Committee on Free Conference was ordered.

Substitute for Assembly Bill No. 22 taken up, and Senate amendments concurred in.

Senate Bill No. 629, read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 62, above reported, was adopted.

VETO MESSAGE.

The House then took up the following veto message of the Governor:

To the Senate of the State of California:

I herewith respectfully return to your honorable body Senate Bill No. 305—entitled an Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco—without my approval.

This bill provides for the appointment of a Commission by the Board of Supervisors of the City and County of San Francisco, to ascertain what sum of money, if any, is due to Alfred A. Green, for services rendered by him in establishing the title of the Pueblo of San Francisco, and securing the rejection of the Bolton or Santillan claim, and for the payment to said Green, from the treasury of San Francisco, of the money that may thus be ascertained to be due him.

It is now over twenty years since the services were performed, if they were ever performed, which it is proposed to make the basis of a pecuniary claim against the City of San Francisco. The presumptions are against the justice of a claim which the person making it has been so slow in urging. Very properly the statute of limitations is permitted to run against a claim in a much briefer period than the time since this one accrued. And when a claim has once become outlawed it is against sound policy to suspend the statute of limitations against it, on the bare suggestion that justice may not have been done, and that a hearing or rehearing before some tribunal might disclose some equities on the side of the claimant.

While I do not undertake to say that there are not, or may not be, instances in which a party, who has lost his right of action through lapse of time, should be put in a position again to prosecute his claim, I think it manifest that sound policy requires that this should be done only in cases where it is clear and indisputable that the party had equities, and would have, in justice, been entitled to recover if he had prosecuted his claim in time. Is the present case one of that kind? If the party in whose behalf this bill is sought to be passed rendered the services which it is now claimed he did, how came it that he has delayed to this late day to ask compensation? If it was through his services and efforts that the title of the Pueblo of San Francisco was established and the Santillan claim defeated, why did he not ask compensation at the time?

The fact that he made no claim at the time for compensation, or, if he made a claim, that it received no consideration, are circumstances which of themselves suggest very strongly that his services were not of that valuable character which they are now represented to have been.

I have taken some pains to try to ascertain what part of the information furnished, or claimed to have been furnished by Mr. Green, had in defeating the Santillan claim, and thus extending the pueblo title south of the line fixed in the decision of the United States Land Commission

The result has been as follows: Jas. R. Bolton, who asserted the Santillan grant, presented his petition to the United States Land Commission, for the confirmation of said grant, on the first of March, eighteen hundred and fifty-two. This alleged grant covered what is now the southern part of San Francisco. On the fifth of June, eighteen hundred and fifty-five, the Commission confirmed the claim. On the first of December, eighteen hundred and fifty-five,

the transcript on appeal was filed in the United States District Court, and the Attorney-General of the United States gave notice of the intention of the United States to prosecute the appeal.

These proceedings vested jurisdiction in the United States District Court, and the United States having no further evidence to offer in the District Court against the claim, on the thirty-first December, eighteen hundred and fifty-six, the case was submitted on the transcript and evidence contained therein. In the District Court no evidence was taken, either for or against the claim.

On the seventeenth of April, eighteen hundred and fifty-seven, the United States District Court made a decree affirming the decision of the Land Commission. There was no opinion filed by the Judge, and it was a *pro forma* decision, made that an appeal might be taken to the United States Supreme Court. Up to this point no evidence had been introduced, and no attempt had been made to introduce any, in addition to what had been introduced before the Land Commission, which, as we have seen, had rendered its decision in the case on the fifth of June, eighteen hundred and fifty-five. If Green had furnished any evidence, it had been before the Land Commission, and unavailing to prevent a decision in favor of the claim.

On the fifteenth of June, eighteen hundred and fifty-seven, the United States District Attorney filed a petition in the United States District Court, praying that the decree of the Court made on the seventeenth of April, eighteen hundred and fifty-seven, affirming the decision of the Land Commission, be opened for the purpose of review. He based his application on these facts That on the seventeenth of April—the day on which the decree had been rendered—A. A. Green had arrived in San Francisco from Mazatlan, and on the eighteenth had called on him (the United States District Attorney) and stated that he had in his possession a paper signed by Santillan (the grantee), and acknowledged before a proper officer at Mazatlan, in which he (Santillan) admitted that the grant was not signed on the tenth of February, eighteen hundred and forty-six, as it purported to have been, but that it was, in fact, signed in eighteen hundred and fifty, and was wholly fraudulent

The matter was argued before Judges McAllister and Hoffman, and the petition for review, to let in this evidence brought by Green from Mazatlan, was refused. The refusal was based on these grounds: First, the Court had no authority under the statute organizing the Land Commission, and providing for appeals therefrom, to allow the review of decrees; and second, because, if the authority existed, the evidence it was proposed to offer would be inadmissible; that is to say, Santillan, having sold and conveyed his interest to the claimant, Bolton, could not be permitted to impeach the validity of the grant under which he (Santillan) claimed title.

As a result, none of the evidence which Green claimed to have procured at great expense, by going to Mazatlan for the purpose of defeating the Santillan grant, was ever admitted in the case at all.

On the thirtieth of November, eighteen hundred and fifty-seven, an appeal was taken to the Supreme Court of the United States, from the decree of the District Court affirming the decision of the United States Land Commission.

In 23d Howard, page 341, will be found the opinion of the United States Supreme Court in the case. The decree of the District Court is reversed. The rejection of the Santillan grant is placed on the ground that the claimant (Bolton) failed to show the facts necessary to establish a grant under the Mexican laws.

In a memorial to the Board of Supervisors of the City and County of San Francisco, Green claims that the late Senator James A. McDougall, while acting as counsel for San Francisco in the matter of the pueblo lands, employed him to assist in procuring testimony. In support of this statement, there is among the papers laid before me an extract from the testimony of McDougall in a case entitled John L. Green vs. William T. Coleman. In his direct examination McDougall testifies: "I undertook to hunt up the history, etc. I employed several persons to aid me in procuring the papers I got Green to assist, he finally said he knew where the papers were: I think I saw some of them, not all." In his cross examination he says: "I may have given him reason to believe he should be compensated by the city; I think, however, he had done it voluntarily."

This is the only evidence produced of services rendered in the suit of San Francisco for her pueblo lands. I remark first, that it does not appear that A. A. Green is the person to whom McDougall's testimony relates. The plaintiff in the case in which the testimony was given was John L. Green, and unless explained, the natural inference must be that he was the person to whom the testimony related. But be that as it may, the evidence of services rendered—and it is the only evidence produced, and presumably, therefore, the best that could be procured—is in my judgment entirely too vague and shadowy to justify a bill of the character of the present one.

The other specific ground on which Green in his memorial to the Board of Supervisors bases his claim for remuneration, is his going to Mexico, at great expense to himself, to procure testimony to defeat the Santillan claim. It has already appeared above, that the evidence procured was not available for the purpose, and was never used. Has he an equitable ground for reimbursement from the citizens of San Francisco? Neither the city, nor any of its officers or agents, as appears from his own memorial, had anything to do with his trip to Mexico in search of evidence to prove the Santillan grant a fraud

In this memorial Green says:

"After my release by the Vigilance Committee, I learnt that the Bolton or Santillan claimants had been the most active in denouncing me, and I resolved to punish them by defeating

their claim. With this intent I secretly went to Mexico, and in a few months returned with evidence showing that title to be a fraud."

Thus it appears Green's trip to Mexico was undertaken on his own motion, and to gratify his own feelings toward his enemies.

Surely this showing does not lay a basis for an equitable claim against the treasury of San Francisco, which the Legislature ought now, after the lapse of more than twenty years, to provide the means of enforcing.

WILLIAM IRWIN, Governor.

The question being, "Shall the bill become a law, notwithstanding the Governor's veto?" the roll was called, and the bill passed over the Governor's veto by the following vote:

AYES—Messrs. Abbott, Adams, Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Dare, Dunniene, Dorsey, Dunlap, Ewing, Farnum, Forsyth, Garver, Giffen, Gildea, Gough, Hanna, Hart, Haworth, Hicks, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Pauly, Robertson, Rolfler, Russ, Sargent, Sherman, Warden, Waters, Welch, Wilson, and Young—58.

NOES—Messrs. Cooley, Haile, Hinshaw, Miller, Osborn, Smyth, and Mr Speaker—7.

The Speaker announced the appointment of the following Committee of Conference on Assembly Bill No. 764: Messrs. Nott, Montague, and Wilson.

ADJOURNMENT.

At eleven o'clock and five minutes P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 1st, 1878.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The reading of the Journal of Saturday, March thirtieth, was dispensed with.

The Speaker appointed, as a committee to compare and approve the Journal, Messrs. Whitlock and Robertson.

REPORT.

By Mr. Meyers:

MR. SPEAKER: Your committee appointed to read and compare the Journal, report that they have examined the same, and find it correct as far as compared.

MEYERS, for Committee.

PROTEST.

Mr. May had leave to submit the following protest, which was ordered spread upon the Journal:

The undersigned hereby protest against the passage of Concurrent Resolution No 60—Instructing the Enrolling Clerk of the Assembly to insert in the enrolled copy of Senate substitute for Assembly Bill No. 153 an enacting clause—upon the following grounds.

First—That the preamble to the resolution does not express the truth, in this: that the record

of both Houses and the record on the bill shows that the substitute was a substitute for the entire Bill No. 153, and contained no enacting clause.

Second—That it is not competent for either or both Houses of the Legislature to legislate by a concurrent resolution, and that the insertion of an enacting clause is making that a law which was not so before, and requires three readings in each House.

Third—That under the rules of both Houses no bill can be read three times upon the same day against the objection of a single member in either House, and the concurrent resolution is in effect a bill.

J. V COFFEY,
A. J. GRIFFITH,
WM B. MAY,
A. ASMUSSEN,
D. A. OSTROM,
S. A. NOTT,
E. C. HINSHAW,
B. F. TUTTLE,
WILLIAM BRODERICK,
J. E. CLARK,
JOHN T. DARE,
J. C. MONTAGUE,
J. H. DINNIENE.

REPORTS.

By Mr. Nott:

MR. SPEAKER: Your Committee on Free Conference, on Assembly Bill No. 764, report the same back without agreement, and ask to be discharged, and would recommend that another committee be appointed.

MONTAGUE,
WILSON,
NOTT,
HAYMOND,
McCOPPIN, Chairman.
WM. M. GWIN, JR.

The above report was adopted

Mr. Tuttle moved that a new Committee on Free Conference be appointed on Assembly Bill No. 764.

So ordered.

By Mr. Tuttle:

MR. SPEAKER: Your Committee on Free Conference, to which has been referred the disagreement pending between the Senate and Assembly upon Senate substitutes for Senate Bills Nos. 153, 154, 155, and 156, begs leave to report that it has agreed to the following adjustment of said differences, and recommend the following action to be taken thereon, to wit: That the Assembly recede from amendments numbers one, two, three, four, five, and six to substitute for Senate Bill No. 155, and the Senate concur in amendment number seven to the same.

That as to the substitute for Senate Bills Nos. 153 and 156 the Senate concur in amendments numbers one, two, five, six, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one, and the Assembly recede from amendments numbers three, four, nine, and fourteen.

That as to substitute for Senate Bill No. 154 the Assembly recede from amendments numbers one and two, and the Senate concur in amendments numbers three and four.

April 1st, 1878.

Signed:

WATERS,
COFFEY,
TUTTLE.

INTRODUCTION OF BILLS.

By Mr. Johnson (for Mr. Miller)—An Act for the funding of the bonded indebtedness of El Dorado County.

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

Title approved, and bill ordered transmitted to the Senate forthwith.

RESOLUTIONS.

By Mr. Farnum—Assembly Concurrent Resolution, relative to the unpaid indebtedness of certain swamp land districts.

Adopted.

By Mr. Haile:

Resolved, That the business of the session of the Assembly shall close on to-night with the benediction of the Chaplain, and that he is hereby requested to be present for that purpose.

Adopted.

GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 315—An Act to amend an Act entitled an Act to establish a Political Code, in relation to elections.

369—An Act for the preservation of fish in the waters of Lake Bigler.

410—An Act to provide for the distribution of school moneys in certain counties.

417—An Act giving a lien to loggers and laborers, employed in logging camps, upon the logs cut and hauled by the person employing them.

433—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers

473—An Act providing for the payment of a claim for collecting delinquent purchases of school lands

474—An Act for the construction and repair of bridges in the County of Mendocino.

477—An Act to reestablish "Court-house School District," in the County of Sonoma.

485—An Act to define the duties of Inspectors of Rifle Practice of the National Guard of California.

494—An Act to amend section one thousand nine hundred and thirty-seven of the Political Code, relative to returns of militia to County Assessors.

543—An Act to amend an Act entitled an Act to provide for construction of division fences, approved March ninth, eighteen hundred and seventy-six.

603—An Act for the relief of Edward Christy.

632—An Act granting to John C. Boggs a reward for the capture of Ah Sam alias Gee Ah You, a noted murderer.

639—An Act in relation to the State Insane Asylum.

652—An Act to amend an Act entitled an Act to incorporate the Town of San Rafael, approved February eighteenth, eighteen hundred and seventy-four

658—An Act to encourage the destruction of squirrels and gophers in the County of San Joaquin, and to provide for a bounty for the same.

664—An Act to amend an Act approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

666—An Act to amend an Act approved March thirtieth, eighteen hundred and seventy-six, entitled an Act supplementary to and amendatory of an Act, approved twenty-fourth March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six

669—An Act to amend an Act entitled an Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California, approved March twenty-third, eighteen hundred and seventy-six.

679—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

680—An Act to authorize the Common Council of the City of Santa Barbara to lay out, open, and improve streets in said city.

685—An Act to fix the salaries of certain officers of El Dorado County.

690—An Act for the scaling of logs in the County of Humboldt

692—An Act relating to fees of Justices of the Peace in Colusa County.

711—An Act in relation to the distribution of school moneys in Fresno County.

712—An Act to fix the salary of the County Judge of San Joaquin County.

713—An Act to repeal an Act entitled an Act to extend the time for selling property for delinquent taxes in the County of Alpine, approved March twenty-second, eighteen hundred and seventy-six.

727—An Act to incorporate the Town of Yuba City.

734—An Act to provide for the extermination of squirrels in certain counties.

750—An Act to improve the stream known as Mad River and its north fork, in Humboldt County, and to facilitate the driving of logs therein.

755—An Act to amend an Act entitled an Act to provide for the protection of lands from overflow in the County of Yuba, approved March second, eighteen hundred and seventy-four.

770—An Act supplemental and amendatory of an Act entitled an Act to incorporate the Town of St Helena, approved March twenty-fourth, eighteen hundred and seventy-six.

779—An Act to supply the Town of Oroville with water for fire purposes.

785—An Act to declare Smith River, in Del Norte County, navigable.

791—An Act to fix the terms of the County and Probate Courts of the County of San Mateo.

817—An Act to divide the County of San Bernardino into Supervisor Districts, and to provide for the election and term of office of Supervisors of said county.

521—An Act to confer upon the City of Sacramento the power to construct such canals and levees as may be necessary to its drainage and to its permanent protection from overflow.

522—An Act to organize Levee District Number One of Sacramento County, and to provide for its government.

529—An Act to provide for the maintenance and construction of roads and highways in the County of Fresno.

577—An Act in relation to the county officers of Monterey County, their fees and salaries.

587—An Act supplemental to an Act entitled an Act to re-incorporate the City of Santa Cruz, approved March eleventh, eighteen hundred and seventy-six.

732—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same, approved March twenty-eighth, eighteen hundred and seventy-six.

812—An Act amendatory of an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March seventh, eighteen hundred and seventy-eight.

854—An Act appropriating money for the conservation of the public peace.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 30th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills No. 111—An Act to prevent sheep and goats from being herded or running at large in certain portions of Lake County.

113—An Act for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco.

198—An Act to regulate fees in certain counties.

261—An Act to ratify and confirm resolution number eleven thousand nine hundred (new series) of the Board of Supervisors of the City and County of San Francisco

318—An Act amendatory of and supplementary to an Act entitled an Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction, approved April third, eighteen hundred and seventy-six.

326—An Act to amend sections three thousand six hundred and ninety-six, three thousand eight hundred and sixteen, three thousand eight hundred and twenty-nine, three thousand eight hundred and sixty-six, three thousand eight hundred and sixty-eight, and four thousand and eighty-three of the Political Code, in relation to delinquent taxes and settlements of County Treasurers with the Controller of State.

274—An Act to provide a new Great Register for the County of Fresno, and other counties, and re-register the voters thereof.

352—An Act to prohibit and punish the sale of adulterated syrup.

353—An Act to protect stockholders and persons dealing with corporations in this State.

363—An Act to amend section three thousand and fifty-one of the Civil Code, in reference to liens for services.

375—An Act to add a new section to the Civil Code, relating to corporations.

548—An Act making appropriation for payment of guard and other military duty performed in San Francisco in November, eighteen hundred and seventy-seven, and January, eighteen hundred and seventy-eight, by detachments of the National Guard.

554—An Act for the relief of Fred. Kuhnle

567—An Act to authorize the maintenance of booms in Elk River, and the removal of obstructions from said stream.

584—An Act to provide for the construction of a railroad from the Town of Truckee, Nevada County, to Tahoe City, Lake Bigler, in Placer County, and to regulate fares and freights thereon.

691—An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo.

730—An Act in relation to the fees to be received by the County Recorder of San Luis Obispo County.

724—An Act to amend section three thousand eight hundred and sixty-two of the Political Code, relative to the collection of poll taxes.

763—An Act in relation to the roads and streets within the City of San Luis Obispo.

792—An Act making appropriations for the payment of claims accruing from the repair of and furnishing the State Capitol, and for the improvement and care of the State Capitol grounds.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 27th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 520—An Act to provide for the improvement and maintenance of the public roads in the County of El Dorado.

572—An Act in relation to certain officers in Plumas County, and to fix the compensation thereof.

663—An Act to authorize the Board of Supervisors of Napa County to transfer a certain fund.

665—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain officers in the County of Napa, approved March sixteenth, eighteen hundred and seventy-four.

343—An Act to prevent the sale of oleomargarine under the name of and pretense that said commodity is butter.

412—An Act to cure defects in the application of John D Justice to purchase lands from the State of California

420—An Act to prevent the trespassing of goats on inclosed land in Amador County.

424—An Act to amend section eight hundred of the Political Code of California, relative to the oath of office of Notaries Public.

459—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four

475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the navigable waters of the State.

495—An Act to amend sections thirteen and nineteen of an Act to re-incorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also, to change the name of Cañada Street, in said town, to Ventura Avenue, approved March twenty-ninth, eighteen hundred and seventy-six.

526—An Act to fund certain indebtedness of San Diego County

565—An Act to pay the claim of P. K. Stockton, due for services as short-hand reporting on the State Land Commission.

651—An Act to provide for the election of Road Overseer in Marin County.

643—An Act to authorize and facilitate the repairing of streets and sewers in the City and County of San Francisco in case of urgent necessity.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 25th, 1878.

To the Assembly of the State of California.

I have to inform your honorable body that I have approved Assembly Bills Nos. 122—An Act in relation to roads and highways in the County of Butte.

242—An Act to legalize Swamp Land District Number Two Hundred and Twenty-one, and provide for the collection of taxes of the same.

252—An Act to prevent hogs from running at large in the Towns of Lakeport and Lower Lake, in Lake County

266—An Act to provide and maintain a system of sewerage in the City of Petaluma, and to take private lands therefor.

268—An Act for the relief of J. M. Garretson, Assessor of the County of Santa Barbara.

337—An Act to prevent buck goats running at large

376—An Act to provide for the improvement of the public roads in the County of Modoc.

393—An Act to provide for the payment of unused and uncanceled stamps of the State of California heretofore sold.

397—An Act to authorize the Treasurer of the County of San Diego to pay certain warrants out of the Contingent Fund of said county.

429—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

469—An Act to authorize the Board of Supervisors of Lake County to levy and collect a special tax for the extermination of squirrels in said county.

471—An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco.

504—An Act to amend an Act entitled an Act to re-incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

532—An Act for the relief of J. B Scott.

562—An Act fixing the fees and compensation of the District Attorney of the County of San Luis Obispo.

605—An Act for the relief of the bondsmen of W. W. Hill, late Treasurer of the County of Fresno.

622—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

631—An Act to authorize the Board of Trustees of Truckee School District, Nevada County, to pay certain claims

646—An Act to authorize the construction of a wagon road from Downieville, in Sierra County, to a point about two miles east of Forest City, in said county.

647—An Act to authorize the construction of a wagon road from Sardine Creek, in Sierra County, to the head of Mohawk Valley, in Plumas County.

653—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of officers in Modoc County, approved March second, eighteen hundred and seventy-eight.

655—An Act to authorize the construction and maintenance of a bridge across the Tuolumne River, at the Town of Modesto.

659—An Act to amend an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

715—An Act supplemental to an Act entitled an Act to re-incorporate the City of Sonora, Tuolumne County, approved January twenty-fourth, eighteen hundred and seventy-eight.

73—An Act to create an irrigation district, to be called the West Side Irrigation District, embracing certain portions of the Counties of San Joaquin, Stanislaus, Merced, and Fresno.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 28th, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 408—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

500—An Act to authorize the construction of a wagon road in the County of San Bernardino, and to provide for the payment of the cost of the same.

511—An Act to amend an Act to prevent hogs from running at large in the Town of Shasta, approved February twenty-eighth eighteen hundred and seventy-two, so as to make the same applicable to the Town of Reading, in Shasta County, and the Town of Modesto, in Stanislaus County.

536—An Act amendatory of and supplementary to an Act entitled an Act to prescribe the duties and provide for the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four

555—An Act to amend section one hundred and eighty-one of the Political Code, in relation to mileage.

571—An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein.

594—An Act to establish and maintain a free dispensary in the City and County of San Francisco

602—An Act to confer certain powers upon the Board of Auditors of El Dorado County.

648—An Act to regulate fees and salaries in the County of Los Angeles.

657—An Act to amend an Act entitled an Act to provide for the grading of public alleys, and the construction of sewers therein, in the City of Sacramento, approved March twenty-first, eighteen hundred and sixty-eight.

661—An Act to provide for the building and furnishing a Court-house, offices, and Jail in Napa County, and for improving the Court-house grounds.

667—An Act to amend an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the County of Los Angeles

676—An Act fixing the amount of the official bonds of Colusa County.

668—An Act to authorize the Board of Supervisors of Napa County to pay certain claims.

677—An Act to confer certain powers on the Board of Supervisors of Colusa County, and fixing the time for the meeting thereof

695—An Act ratifying and legalizing Reclamation District Number Fifty-four of the State, in Sacramento County, and the by-laws and proceedings thereof.

696—An Act to establish Reclamation District Number Two Hundred and Fifty-two of the State, in Sacramento County.

700—An Act concerning the Sheriff of Butte County, and to fix his compensation in certain cases.

748—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for road and bridge purposes.

756—An Act in relation to jurors in Justices' Courts, and witnesses in Courts of record, in the County of Santa Cruz.

793—An Act to set off the southwestern portion of Sutter Island, in Sacramento County, from Onisbo School District, in said county, to Slough School District, in Solano County, for school purposes.

787—An Act to regulate and protect bee-keeping in the County of San Bernardino.

789—An Act granting the Board of Supervisors of Colusa County additional powers
814—An Act to create and organize Reclamation District Number Three Hundred and Seventeen, and to define its boundaries and provide for its government.
136—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, and seven hundred and fifty-six of the Political Code.

WILLIAM IRWIN, Governor.

REPORT.

By Mr. Dixon:

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution directing the payment of the Clerk of the Committee on Agriculture, would respectfully report the same back with an amendment, and recommend the adoption of the resolution as amended.

Your committee would also recommend the adoption of the resolution to pay postage on advance sheets of the laws passed at this session, the same to be sent to each member of this Assembly.

Your committee would also recommend the adoption of the resolution allowing the Journal Clerk compensation for services to be rendered by him after the adjournment of the Assembly.

DIXON, Chairman.

The resolution above reported, relative to payment of postage on advanced sheets, was adopted.

The following resolutions, above reported, were lost:

WHEREAS, The Clerk of the Committee on Agriculture has not received any compensation for his services, we, the members of the committee, present the following resolution, and recommend its adoption

Resolved, That the Controller of State is hereby authorized to and shall draw his warrant in favor of James S Davis, Clerk of Committee on Agriculture, for the sum of one hundred dollars ($100 00), and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

R. B. THOMPSON, Chairman,
MAX BROOKS,
J. M. MAYFIELD,
RUSH McCOMAS,
R. C. HAILE.

Amend the resolution by striking out the words "one hundred" and insert in lieu thereof the word "forty."

Adopted, and resolution lost.

Resolved, That J G. Underwood, Journal Clerk of the Assembly, be allowed the sum of fifty dollars for finishing, comparing, and ruling of the Journal, and the Controller of State is hereby directed to draw his warrant for the above sum, and the Treasurer be authorized to pay the same out of the appropriation for the Assembly Contingent Fund.

Lost.

SPECIAL ORDER.

Senate Bill No. 676—An Act to provide for the improvement of the State Capitol grounds.

Read third time, and passed.

Title approved.

REPORTS.

By Mr. Gildea:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 13—In reference to fixing the days for election of Presidential Electors, and for the casting of their votes for President of the United States—have had the same under consideration, report the same back, and recommend its passage.

Also, Assembly Joint Resolution No. 31—Relative to the annexation of certain portions of Mexican territory—report the same back without recommendation.

Also, Assembly Joint Resolution No. 8—Relative to a joint commission on the Chinese question—have had the same under consideration, and report it back without recommendation.

Also, Assembly Joint Resolution No. 48—Relative to the public lands of the United States—and report the same back without recommendation.

Also, Senate Joint Resolution No. 29—Relative to United States revenue laws—report the same back, and recommend its indefinite postponement.

Also, Assembly Joint Resolution No. 16—Relative to changing the manner of electing President of the United States—report the same back, and recommend its indefinite postponement.

Also, Assembly Joint Resolution No 68—Protesting against the granting of any further subsidy to the Texas Pacific Railroad—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Joint Resolution No. 2—Relative to re-monetizing silver—report the same back without recommedation.

GILDEA, Chairman.

Senate Joint Resolution No. 13, above reported, was taken up, read third time, and passed.

Title approved.

By Mr. Welch:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Bill No. 541—An Act for the relief of purchasers of State lands—have had the same under consideration, and report it back without recommendation.

WELCH, Chairman.

By Mr. Broderick:

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 769—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, amended by an Act approved March twenty-ninth, eighteen hundred and seventy-six.

No. 22—An Act to provide for the completion of the Branch State Prison at Folsom.

No. 539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

No 178—An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale.

No. 854—An Act appropriating money for the conservation of the public peace.

No. 425—An Act to amend section nine hundred and nine of the Political Code of California, relative to oath of office of County Judges and Clerks.

Joint Resolution No. 73—Relative to Indian war bonds.

Assembly Bill No. 850—An Act to amend an Act entitled an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property therefor, approved March twenty-second, eighteen hundred and seventy-six.

And the same have been presented to the Governor for his approval.

BRODERICK, Chairman.

By Mr. Johnson:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Senate Bill No. 476—An Act to amend an Act entitled an Act for the improvement of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six—report the same back with amendments, and recommend its passage as amended.

JOHNSON, Chairman Delegation.

Senate Bill No. 476, above reported, taken up, amendments adopted, read third time, and passed.

Title approved.

Also:

SACRAMENTO, March 28th, 1878.

MR. SPEAKER: The Sacramento delegation, having had under consideration Senate Bill No. 528—An Act relative to the Board of Supervisors of Sacramento County—report the same back with an amendment, and recommend its passage as amended.

JOHNSON, Chairman Delegation.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, April 1st, 1878.

MR SPEAKER: The Sacramento delegation, having had under consideration Assembly Bill No. 765—An Act to authorize the Auditor of the County of Sacramento to draw a warrant, and the Treasurer of Sacramento County to pay said warrant to J. S. Woods, late Sheriff and ex officio Tax Collector of said county, for county licenses—report the same back, and a majority recommend that it do not pass.

Also, Senate Bill No. 674—An Act to amend an Act entitled an Act to provide for the improvement of the streets of the City of Sacramento, approved March eighth, eighteen hundred and seventy-six—report the same back, and recommend that it do not pass

JOHNSON, Chairman Delegation.

Also:

MR. SPEAKER: The Sacramento and Yolo delegations, having had under consideration Assembly Bill No. 619—An Act to authorize the Counties of Sacramento and Yolo, or either of them, to establish a free bridge between the City of Sacramento and the Town of Washington; and, Assembly Bill No. 620—An Act to authorize certain persons named therein to keep and maintain a toll-bridge across the Sacramento River between the City of Sacramento and the Town of Washington—report both bills without recommendation.

JOHNSON, for Sacramento Delegation.
DEWITT, for Yolo Delegation.

By Mr. Anderson:

ASSEMBLY CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER Your Judiciary Committee, having maturely considered Senate Bill No. 134—An Act for the protection of the Harbor of Wilmington—report the same back, and recommend that it do not pass.

Also, the following, without recommendation, Senate Bills Nos. 50, 439, 554, and 553; and Assembly Bills Nos. 61, 64, 76, 149, 161, 185, 210, 215, 280, 281, 285, 291, 299, 301, 313, 320, 327, 356, 359, 368, 378, 391, 411, 418, 457, 478, 483, 498, 499, 510, 519, 525, 533, 534, 546, 582, 588, 607, 610, 611, 613, 624, 641, 645, 670, 684, 762, 773, 782, 794, 795, 810, 803, 849.

ANDERSON, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, March 29th, 1878.

MR. SPEAKER: Your Judiciary Committee has had under consideration Senate Bill No. 680—An Act to amend section six hundred and thirty-three of the Penal Code, relative to taking of trout—and report the same back, and recommend the passage thereof.

Also, Assembly Bill No. 844—An Act to add a new section to the Code of Civil Procedure, relating to eminent domain—and report it back, and recommend the passage thereof.

ANDERSON, Chairman.

Also:

ASSEMBLY CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER Your Judiciary Committee, having considered Senate Bill No. 629—An Act to amend sections seven hundred and fifty-six, seven hundred and fifty-seven, seven hundred and fifty-nine, seven hundred and sixty, and seven hundred and ninety-eight of the Code of Civil Procedure—report the same back, and recommend the passage thereof, the following members uniting in said report.

W. F ANDERSON,
J. B. HOLLOWAY,
JAMES F. BREEN,
J. V. COFFEY,
W. M. DEWITT,
GROVE L. JOHNSON,
S. K. WELCH.

Senate Bill No. 629, above reported, taken up, read third time, and passed.

Title approved.

Also:

MR. SPEAKER: Your Committee on Judiciary also report back Assembly Bill No. 347, recommending it do not pass.

ANDERSON, Chairman.

ASSEMBLY CHAMBER, April 1st, 1878.

By Mr. Coffey:

ASSEMBLY CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 492—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northerly line of Mission Street, and to condemn property for the roadway of said street—report the same, and recommend that it be indefinitely postponed. Fifteen members present and voting.

Also, Senate Bill No. 668—An Act for the relief of John Bays, of the City and County of San Francisco—report the same, and recommend that it do pass. The delegation further ask that the rules be suspended for the purpose of considering the bill at once. Fifteen members present and voting.

Also, Assembly Bill No. 828—An Act amendatory of and supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor, approved March eighteenth, eighteen hundred and seventy-eight—report the same with a substitute, and recommend that the substitute do pass. The delegation further ask that the rules be suspended for the purpose of considering the bill at once. Fifteen members present and voting.

Also, Senate Bill No. 529—An Act for the extension of Fourteenth Street, in the City and County of San Francisco—report the same, and recommend that the bill be indefinitely postponed. Fifteen members present and voting.

Also, Senate Bill No. 555—An Act to amend section twenty of an Act entitled an Act repealing Article IV of an Act entitled an Act to repeal the several charters of the City and County 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, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, approved April first, eighteen hundred and seventy-two—report the same, and recommend that it be indefinitely postponed. Fifteen members present and voting.

Also, Senate Bill No. 632—An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grades of streets in said city and county—report the same, and recommend that it be indefinitely postponed. Fifteen members present and voting.

Also, Assembly Bill No. 458—An Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two—report the same, and recommend that the author have leave to withdraw the same. Fifteen members present and voting.

Also, Assembly Bill No. 838—An Act to authorize the Board of Supervisors of the City and County of San Francisco to establish the grade of streets in said city and county which have not been fixed by ordinance—report the same and recommend that the author have leave to withdraw the same. Fifteen members present and voting.

Also, Assembly Bill No. 229—An Act fixing the salaries and terms of certain officers in the City and County of San Francisco, to provide for their appointment, and to secure the payment of all official fees into the city and county treasury—report the same, and recommend that the author have leave to withdraw the same. Fifteen members present and voting.

Also, Assembly Bill No. 272—An Act to provide for the payment of the claim of Charles A. Sumner—report the same, and recommend that the author have leave to withdraw the same. Fifteen members present and voting.

Also, Senate Bill No. 187—An Act to amend section sixty-eight 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 seventy-six—report the same, and recommend that it be indefinitely postponed. Fifteen members present and voting.

Also, Assembly Bill No. 99—An Act providing for the payment of certain claims for damages, by reason of the change of grade of Montgomery Avenue and adjacent streets, in the City and County of San Francisco—report the same, and recommend that the author have leave to withdraw the same. Sixteen members present and voting.

Also, Assembly Bill No. 460—An Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done, as therein specified—report the same, and recommend that the author have leave to withdraw the same. Sixteen members present and voting.

Also, Assembly Bill No. 547—An Act to provide for the construction and maintenance of municipal gas-works in the City and County of San Francisco—report the same, and recommend that the author have leave to withdraw the same. Fifteen members present and voting.

Also, Senate substitute for Senate Bill No. 46—An Act to amend and reenact an Act entitled an Act to protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production of unwholesome or adulterated milk, approved March twelfth, eighteen hundred and seventy—report the same, and recommend that it be indefinitely postponed. Sixteen members present and voting.

Also, Assembly Bill No. 60—An Act to repeal an Act entitled an Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-six—report the same, and recommend that the author have leave to withdraw it. Fifteen members present and voting

Also, Assembly Bill No. 355—An Act to preserve the health of the City and County of San Francisco—report the same, and recommend that the author have leave to withdraw it. Sixteen members present and voting.

J. V. COFFEY, Chairman.

Assembly Bill No. 828, above reported, taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Waters, from the San Bernardino delegation, reported back Senate Bill No. 678, recommending indefinite postponement.

REPORTS.

By Mr. Swift:

MR SPEAKER: The Special Committee on Constitutional Convention, to whom was referred all bills upon the subject of calling a Constitutional Convention, beg leave to report back Assembly Bills Nos. 24, 132, 171, and 256, with the recommendation that the respective authors be allowed to withdraw the same.

SWIFT, Chairman.

By Mr. Hinshaw:

SACRAMENTO, March 30th, 1878.

MR. SPEAKER: Your Committee on Public Expenditures have examined the following bills, and recommend that they be paid

B. S. Burns, for San Francisco Argonaut	$2 00
Samuel Nathan & Co., Sacramento	2 50

Also, resolution to pay John Conrad one hundred and twenty dollars for repairing and taking care of clocks for the present session, have considered the same, and recommend that he be allowed the sum of fifty dollars, in full compensation for services rendered; therefore, be it

Resolved, That the Controller of State is hereby authorized and shall draw his warrant in favor of John Conrad for the sum of fifty dollars, Samuel Nathan & Co. for two dollars and fifty cents, and B S Burns for two dollars, and the State Treasurer is directed to pay the same out of Contingent Fund of Assembly.

HINSHAW, Chairman.

Adopted.

By Mr. Hart:

MR SPEAKER: The Swamp and Overflowed Land Committee, to whom was referred Senate Bill No. 464, Assembly Bill No. 746, and Assembly Bill No. 297, have had the same under consideration, and hereby report the same back without recommendation.

HART, Chairman.

The Speaker announced the appointment of the following Committee on Conference on Assembly Bill No. 764: Messrs. Tuttle, Garver, and Blake.

On motion of Mr. Murphy of Del Norte, the House took up Senate Bill No. 414—An Act to amend the Penal Code.

Read third time, and passed.

Title approved.

On motion of Mr. Conroy, the House took up the following bills:

Assembly Bill No. 298—An Act to add an additional section to the Penal Code, in relation to counterfeiting.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Title approved.

Senate Bill No. 270—An Act to authorize certain payments by the Board of State Harbor Commissioners.

Mr. Nott moved to strike out the enacting clause, upon which motion the ayes and noes were demanded by Messrs. Nott, Ostrom, and Smyth.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Abbott, Clark, Coffey, Dare, Dunlap, Nott, Smyth, and Mr. Speaker—8.

NOES—Messrs. Adams, Allen, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Byington, Connolly, Conroy, Cooley, DeWitt, Dinmene, Dixon, Dorsey, Farnum, Forsyth, Garver, Gildea, Gough, Griffith, Haile, Hanna, Hart, Haworth, Hicks, Hinshaw, Holloway, Hugg, Johnson, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Tobin, Warden, Waters, and Welch—57.

The bill was then considered in Committee of the Whole.

The committee arose, and reported the bill back, recommending passage.

[Speaker in the chair.]

IN ASSEMBLY.

[Speaker in the chair.]

Bill was read third time, and passed.

Title approved.

Assembly Bill No. 822—An Act amendatory of an Act entitled an Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Holloway, Blake, and May.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anderson, Breen, Byington, Connolly, DeWitt, Dinmene, Forsyth, Gildea, Gough, Griffith, Haworth, Hicks, Murphy of Del Norte, Nealley, Tobin, and Warden—16.

NOES—Messrs. Abbott, Adams, Allen, Backus, Blake, Brooks, Clark, Coffey, Cooley, Dare, Dixon, Dorsey, Dunlap, Farnum, Haile, Hanna, Hart, Holloway, Kercheval, Long, Mace, May, Mayfield, McClure, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nott, Ostrom, Pauly, Robertson, Routier, Russ, Sargent, Sherman, Swift, Thompson, Tuttle, Waters, Welch, Young, and Mr. Speaker—45.

Senate Bill No. 257—An Act imposing a tax on the issue of certificates of stock of corporations.

RECESS.

During the reading of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Senate Bill No. 257, pending discussion of which the House took a recess this day.

Upon indefinite postponement, as recommended by the Committee

on Corporations, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Dare, and Sargent.

The roll was called, and the House refused to indefinitely postpone the bill by the following vote:

AYES—Messrs. Byington, Clark, Conroy, Dare, Dixon, Farnum, Forsyth, Hugg, May, Ostrom, Swift, Warden, and Whitlock—13.

NOES—Messrs. Abbott, Allen, Ames, Anderson, Asmussen, Backus, Broderick, Brooks, Connolly, Cooley, Dorsey, Dunlap, Ewing, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Hinshaw, Johnson, Kercheval, Long, Mace, Mayfield, McClure, McComas, Meyers, Moffat, Montague, Murphy of Del Norte, Nealley, Nott, Pace, Pauly, Routier, Russ, Sargent, Sherman, Smyth, Thompson, Tobin, Wilson, Young, and Mr. Speaker—45.

The bill was then read third time, and passed.

Title approved.

Senate Bill No. 148—An Act to amend sections three thousand three hundred and thirty-five and three thousand three hundred and thirty-seven of the Political Code.

Read third time, and passed.

Title approved.

Senate Concurrent Resolution No. 58—To appoint a Commission to devise a plan for the government of cities.

Adopted.

Assembly Bill No. 361—An Act to prevent the spread of glanders among horses, and to punish the sale or bartering in horses affected with glanders.

Indefinitely postponed.

Senate Bill No. 441—An Act to amend section three thousand four hundred and sixty-nine of the Civil Code of the State of California.

Read third time, and passed.

Title approved.

Senate Bill No. 442—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure of the State of California.

Read third time, and passed.

Title approved.

[Speaker pro tem. in the chair.]

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 774—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Also, that the Committee of Free Conference on Assembly Bill No 764 could not agree, and recommended the appointment of another committee, and that Senators B. D. Murphy, Searls, and Ream were appointed a new Committee of Free Conference on said bill.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 856—An Act for the funding of the bonded indebtedness of El Dorado County.

Assembly Bill No. 832—An Act to amend an Act to provide for the purchase of a site and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

Substitute for Assembly Bill No. 707—An Act concerning roads and highways in the County of Monterey.

Assembly Bill No. 840—An Act to provide for the drainage of certain lands in the Counties of Colusa and Yolo.

Assembly Bill No 523—An Act making an appropriation for the benefit of the Southern California Horticultural Society.

Senate Bill No 685—An Act to provide a Contingent Fund for the use of the Legislature.

Also, passed Senate Bill No. 686—An Act to amend an Act entitled an Act to empower the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof, approved April first, eighteen hundred and seventy-eight.

Also, passed Assembly Bill No. 324—An Act for the relief of W. S. Safford.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in amendments one, two, five, six, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one to substitute for Senate Bills Nos. 153, 156, and 295—An Act to amend the Political Code, in relation to insurance.

Also, concurred in amendments three and four to substitute for Senate Bill No. 154—An Act to amend the Civil Code, relative to insurance.

Also, concurred in amendment number seven to substitute for Senate Bill No. 155—An Act to amend the Civil Code and repeal certain Acts relative to insurance, as will more fully appear from the accompanying report of the Conference Committee.

Also, concurred in Assembly amendment to Senate Bill No. 135.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 581—An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties

P. H. DUNN, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 685, above reported, taken up, and considered in Committee of the Whole.

[Speaker pro tem. in the chair.]

The committee arose, and reported the bill back, recommending that it be made special order for seven o'clock and thirty minutes P. M., this day.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted.

Senate Bill No. 686, above reported, taken up, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 581, taken up, and Senate amendments concurred in.

Mr. Johnson moved to take up Senate Bills Nos. 515, 542, and 277, for consideration.

Mr. Haile demanded a division vote.

So ordered.

Upon the proposition to take up Senate Bill No. 515, the ayes and noes were demanded by Messrs. Haile, Gildea, and Murphy of San Francisco.

The roll was called, and the House refused to suspend the rules to take the bill up, by the following vote:

AYES—Messrs. Adams, Ames, Anderson, Backus, Broderick, Connolly, Conroy, Dinmene, Dixon, Dunlap, Forsyth, Giffen, Gildea, Gough, Griffith, Hanna, Haworth, Hicks, Johnson, May, McClure, Murphy of Del Norte, Nealley, Nott, Pace, Routier, Sargent, Sherman, Swift, Thompson, Tobin, Tuttle, Whitlock, and Wilson—35.

NOES—Messrs. Abbott, Allen, Blackwell, Blake, Breen, Brooks, Byington, Clark, Cooley, Dare, DeWitt, Dorsey, Garver, Haile, Hart, Hinshaw, Holloway, Kercheval, Long, Mace, Mayfield, Meyers, Montague, Murphy, of San Francisco, Ostrom, Pauly, Robertson, Russ, Smyth, Welch, Young, and Mr. Speaker—33.

RESOLUTION.

Mr. Long had leave to offer the following resolution:

Resolved, That Assembly Rule Number Seventy-nine be and it is hereby suspended during the balance of the session.

Mr. Dare moved that the House consider the resolution at once.

Pending discussion, the previous question being moved by the requisite number, the ayes and noes were demanded by Messrs. May, Berry, and Ostrom.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs Abbott, Allen, Ames, Backus, Blackwell, Broderick, Brooks, Byington, Clark, Coffey, Connolly, Conroy, Ellis, Foisyth, Giffen, Gildea, Gough, Griffith, Haworth, Hicks, Johnson, Long, Mayfield, Moffat, Murphy of Del Norte, Murphy of San Francisco, Nealley, Pace, Routier, Sherman, Tobin, Welch, and Whitlock—32.

NOES—Messrs. Adams, Asmussen, Cooley, Dare, Dorsey, Dunlap, Haile, Hanna, Hart, Hinshaw, Holloway, Kercheval, May, McComas, Meyers, Montague, Nott, Ostrom, Pauly, Robertson, Russ, Symth, Thompson, Warden, Waters, Young, and Mr. Speaker—27.

The question recurring upon the motion to suspend the rules, the ayes and noes were demanded by Messrs. Haile, Ostrom, and Hinshaw.

The roll was called, and the motion lost by the following vote.

AYES—Messrs. Adams, Allen, Ames, Backus, Broderick, Brooks, Byington, Connolly, Conroy, Dare, DeWitt, Dinmene, Ellis, Ewing, Farnum, Forsyth, Giffen, Gough, Griffith, Haworth, Hicks, Johnson, Long, Mace, Mayfield, McClure, Moffat, Murphy of Del Norte, Nealley, Pace, Pauly, Robertson, Routier, Sherman, Tobin, Warden, Welch, Wilson, and Young—39.

NOES—Messrs. Abbott, Anderson, Blackwell, Coffey, Cooley, Dorsey, Dunlap, Haile, Hanna, Hart, Hinshaw, Holloway, Hugg, Kercheval, May, McComas, Meyers, Montague, Murphy of San Francisco, Nott, Ostrom, Smyth, Thompson, Waters, and Mr. Speaker—25.

The House took up Senate Bill No. 540—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Alamo Square in said city and county.

Mr. Coffey moved the indefinite postponement of the bill, upon which motion the ayes and noes were demanded by Messrs. Hicks, Johnson, and Gough.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Allen, Blackwell, Broderick, Brooks, Byington, Clark, Coffey, Cooley, Dare, Dorsey, Ewing, Haile, Hanna, Haworth, Hinshaw, Holloway, Kercheval, May, Mayfield, McClure, Meyers, Miller, Montague, Murphy of San Francisco, Nott, Ostrom, Sargent, Smyth, Swift, Thompson, Waters, Welch, Wilson, Young, and Mr. Speaker—36.

NOES—Messrs. Backus, Connolly, Conroy, Dinmene, Dunlap, Forsyth, Gildea, Gough, Griffith, Hart, Hicks, Hugg, Johnson, Mace, Murphy of Del Norte, Pauly, Routier, Russ, Sherman, and Tobin—20.

Senate Bill No. 277—An Act to amend sections three thousand

eight hundred and fifty-seven and three thousand eight hundred and fifty-eight of the Political Code.

Read third time, and passed.

Title approved.

Assembly Bill No. 806—An Act to amend the Penal Code, with respect to the punishment of persons guilty of cheating under pretense of playing at games of chance.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed, and bill ordered transmitted to the Senate forthwith.

Title approved.

RESOLUTION.

By Mr. Griffith (by permission):

Resolved by the Assembly, the Senate concurring, That the Mail Carrier of the Assembly be allowed fifty cents per day, in addition to his per diem, from the commencement of the session to its termination, in order to make his per diem three dollars per day for the entire session; and the Controller of State is directed to draw his warrant for the said difference on the Contingent Fund of the Assembly, and the State Treasurer is directed to pay the same.

Laid over one day.

On motion of Mr. Tobin, the House took up the following bills:

Assembly Bill No. 708—An Act to appropriate money to pay for fifty copies of a work entitled Grapes and Grape-vines of California, published under the auspices of the California State Vinicultural Association.

Considered in Committee of the Whole.

[Speaker pro tem in the chair.]

The committee arose, and reported the bill back, recommending its indefinite postponement.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was adopted, and the bill indefinitely postponed.

REPORT.

By Mr. Tuttle:

MR. SPEAKER: Your Committee of Free Conference, to whom was referred the matter of the disagreement between the Senate and Assembly, in relation to Assembly Bill No. 764, would respectfully report that we have agreed upon an amendment to said bill, which we herewith present, and recommend its adoption by the Assembly.

TUTTLE,
BLAKE,
GARVER.

The question being upon the adoption of the report, pending discussion, the previous question being moved by the requisite number, it was so ordered by the House.

Upon the adoption of the report, the ayes and noes were demanded by Messrs. Sargent, Kercheval, and Mace.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Allen, Ames, Anderson, Asmussen, Backus, Blackwell, Blake, Breen, Broderick, Brooks, Byington, Coffey, Connolly, Conroy, Cooley, Dare, DeWitt, Dinniene, Dixon, Dunlap, Ellis, Ewing, Farnum, Forsyth, Garvey, Giffen, Gildea, Gough, Griffith, Haile, Hart, Hicks, Hinshaw, Holloway, Hugg, Johnson, Long, Mace, Mayfield, McClure, McComas, Miller,

Moffat, Montague, Murphy of Del Norte, Murphy of San Francisco, Nealley, Ostrom, Pace, Routier, Sherman, Swift, Thompson, Tobin, Tuttle, Waters, Welch, Whitlock, and Young—59.
Noes—Messrs. Abbott, Clark, Dorsey, Hanna, Kercheval, May, Nott, Pauly, Russ, Sargent, Smyth, Warden, and Wilson—13.

On motion of Mr. Tuttle, the House took up Assembly Bill No. 855—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

The House took up Assembly Bill No. 698—An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum at Stockton.

Rules suspended, considered engrossed, read third time, and passed.

Title approved.

Mr. Anderson moved that Senate Bills Nos. 641, 495, and 282, and Senate Joint Resolution No. 55, be taken up for consideration.

So ordered.

Senate Bill No. 641—An Act supplemental to an Act entitled an Act to legalize the assessment of taxes in the City and County of San Francisco, and to ratify and confirm a resolution of the Board of Supervisors of the City and County of San Francisco, approved March nineteenth, eighteen hundred and seventy-eight.

Read third time, and passed.

Title approved.

Senate Bill No. 495—An Act to appropriate money for the relief of the sufferers of the late floods.

Amendments adopted, read third time, and passed.

Title approved.

Senate Joint Resolution No. 55—Concerning United States Engineers acting with State Engineers in reference to irrigation and the improvement of the Sacramento and San Joaquin Rivers.

RECESS.

Pending discussion, at three o'clock and forty-five minutes P. M., on motion of Mr. Nott, the House took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

RESOLUTION.

By Mr. Hart:

Resolved, That the bills introduced by the Honorable William Hanna, to wit, Assembly Bills Nos. 367, 563, and 633, be made the special order for nine o'clock and thirty minutes P. M., this evening.

Adopted.

REPORT.

By Mr. Miller:

Mr. Speaker: Your Committee on State Prison, to whom was referred Senate Bill No. 470—An Act to amend an Act entitled an Act to regulate and govern the California State Prison,

approved April third, eighteen hundred and seventy-six—have had the same under consideration, and report it back without recommendation.

MILLER, Chairman.

RESOLUTION.

By Mr. Gildea:

Resolved, That the per diem of the late Honorable Robert Ludgate, from his decease to the close of the session, namely, forty-five days, amounting to the sum of four hundred and fifty dollars, be and is hereby allowed and ordered paid to his widow, Mary H. Ludgate, out of the Contingent Fund of the Assembly, and the Controller of State is hereby authorized to draw his warrant in favor of Mary H. Ludgate for the said amount of four hundred and fifty dollars.

Adopted.

House took up Senate Bill No. 282—An Act to amend section two thousand and eighty-four of the Code of Civil Procedure, in relation to proceedings to perpetuate testimony.

Read third time, and passed.

Title approved.

SPECIAL ORDER.

Senate Bill No. 685—An Act to provide a Contingent Fund for the use of the Legislature.

Considered in Committee of the Whole.

[Speaker in the chair.]

The committee arose, and reported the bill back with an amendment, recommending passage as amended.

IN ASSEMBLY.

The report of the committee was adopted, the bill read third time, and passed.

Title approved.

REPORT.

MR. SPEAKER: As directed by a resolution of this House, your Committee on Public Expenditures and Accounts have obtained from the Secretary of State a statement showing the amount of stationery drawn from his office by each member of the Assembly during the twenty-second session of the Legislature, also, the stationery account of the attachés, committees, etc., and a complete showing of the contingent expenses of this honorable body for the twenty-second session of the Legislature, and a comparative exhibit with the eighteenth, nineteenth, twentieth, and twenty-first sessions, all of which are herewith submitted.

HINSHAW, Chairman.

Statement of the amount of stationery, etc., drawn by the members of the Assembly, officers, attachés, and committees of the twenty-second session of the Legislature, commencing December third, eighteen hundred and seventy-seven, and up to and including March thirtieth, eighteen hundred and seventy-eight:

By members of the Assembly (see Exhibit A)	$2,127 35
By officers and attachés (see Exhibit B)	1,699 36
By committees (see Exhibit B)	405 88
	$4,232 59
By reporters	$214 36

SESSION 1875-6.

By members of the Assembly	$1,465 06
By officers and attachés	1,473 21
By committees	248 68
	$3,186 95
By reporters	$90 05

EXHIBIT A.

Names.	Amount.	Names.	Amount.
Abbott	$15 02	Haworth	$29 82
Allen	16 61	Johnson	35 96
Adams	25 07	Kercheval	18 71
Anderson	31 44	Ludgate	13 21
Asmussen	16 54	Long	32 71
Ames	41 29	McClure	34 31
Brooks	67 00	Miller	15 91
Blackwell	14 46	Mace	32 43
Breen	19 62	Mayfield	15 44
Berry	17 06	McComas	18 46
Byington	22 91	Meyers	22 57
Barstow	31 36	Montague	16 51
Blake	26 78	May	31 64
Broderick	31 47	Murphy of Del Norte	20 54
Backus	18 92	Murphy of San Francisco	20 39
Coffey	26 00	Moffat	24 74
Conroy	18 20	Nealley	80 97
Connolly	63 72	Nott	12 39
Cooley	21 02	Ostrom	13 12
Clark	11 22	Pauly	28 72
Dixon	14 96	Pace	30 89
Dunlap	15 59	Russ	24 23
Dorsey	16 48	Routier	24 46
Dare	21 25	Robertson	15 15
DeWitt	16 03	Sargent	29 30
Dinniene	32 40	Sherman	72 29
Ellis	58 21	Smyth	24 48
Ewing	22 13	Swift	62 89
Farnum	22 56	Tuttle	19 98
Forsyth	24 34	Thompson	15 40
Garver	10 86	Tobin	25 04
Giffen	26 33	Upton	7 15
Griffith	20 35	Warden	58 15
Gough	32 40	Waters	27 92
Gildea	29 79	Welch	20 38
Hart	20 68	Wheat	18 58
Holloway	19 72	Whitlock	21 60
Haile	22 18	Wilson	30 98
Hinshaw	13 85	Young	35 69
Hanna	7 27		
Hugg	29 94	Total	$2,127 35
Hicks	31 21		

EXHIBIT B.

OFFICERS AND CLERKS.

Chief Clerk of the Assembly and Assistants	$186 14	
Sergeant-at-Arms	641 33	
Minute Clerk	100 05	
Journal Clerk	65 73	
Engrossing Clerk	201 73	
Enrolling Clerk	371 49	
Postmaster	132 89	
		$1,699 36

COMMITTEES.

Agriculture	$29 43	
Attachés and Employés	38	
Buildings and Grounds	19 21	
Carried forward	$49 02	$1,699 36

Brought forward	$49 02	$1,699 36
Claims	16 53	
Commerce and Navigation	72	
Corporations	27 63	
Education	9 05	
Fish and Game	12 76	
Hospitals	8 14	
Judiciary	112 51	
Labor Investigating	23 72	
Mining Debris	1 25	
Public Expenditures	2 34	
San Francisco Delegation	41 95	
State Prison	50 93	
Swamp Lands	44 45	
Ways and Means	4 88	
		405 88
		$2,105 24

COMPARISON.

Expended during the eighteenth session	$48,777 93
Expended during the nineteenth session	53,014 97
Expended during the twentieth session	28,687 32
Expended during the twenty-first session	25,930 43
Expended during the twenty-second session	24,191 62

Statement of contingent expenses of Assembly of the twenty-second session, eighteen hundred and seventy-seven–seventy-eight.

SERVICE.	Amount.
Watchmen	$1,053 00
Post-office Page	351 00
Clerk to Sergeant-at-Arms	936 00
Clerk to San Francisco Delegation	560 00
Clerk (Assistant) to San Francisco Delegation	177 00
Clerk to Judiciary Committee	816 00
Clerk to Committee on Corporations	510 00
Clerk to Committee on Ways and Means	410 00
Clerk to Committee on Education	415 00
Clerk to Committee on Swamp and Overflowed Lands	260 00
Clerk to Committee on State Prison	200 00
Clerk to Committee on Fish and Game	470 00
Clerk to Committee on Commerce and Navigation	123 00
Clerk to Committee on Assessments	85 00
Clerk to Committee on State University	50 00
Enrolling (per folio)	1,774 33
Engrossing (per folio)	1,141 11
Assistant Clerk at desk	704 00
Assistant Journal Clerk	564 00
Assistant Minute Clerk	205 00
Chaplain	560 00
Mail Carrier	299 50
Messenger and Assistant Page	267 00
Porter committee rooms	332 00
Short-hand Reporter, Committee on Public Buildings and Grounds	712 00
Short-hand Reporter, Committee on Corporations	340 00
Short-hand Reporter, Committee on Mining Debris	85 60
Short-hand Reporter, Committee on Savings Banks	63 20
Short-hand Reporter, Committee on Labor and Immigration	440 00
Short-hand Reporter	490 00
Transcribing testimony	211 00
Expert	20 00
Mileage of committees	3,848 00
Mileage and serving subpœnas (Sergeant-at-Arms)	193 50
Carried forward	$18,566 24

STATEMENT OF CONTINGENT EXPENSES OF ASSEMBLY—Continued.

SERVICE.		Amount.
Brought forward		$18,566 24
Subscription for newspapers		2,211 03
Codes		1,200 00
Witness' fees and per diem		165 50
Translating		27 50
Postage		1,275 10
Post-office box rent		10 00
Expressage		35
Temporary officers and attachés		378 20
Ice		71 70
Soap, towels, washing, etc.		59 50
Funeral decorations		20 50
Funeral expenses late C. W. Upton		12 00
Lighting gas		75 00
Repairing Clerk's desk		18 50
Chloride of lime		50
		$24,191 62
	$25,000 00	
	24,191 62	
Balance	$808 30	

W. B. C BROWN, Controller,
By CHAS. R. PARSONS, Clerk.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 686—An Act to divide the County of El Dorado into revenue districts, and to provide for the assessment, collection, and equalization of taxes therein.

Also, Assembly Bill No. 828—An Act amendatory of and supplementary to an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor, approved March eighteenth, eighteen hundred and seventy-eight.

Also, passed Assembly Bill No. 278—An Act for the relief of Richard Dudding and William Johnson.

This day, passed Senate Bill No. 413—An Act for the relief of James W. Marshall.

Also, passed Assembly Bill No 698—An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum located at Stockton.

On this day, passed Assembly Bill No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

On this day, adopted Senate Concurrent Resolution No 63—Relative to Senate Bill No. 665.

Also, concurred in Assembly amendment to Senate Bill No. 685—An Act to provide a Contingent Fund for the use of the Legislature

Also, on this day, passed and ordered transmitted without engrossment Senate Bill No. 395—An Act to amend an Act entitled an Act to provide for the support of the common schools in the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof, approved April first, eighteen hundred and seventy-two.

This day, passed Assembly Bill No. 825—An Act to regulate and fix the salaries and compensation of certain officers for the County of Santa Barbara.

Also, Assembly Bill No 262—An Act to change and establish the boundary line between the Counties of Sacramento and San Joaquin.

Amended and passed Assembly Bill No. 846—An Act to define the location of and to legalize the name of Fisherman's Peak.

Amended and passed substitute for Assembly Bills Nos. 1 and 100—An Act for the improvement of certain public reservations in the City and County of San Francisco

Passed Assembly Bill No. 364—An Act to legalize the acts of the Board of Supervisors of Trinity County in appointing Justices of the Peace for the townships in said county.

Also, substitute for Assembly Bill No. 491—An Act concerning estrays and animals found running at large in the County of Sonoma.

Also, Assembly Bill No. 835—An Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight.

Also, Assembly Bill No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

Also, Assembly Bill No. 568—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States for the twenty-fourth and twenty-fifth fiscal years.

Also, Assembly Bill No. 806—An Act to amend the Penal Code with respect to the punishment of persons guilty of cheating under pretense of playing at games of chance.

Amended and passed Assembly Bill No 283—An Act relating to the civil government of military companies

Passed Assembly Bill No 405—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia Streets, in the City and County of San Francisco.

And Assembly Bill No. 855—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Passed Senate Bill No. 687—An Act to confer additional powers on the Board of Trustees of the Town of Alameda.

Also, passed Assembly Bill No. 630—An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists.

G. SECKEL, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 262—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundary line between the Counties of Sacramento and San Joaquin.

Also, Senate Bill No. 604—An Act for the relief of Peter Connolly.

Also, Senate Bill No. 688—An Act giving the consent of the Legislature to E. S Carr, Superintendent of Public Instruction of the State of California, to absent himself from said State for a period not exceeding ninety days.

P. H. DUNN, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Committee of Free Conference on Assembly Bill No. 764—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years—and also adopted an amendment to said bill, which is herewith transmitted.

G. SECKEL, Assistant Secretary.

[Speaker pro tem. in the chair.]

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 688, read first and second times, rules suspended, read third time, and passed.

Title approved.

Senate Bill No. 604, read first and second times, rules suspended, read third time.

Mr. Blake moved to indefinitely postpone the bill, upon which motion the ayes and noes were demanded by Messrs. Blake, Wilson, and May.

The roll was called, and the bill indefinitely postponed by the following vote:

AYES—Messrs. Abbott, Adams, Asmussen, Backus, Blake, Brooks, Byington, Coffey, Conroy, Cooley, Dixon, Dunlap, Ewing, Farnum, Garvey, Hanna, Holloway, May, Mayfield, McClure, McComas, Meyers, Miller, Nealley, Nott, Robertson, Thompson, Tobin, Waters, Welch, Wheat, Whitlock, Wilson, and Young—34.

NOES—Messrs. Allen, Ames, Anderson, Blackwell, Breen, Clark, Connolly, Dare, DeWitt, Dinmene, Dorsey, Foisyth, Gildea, Gough, Griffith, Haile, Hart, Haworth, Hicks, Hugg, Johnson, Moffat, Murphy of Del Norte, Murphy of San Francisco, Ostrom, Routier, Russ, Sargent, and Sherman—28.

Assembly Bill No. 846, taken up, and Senate amendments concurred in.

RESOLUTION.

By Mr. Blackwell:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant in favor of J G. Underwood for forty-nine dollars, money paid for work done in the Journal Clerk's office previous to January ninth, eighteen hundred and seventy-eight, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

Adopted.

REPORTS.

By Mr. Whitlock:

MR SPEAKER: Your committee, appointed to examine and compare the Journal for Friday and Saturday, have examined the same, and find it correct.

WHITLOCK, for Committee.

By Mr. Farnum:

MR. SPEAKER: The delegation, to whom was referred Senate Bill No. 349—An Act in relation to the public printing in the Town of Alameda—have had the same under consideration, report it back, and recommend that it do not pass.

Also, an Act supplemental to an Act entitled an Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two, approved March thirtieth, eighteen hundred and seventy-four.

Also, an Act to change the name of Twelfth Street, in the City of Oakland, County of Alameda, to Central Avenue—have had the same under consideration, report them back, and recommend that they do not pass.

McCLURE, for Delegation.
DIXON.

RESOLUTION.

By Mr. Griffith:

Resolved, That the Mail Carrier of the Assembly be and he is hereby allowed the sum of twenty-five ($25 00) dollars for services rendered in carrying the mail to and from the Capitol building, and the Controller is authorized to draw his warrant on the Contingent Fund of the House, and the Treasurer is requested to pay the same.

Laid on the table.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1878.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No 298—An Act to add an additional section to the Penal Code, in relation to counterfeiting.

Assembly Bill No. 818—An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof.

Assembly Bill No 829—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

Also, adopted Assembly Concurrent Resolution No. 77—Relative to the indebtedness of swamp land districts.

P. H. DUNN, Assistant Secretary.

REPORT.

By Mr. Coffey:

SACRAMENTO, April 1st, 1878.

MR. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 686—An Act to amend an Act entitled an Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof, approved April first, eighteen hundred and seventy-eight—report the same, and a majority recommend that it do pass. Fifteen members present and voting; nine ayes, six noes.

Senate Bill No. 686, above reported, read third time, and passed. Title approved.

Senate Bill No. 665 was taken up, read third time, and passed. Title approved.

RESOLUTIONS.

By Mr. Hart:

Resolved, That the Minute Clerk of this House be and he is hereby authorized and directed to compare the minutes, as kept by him during the session, with the Journal, and make such corrections as will be necessary to make the minutes correspond with the Journal as approved from day to day, and deliver the same to the State Printer, to be used in preparing the printed Journal of this session: for which service said Minute Clerk shall receive a compensation not to exceed five cents per folio, payable out of the fund for contingent expenses of the Assembly; and, in order that a faithful discharge of the service above mentioned may be secured, be it further

Resolved, That said Minute Clerk is hereby required to file a bond in the sum of one thousand dollars, conditioned upon the satisfactory completion of said service within twenty days after the adjournment of this House; and

Resolved, That when such work has been completed and the amount due therefor has been estimated by the Secretary of State, the Controller is authorized to draw his warrant for, and the Treasurer to pay said amount

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Nott, Ostrom, and Smyth.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Allen, Backus, Blake, Connolly, Conroy, Dare, DeWitt, Dinmene, Forsyth, Giffen, Gildea, Griffith, Hart, Johnson, Mace, Murphy of Del Norte, Sherman, Swift, Warden, Wilson, and Young—21

NOES—Messrs. Abbott, Anderson, Asmussen, Brooks, Byington, Coffey, Cooley, Dixon, Dorsey, Dunlap, Farnum, Garver, Haile, Hanna, Hayworth, Hugg, Kercheval, May, McComas, Meyers, Miller, Moffat, Montague, Murphy of San Francisco, Nealley, Nott, Ostrom, Pauly, Routier, Russ, Sargent, Smyth, Thompson, Tobin, Tuttle, Waters, Welch, Wheat, and Whitlock—39.

GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 744—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make a general index of all cases filed in the Supreme Court of this State from the organization thereof.

759—An Act to amend sections one thousand two hundred and fifty-four and one thousand two hundred and fifty-seven of the Code of Civil Procedure, relating to condemnation of land for public uses.

46—An Act to amend certain sections of the Political Code, to repeal certain other sections thereto.

778—An Act authorizing the State Board of Examiners to allow certain claims against the State.

541—An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon.

769—An Act to amend an Act entitled an Act to re-incorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four, as amended by an Act approved March twenty-ninth, eighteen hundred and seventy-six.

829—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

698—An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the State Insane Asylum, located at Stockton.

723—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

834—An Act to amend section sixty of the Code of Civil Procedure, relative to the terms of the District Court of the Third Judicial District.

283—An Act to add certain sections to the Political Code, concerning the State Militia, and to

be known as sections numbers one thousand nine hundred and seventy-five and one thousand nine hundred and seventy-six.

262—An Act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundary line between the Counties of Sacramento and San Joaquin.

Substitute for Assembly Bills Nos. 1 and 100.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1878.

To the Assembly of the State of California.

I have to inform your honorable body that I have approved Assembly Bills Nos. 296—An Act to create and organize Reclamation District Number Two Hundred and Five, and to define its boundaries, and provide for its government

539—An Act to amend section three thousand five hundred and seventy-two of the Political Code, in regard to the restitution of money paid for land not the property of the State.

813—An Act in relation to certain swamp land in the County of Sacramento.

545—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open Valencia Street, in said city and county, from a point about four hundred feet north of Mission Street to the northwesterly line of Mission Street, and to condemn property for the roadway of said street.

662—An Act relating to the powers and duties of the Sheriff of Alameda County, in the matter of attachments of property in said county.

178—An Act to amend section six hundred and ninety of the Code of Civil Procedure, in reference to property exempt from execution and forced sale.

843—An Act to authorize the purchase of land and the erection of a County Hospital.

437—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to establish the grade of Vallejo Street, in said city and county.

612—An Act to create an irrigation district, to be called the Modesto Irrigation District.

816—An Act to amend an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

254—An Act for the relief of Colusa County.

292—An Act concerning the fees of Justices of the Peace in and for the County of Yuba

302—An Act to amend certain sections of the Political Code, relating to the school law of California

425—An Act to amend section nine hundred and nine of the Political Code of California, relative to the oath of office of County Judges.

574—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the fiscal year ending June thirtieth, eighteen hundred and seventy-six.

615—An Act entitled an Act to legalize and make valid copies of certain records of the County of Monterey.

741—An Act fixing the pay of Supervisors in the County of Alameda.

753—An Act to provide for the relief of schools in the flooded districts.

800—An Act to amend an Act entitled an Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city, approved March ninth, eighteen hundred and seventy-six.

833—An Act to organize a levee district in Yuba, Sutter, and Placer Counties, and to provide for the construction, maintenance, and repair of levees therein.

837—An Act to provide for the liquidation and payment of the indebtedness of North Butte School District, in the County of Sutter.

436—An Act to provide for a Convention to frame a new Constitution for the State of California.

749—An Act granting leave of absence from the State to G. W. Hughes, County Assessor of the County of Sierra.

153—An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof.

389—An Act to incorporate the Town of Berkeley, in Alameda County

22—An Act to provide for the completion of the Branch Prison at Folsom.

780—An Act to repeal an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, and an Act supplemental to said Act entitled an Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six, so far as their provisions relate to the Counties of Contra Costa and Alameda.

636—An Act to amend section one thousand six hundred and seventeen of the Political Code, relating to the general powers of Boards of Trustees and of Education.

821—An Act to define cooperative business corporations, and to provide for the organization and government thereof.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1878.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bills Nos. 9—An Act to change the grades of certain streets in the City and County of San Francisco.

496—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relative to the election of directors of corporations.

523—An Act making an appropriation for the benefit of the Southern California Horticultural Society.

707—An Act concerning roads and highways in the County of Monterey.

760—An Act to provide for the distribution of school moneys in the County of Yolo.

768—An Act to attach a portion of King's River Switch School District, in Tulare County, to Kingsburg School District, in Fresno County.

796—An Act to prevent hogs and goats running at large in the Town of Plymouth, Amador County.

790—An Act to repeal an Act entitled an Act to provide for constructing division fences, approved March ninth, eighteen hundred and seventy-six, so far as said Act relates to the County of San Mateo.

798—An Act to authorize the transfer of certain funds in the County of Sutter.

764—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years.

820—An Act to provide for the establishment and maintenance of public roads in Napa County.

743—An Act to amend section six of an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

175—An Act to extend the jurisdiction of the Park Commissioners over a certain highway in the City and County of San Francisco.

788—An Act authorizing and directing the Supervisors of San Mateo County to open, put in order, and maintain Middlefield road, from Redwood City to San Francisquito Creek, and also, to open and macadamize the bay and marsh roads, and for that purpose to appropriate, from the General Fund of said county, the sum of five thousand dollars.

630—An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relating to publication of delinquent tax lists.

568—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States for the twenty-fourth and twenty-fifth fiscal years.

Substitute for 832—An Act to amend an Act entitled an Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

802—An Act to provide for the election of Supervisors in the County of Mendocino.

740—An Act entitled an Act to provide sewerage for the City of Santa Cruz.

856—An Act for the funding of the bonded indebtedness of the County of El Dorado.

581—An Act to create a drainage district, to be called the Sacramento Drainage District, to establish a Board of Commissioners therefor, and to define their powers and duties.

840—An Act to provide for the drainage of certain lands in the counties of Colusa and Yolo.

835—An Act making appropriations for deficiencies for the twenty-eighth and twenty-ninth fiscal years, ending June thirtieth, eighteen hundred and seventy-eight.

855—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

278—An Act for the relief of Richard Dudding and William Johnson.

818—An Act to fix the salary of the Clerk of the Mayor of the City and County of San Francisco, and to provide for the payment thereof.

806—An Act to amend the Penal Code with respect to the punishment of persons guilty of cheating under pretence of playing at games of chance.

WILLIAM IRWIN, Governor.

By Mr. Hinshaw:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts would respectfully report that they have examined the following accounts, and find them correct, to wit:

Courier Californian (newspaper subscription)	$1 00
Wm. R. Cranna (newspaper subscription)	3 00
F. A. Pauly, for Douglas Gunn (newspaper subscription)	6 50

Your committee, therefore, presents the following resolution, and recommends its adoption:

Resolved, That the Controller of State be directed to draw warrants on the Contingent Fund of the Assembly in favor of the persons above specified, and for the several amounts set opposite their respective names, and that the Treasurer of State be directed to pay the same.

HINSHAW, Chairman.

Also:

MR. SPEAKER The Sonoma delegation beg leave to report back the following bills, without recommendation

Assembly Bill No. 95—An Act to amend an Act in relation to fence and pound districts in the County of Sonoma.

Assembly Bill No. 169—An Act to amend an Act to establish a Board of Commissioners for the former Pueblo of the City of Sonoma.

Senate Bill No 563—Relative to the erection and maintenance of a draw-bridge across Petaluma Creek.

HINSHAW, Chairman.

Also:

MR. SPEAKER: Your Joint Committee on Election Laws respectfully beg leave to report back the following bills, without recommendation: Assembly Bills Nos. 419, 158, 194, 267, 213, 426, and 174.

HINSHAW, Chairman.

Also:

MR. SPEAKER Your Committee on Public Expenditures and Accounts have examined the bill of Sam'l Nathan & Co for two and fifty one-hundredths dollars, and recommend that it be paid, and we recommend the adoption of the following resolution

Resolved, That the Controller of State be and he is hereby authorized and directed to draw a warrant in favor of Sam'l Nathan & Co. for two dollars and fifty cents, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly

HINSHAW, Chairman.

RECESS.

At ten o'clock P. M., on motion of Mr. Waters, the House took a recess till eleven o'clock P. M.

RE-ASSEMBLED.

House re-assembled at eleven o'clock P. M.

Speaker in the chair.

On motion of Mr. Murphy of Del Norte, the Speaker appointed a committee of three to wait upon the Governor and ascertain if he had any further communications to make to the House.

The Speaker appointed as such committee, Messrs. Murphy of Del Norte, Dare, and Backus.

REPORT.

By Mr. Broderick:

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Bills have been correctly enrolled:

No. 324—An Act for the relief of W. S. Safford

No 774—An Act to authorize the State Board of Examiners to allow certain claims against the State.

No 707—An Act concerning roads and highways in the County of Monterey.

No. 523—An Act making an appropriation for the benefit of the Southern California Horticultural Society.

No. 840—An Act to provide for the drainage of certain lands in the Counties of Colusa and Yolo

No. 832—An Act to amend an Act entitled an Act to provide for the purchase of a site, and the erection of a Court-house and Jail thereon, in the County of Monterey, approved January twenty-second, eighteen hundred and seventy-eight.

No. 764—An Act making appropriations for the support of the Government of the State of California for the thirtieth and thirty-first fiscal years.

No 806—An Act to amend the Penal Code with respect to the punishment of persons guilty of cheating under pretense of playing at games of chance.

Substitute for Assembly Bills Nos. 1 and 100—An Act for the improvement of certain public reservations in the City and County of San Francisco.

No. 278—An Act for the relief of Richard Dudding and William Johnson.

No 855—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

No. 364—An Act to legalize the acts of the Board of Supervisors of Trinity County in appointing Justices of the Peace for the townships in said county.

No 856—An Act for funding of the bonded indebtedness of El Dorado County

No 581—An Act to create a drainage district, to be called the Sacramento River Drainage District, to establish a Board of Commissioners thereof, and to define their powers and duties.

No 630—An Act to amend sections three thousand seven hundred and sixty-six and four thousand and forty-seven of the Political Code, relative to publication of delinquent tax lists.

No. 262—An Act to change and establish the boundary line between the Counties of Sacramento and San Joaquin.

No. 568—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States for the twenty-fourth and twenty-fifth fiscal years.

No. 405—An Act authorizing the condemnation of private property within the limits of Hickory Avenue, between Gough and Octavia Streets, in the City and County of San Francisco.

No. 818—An Act to fix the salary of the [Clerk of the] Mayor of the City and County of San Francisco, and to provide for the payment thereof.

Concurrent Resolution No. 77—Relative to the indebtedness of swamp land districts.

No. 698—An Act to amend section two thousand one hundred and forty of the Political Code, in relation to the compensation of Directors of the Insane Asylum located at Stockton.

No. 46—An Act to amend certain sections of the Political Code, to repeal certain other sections, and to add new sections thereto.

No. 829—An Act to amend an Act concerning roads and highways in the County of San Joaquin, approved March eighteenth, eighteen hundred and seventy-six.

No. 491—An Act concerning estrays and animals found running at large in the County of Sonoma.

No. 82—An Act to increase the number of Supervisors in the City and County of San Francisco, and the manner of electing the same.

No 298—An Act to add an additional section to the Penal Code, in relation to counterfeiting.

No. 846—An Act to define the location of and to legalize the name of Fisherman's Peak.

No. 283—Relating to the civil government of military companies.

No 825—An Act to regulate fees and fix the salaries and compensation of certain officers for the County of Santa Barbara.

And the same have been presented to the Governor for his approval.

BRODERICK, Chairman.

Also, by Mr. Broderick:

MR. SPEAKER The Committee on Enrollment take pleasure in reporting that the business intrusted to the Enrolling Clerk of the Assembly, John C. Morgan, has been promptly and efficiently attended to. We deem it our duty to report that we have had no occasion to complain of any want of alacrity on the part of said Enrolling Clerk. No bill has remained in his hands longer than was essential to its proper enrollment He has been vigilant, attentive, and at all times striving to press forward the business of his office, the result of which is that to-night, the last of the session, we fail to find a single fault found as to the face of any bills committed to him by this Assembly.

We respectfuly report that all bills presented to the Enrolling Clerk have been properly enrolled and presented to the Governor for his approval. We trust that the exertions of the Enrolling Committee have merited the respect of the Assembly.

WM. BRODERICK, for Committee.

At eleven o'clock and thirty minutes P. M. a committee of Senators appeared at the bar of the House and announced that the Senate had finished its business, and had no further communication to make to the Assembly.

The Speaker appointed as a committee to notify the Senate that the business of the House was completed, Messrs. DeWitt, Broderick, and May.

On motion of Mr. Dinniene, the Speaker was authorized to compare and approve the Journal of to-day.

CLOSING REMARKS OF THE SPEAKER.

GENTLEMEN OF THE ASSEMBLY: We have reached the constitutional limits of our existence as a legislative body. My duties as your presiding officer, and our duties as legislators, have come to a close. But, before the fall of the gavel that dissolves the twenty-second session of the California Legislature, permit me, gentlemen, to thank each and all of you for that uniform

kindness and courtesy you have ever shown me, and that patient forbearance you have exercised towards me in the discharge of the difficult duties incident to the position of presiding officer of the Legislature. I do not fail to recognize the valuable and courteous aid I have received in the discharge of my duties at the hands of the Speaker pro tem., the Clerks at the desk, the attachés, as well as all the officers and members of the House. They, one and all, have ever been at my side to aid me in serving your will.

At the commencement of this session I entered upon the duties your partiality assigned me, conscious of my unfitness to perform them. I am not insensible to my many errors in the exercise of my brief authority; neither have I the egotism to claim that my actions as your presiding officer have been such as to merit your approval at all times. But I have an abiding faith, and am happy in the belief, that you do now, and will hereafter, accord to me an honesty of purpose, and will credit my acts and rulings as the offspring of a motive inspired by a love of fair dealing and a sincere desire to dispense justice without partiality.

Gentlemen, our record is made—the faithful Journal is now closed—by it we must be judged, and by it we must stand or fall. It is now a part of the history of California. The people of the State have been faithfully informed of our every transaction by the diligent and faithful reporters for the press who have occupied places upon the floor with us. We are now about to return to our constituency, to receive their approval or condemnation. I have no doubt their verdict will be just. The great anxiety of this parting hour forbids a review of our actions as a legislative body, or the results likely to flow therefrom. What we have done is done. Time alone must reveal the fruits of our labors. Among the numerous enactments of the session, in my judgment there are many good and wholesome measures which will peculiarly foster our great agricultural, commercial, and mining interests, and tend to the general development of our resources, thereby lessening the burden of taxation and inaugurating a new era of prosperity within our borders.

To assert, however, that we have made no mistakes, and that our action as a legislative body will only tend to the best interest of the people, would be to arrogate to ourselves a comprehensive foresight—a kind of divinity—that does not belong to humanity. But whatever may have been our mistakes, and however widely our judgments may have differed, it is with pleasure that I credit to all an ever constant honesty of purpose.

It is not my purpose to extol or eulogize my legislative associates at this time. Suffice it to say, gentlemen, that we each have an account to settle with our constituents, our conscience, and our God.

Our deliberations have been peculiarly marked by the absence of party strife and partisan wrangle, caused in part, no doubt, by the dissolving condition of political parties in this State. If freedom from party shackles and a healthy sentiment of independence is to spring up among the people as a result, this condition is to be hailed with delight, because, in that case, *men* will be chosen instead of mere *partisans*. However, the more thoughtful fear that the present political stillness is the ever ominous calm heralding the furious storm that may soon break in fierce wrath upon our political arena.

That there has been a conflict of opinion among us upon many measures is true, and such must necessarily always be the case, because of the great variety of interests here represented. The miner is no less jealous of his interest than the agriculturist; the debtor than the creditor; the capitalist than the laborer; the land-holder than the landless. Our State is an empire in territory. We have every variety of climate, from perpetual winter to perpetual spring, summer, and autumn. We have every variety of product, tropical and otherwise, and every industry known to civilization is pursued within our borders. We are a cosmopolitan people, with views as different and numerous politically, socially, and religiously, as are our nationalities. All these sentiments and classes, and this great variety of conditions in our State, and all bearing relations to each other unknown to any other portion of the world, give rise to a conflict of opinions continuously felt upon this floor.

But, gentlemen, the struggle of the twenty-second session is over. We are together for the last time. Many of us will never see each other again. Soon this chamber, now crowded with the joyous and the gay, and which has been the theater of great activity—the scene of our triumphs and defeats—and the place of our many pleasant minglings during the last four months, will soon be as silent as the chambers of death. We go hence to our homes, from one end of the State to the other—we separate—we retire from public life. It is my hope and desire that you all may acquit yourselves with the same high honors and exhibit the same noble virtues in your private that you have in your public station. Many of you, gentlemen, will not be permitted long to enjoy the sweets of privacy or to rest from your labors. An appreciating constituency will soon remand you back to this chamber, to participate in the framing of a fundamental law, which the sovereign people of this commonwealth have determined to remodel. Your industry and fidelity in the past is a guarantee for the future, and an assurance to the people that their trust will be worthily bestowed.

As we part, we can but remember that our numbers are less than when we assembled. The messenger of death has been in our midst. Four of our number—two from each branch of the Legislature—have been summoned from their earthly labors to that "undiscovered country from whose bourne no traveler returns." While we mourn the loss of our associates, and drop a tear of sympathy, we should be admonished of the brevity of human life and the end of all things earthly.

In conclusion, let me say, that, as the moment of separation approaches, a feeling of sadness

steals over my soul, but it is with pleasure that I shall bear with me to my home and wherever I shall wander, your images indelibly stamped upon my mind, only to be erased by death itself.

Again, gentlemen, accept, for your future happiness and prosperity, the best wishes of your once presiding officer, but now your humble servant and friend.

I now declare this Assembly adjourned *sine die*.

The benediction was pronounced, and at twelve o'clock midnight, the Speaker's gavel fell, and the Assembly of the twenty-second session adjourned *sine die*.

C. P. BERRY,
Speaker of the Assembly.

WM. M. ORD, Assistant Clerk.