# CALIFORNIA LEGISLATURE—ASSEMBLY.

## THIRTY-FIFTH SESSION.

### IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 5, 1903.

Pursuant to the requirements of the Constitution, at the hour of twelve o'clock M., the Assembly of the thirty-fifth session of the Legislature of the State of California was called to order by Clio Lloyd, Chief Clerk of the Assembly.

In conformity with law, the following officers were present: Clio Lloyd, Chief Clerk; R. Q. Wickham, Minute Clerk; W. O. Banks, Sergeant-at-Arms.

PRAYER.

Prayer by the Rev. Dr. Bernard M. Kaplan.

APPOINTMENTS.

The Chief Clerk appointed the following attachés, not included in the list of statutory officers, which were necessary to transact the business of temporary organization:

Postmistress—Agnes Kelley.
Assistant Sergeant-at-Arms—L. A. Henry.
Gatekeepers—C. A. Fisk, Charles Busbee, E. Blodgett.
Pages—Emmett Rhodes, Master Roeder, Frank Carroll.
Assistant Clerk—M. J. Bandini.
Assistant Minute Clerk—Clarke Howard.
Mail Carrier—Fred W. Heatherly.

RESOLUTIONS.

By Mr. Johnson:

*Resolved*, That each member take his seat and oath of office on the roll call as presented by the Secretary of State.

Adopted.

By Mr. Dunlap:

*Resolved*, That the members of the Assembly present themselves at the desk, ten at a time, to take the oath of office before Hon. Peter J. Shields, Superior Judge of Sacramento County, State of California.

Adopted.

OATH OF OFFICE.

The roll was called and the following members-elect presented themselves and were duly qualified by taking the following oath of office

administered by the Hon. Peter J. Shields, Judge of the Superior Court of Sacramento County:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will faithfully discharge the duties of member of the Assembly of the thirty-fifth session of the California Legislature to the best of my ability.

*First District*—C. W. Leininger.
*Second District*—George T. Rolley.
*Third District*—B H. McNeil.
*Fourth District*—George A. Grotefend.
*Fifth District*—F. D. Soward.
*Sixth District*—F. M. Weger.
*Seventh District*—Fred R. Stansell.
*Eighth District*—A. C McLaughlin.
*Ninth District*—Jo V. Snyder.
*Tenth District*—Frank A. Duryea.
*Eleventh District*—C. H. McKenney.
*Twelfth District*—B. F. Howard.
*Thirteenth District*—F. A. Cromwell.
*Fourteenth District*—Charles O. Dunbar.
*Fifteenth District*—Percival S. King.
*Sixteenth District*—J. I. McConnell.
*Seventeenth District*—Grove L. Johnson.
*Eighteenth District*—John M. Higgins.
*Nineteenth District*—W. W. Greer.
*Twentieth District*—W. S. Killingsworth.
*Twenty-first District*—Stephen H. Olmsted.
*Twenty-second District*—Harry Ells.
*Twenty-third District*—F. E. Dunlap.
*Twenty-fourth District*—John W. Moore.
*Twenty-fifth District*—V. E. Bangs.
*Twenty-sixth District*—Edward N. Baxter.
*Twenty-seventh District*—Aubrey M. Lumley.
*Twenty-eighth District*—John M. Murphy.
*Twenty-ninth District*—Thomas F. Finn.
*Thirtieth District*—Abner McMahon.
*Thirty-first District*—Charles A Siskron.
*Thirty-second District*—J. N. Copus.
*Thirty-third District*—M. J. Kerrigan.
*Thirty-fifth District*—Edward D. Knight.
*Thirty-sixth District*—A. M. Mahany.
*Thirty-seventh District*—Arthur G. Fisk.
*Thirty-eighth District*—Marcus Lewis.
*Thirty-ninth District*—W. W. Allen, Jr.
*Fortieth District*—Leo. H. Susman.
*Forty-second District*—Phineas S. Barber.
*Forty-third District*—Wm. H. R. McMartin.
*Forty-fourth District*—James D. Hart.
*Forty-fifth District*—George G. Boisson.
*Forty-sixth District*—John G. Mattos, Jr.
*Forty-seventh District*—J. Clem Bates.
*Forty-eighth District*—Philip M. Walsh.
*Forty-ninth District*—John W. Mott.
*Fiftieth District*—John A. Bliss.
*Fifty-first District*—N. K Foster.
*Fifty-second District*—William H. Waste.
*Fifty-third District*—Henry Ward Brown.
*Fifty-fourth District*—A. D. Duffey.
*Fifty-fifth District*—G. S. Walker.
*Fifty-sixth District*—Eli Wright.
*Fifty-seventh District*—Marshall Black.
*Fifty-eighth District*—W. J. Dougherty.
*Fifty-ninth District*—M B. Steadman.
*Sixtieth District*—J. O. Traber.
*Sixty-first District*—A. M. Drew.
*Sixty-second District*—John G. Covert.
*Sixty-third District*—Warren M. John.
*Sixty-fourth District*—E. M Pyle.
*Sixty-fifth District*—Chris P. Pann.
*Sixty-sixth District*—J. R. Dorsey.
*Sixty-seventh District*—John A. Goodrich.
*Sixty-eighth District*—W. A. Johnstone.
*Sixty-ninth District*—Edgar W. Camp.
*Seventieth District*—W. H. Kelso.

*Seventy-first District*—Philip A. Stanton.
*Seventy-second District*—H. S. G. McCartney.
*Seventy-third District*—J. P. Transue.
*Seventy-fourth District*—Frederick W. Houser.
*Seventy-fifth District*—Henry E. Carter.
*Seventy-sixth District*—Frank C. Prescott.
*Seventy-seventh District*—E. R. Amerige.
*Seventy-eighth District*—Frank D. Lewis.
*Seventy-ninth District*—F. W. Barnes.
*Eightieth District*—John G. Burgess.

RESOLUTION.

By Mr. Mott:

*Resolved*, That the standing rules of the thirty-fourth session be and the same are hereby adopted as the temporary rules of this House until otherwise ordered, with the following changes, to wit: "1903" shall be inserted in lieu of "1901" wherever these latter figures occur.

Adopted.

ELECTION OF SPEAKER.

The Chief Clerk announced that nominations for Speaker were in order.

Mr. Dunlap of San Joaquin nominated the Hon. Arthur G. Fisk of San Francisco.

Mr. Allen of San Francisco seconded the nomination of Mr. Fisk.

Mr. Knight of San Francisco seconded the nomination of Mr. Fisk.

Mr. McConnell of Yolo nominated the Hon. Jo V. Snyder of Nevada.

Mr. Dougherty of San Benito seconded the nomination of Mr. Snyder.

Mr. Copus of San Francisco nominated the Hon. John C. Murphy.

Mr. McMahon of San Francisco seconded the nomination of Mr. Murphy.

The roll was called, with the following result:

*For Fisk*—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Wright—58.

*For Snyder*—Messrs. Bangs, Baxter, Covert, Dougherty, Duffey, Dunbar, Fisk, Grotefend, Howard, Killingsworth, Lumley, McConnell, and Weger—13.

*For Murphy*—Messrs. Copus, Finn, Kerrigan, Mahany, McMahon, and Siskron—6.

Mr. Fisk having received a majority of all the votes cast, was declared elected Speaker of the Assembly for the thirty-fifth session of the Legislature.

The Chief Clerk appointed as a committee of two to escort Mr. Fisk to the chair, Mr. Dunlap of San Joaquin and Mr. McConnell of Yolo.

OATH OF OFFICE.

Mr. Fisk was escorted to the desk and took the following oath of office, administered by the Hon. Peter J. Shields, Superior Judge of Sacramento County:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Speaker of the Assembly, according to the best of my ability.

ARTHUR G. FISK.

Subscribed and sworn to before me, this 5th day of January, A. D. 1903.

PETER J. SHIELDS,
Judge of Superior Court, Sacramento County, California.

Speaker Fisk in the chair.

Speaker Fisk, on taking the chair, spoke briefly.

SPEAKER PRO TEM.

The Speaker announced that the next order of business was the election of Speaker pro tem.

Mr. Brown of San Mateo nominated the Hon. Henry E. Carter of Los Angeles.

Mr. Amerige of Orange seconded the nomination of Mr. Carter.

Mr. Killingsworth of Solano nominated the Hon. C. O. Dunbar of Sonoma.

Mr. Snyder of Nevada seconded the nomination of Mr. Dunbar.

The Speaker declared nominations closed.

The roll was called, with the following result:

*For Carter*—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—54.

*For Dunbar*—Messrs. Bangs, Baxter, Carter, Copus, Covert, Dougherty, Duffey, Finn, Howard, Kerrigan, Killingsworth, Lumley, Mahany, McConnell, McMahon, Siskron, Snyder, and Weger—18.

Mr. Carter having received a majority of all the votes cast was declared Speaker pro tem. of the Assembly.

The Speaker appointed Mr. Dunbar and Mr. Brown a committee to escort Mr. Carter to the chair.

OATH OF OFFICE.

The oath of office was administered to the Speaker pro tem. by the Speaker, as follows:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Speaker pro tem. of the Assembly, according to the best of my ability.

HENRY E. CARTER.

Subscribed and sworn to before me, this 5th day of January, A. D. 1903.

ARTHUR G. FISK,
Speaker of the Assembly, Thirty-fifth Session.

CHIEF CLERK.

The Speaker declared nominations for Chief Clerk in order.

Mr. Pyle of Santa Barbara nominated for Chief Clerk Clio Lloyd of Santa Barbara.

Mr. Copus of San Francisco nominated A. M. Kerrigan of San Francisco.

The Speaker declared nominations for Chief Clerk closed.

The roll was called, with the following result:

*For Lloyd*—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Walsh, Waste, Wright, and Mr. Speaker—61.

*For Kerrigan*—Messrs. Copus, Duffey, Dunbar, Finn, Howard, Mahany, Murphy, Siskron, and Weger—9.

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

OATH OF OFFICE.

The oath of office was administered by the Speaker, as follows:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Chief Clerk of the Assembly, according to the best of my ability.

CLIO LLOYD.

Subscribed and sworn to before me, this 5th day of January, A. D. 1903.

ARTHUR G. FISK,
Speaker of Assembly, Thirty-fifth Session.

SERGEANT-AT-ARMS.

The Speaker declared the nomination of Sergeant-at-Arms in order.

Mr. Higgins of Sacramento nominated John T. Stafford.

Mr. Snyder of Nevada seconded the nomination of Mr. Stafford.

Mr. Copus seconded the nomination of Mr. Stafford.

There being no further nominations, the roll was called. with the following result:

*For Stafford*—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Panfi, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—74.

Mr. Stafford was declared elected, and subscribed to the following oath of office:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Sergeant-at-Arms of the Assembly, according to the best of my ability.

JOHN T. STAFFORD.

Subscribed and sworn to before me, this 5th day of January, A. D. 1903.

ARTHUR G. FISK,
Speaker of Assembly, Thirty-fifth Session.

RESOLUTIONS.

By Mr. Johnson:

*Resolved*, That the Chief Clerk be and he is hereby directed to inform the Senate that the Assembly is organized by the election of the following officers, viz:

Speaker—Arthur G. Fisk.
Speaker pro tem.—Henry E. Carter.
Chief Clerk—Clio Lloyd.
Sergeant-at-Arms—John T. Stafford.

Adopted.

Also:

*Resolved*, That the Speaker be and he is hereby authorized to appoint a Committee on Rules, to consist of five members, one of whom shall be the Speaker, and that said committee be and it hereby is directed to report, as speedily as possible, rules for the government of the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE ON RULES.

The Speaker appointed the following Committee on Rules: Messrs. Brown, Johnson, Allen, Snyder, and Mr. Speaker.

RESOLUTION.

By Mr. Bliss:

*Resolved*, That a committee of three be appointed by the Speaker to wait upon the Governor and inform His Excellency that the Assembly is organized and awaits any communication he may have to make.

Adopted.

COMMITTEE TO NOTIFY GOVERNOR OF ORGANIZATION.

The Speaker named the following as such committee: Messrs. Bliss, Dunlap, and Dunbar.

MOTION.

Mr. Johnson moved that Senate messages be taken up out of order. So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, effected organization of the Senate by the election of the following-named officers:

President pro tem.—Thos. Flint, Jr.
Secretary—F. J. Brandon.
Sergeant-at-Arms—J. Louis Martin.
Chaplain—Rev. C. L. Miel.

F. J. BRANDON, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, January 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 1.

F. J. BRANDON, Secretary of Senate.

CONCURRENT RESOLUTION.

Mr. Johnson moved that Senate Concurrent Resolution No. 1 be adopted.

SENATE CONCURRENT RESOLUTION NO. 1.

*Resolved by the Senate, the Assembly concurring*, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly to make arrangements for the inaugural ceremonies. Said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally out of the contingent funds by the Senate and the Assembly, and not to exceed in the aggregate the sum of twelve hundred and fifty (1,250) dollars.

Adopted.

ADJOURNMENT.

At one o'clock and forty minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M., Tuesday, January 6, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 6, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer by the Rev. H. C. Shoemaker, of Sacramento.

READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

RESOLUTIONS.

By Mr. Johnson:

ASSEMBLY CONCURRENT RESOLUTION No. 1.

*Resolved by the Assembly, the Senate concurring*, That the Senate and Assembly meet in joint session in the Assembly Chamber at two o'clock in the afternoon of this day, January 6, 1903, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant-Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Adopted.

By Mr. Carter:

*Resolved*, That the Chief Clerk be, and he hereby is, instructed to purchase for the use of the members of the Assembly eighty-five copies of Henning's Annotated Constitution of California, the same to be paid for out of the Contingent Fund of the Assembly.

Referred to Committee on Ways and Means, when appointed.

By Mr. Johnson:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to purchase for the use of the members of the Assembly, eighty-five copies of Treadwell's pocket edition of the Constitution of California, and Deering's California Codes (5 vols.), and Deering's edition of the General Laws, latest publications, the same to be paid for out of the Contingent Fund of the Assembly.

The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same.

Referred to Committee on Ways and Means, when appointed.

By Mr. Duryea:

*Resolved*, That each member of the Assembly be and he is hereby allowed twenty-five dollars ($25) for contingent expenses as provided by law, payable out of the appropriation for the contingent expenses of the Assembly, and that the aggregate amount of the value of the stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made.

Adopted.

Also:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, Journal Clerk, and Minute Clerk, three Keystone patent binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Referred to Committee on Ways and Means, when appointed.

By Mr. Amerige:

*Resolved*, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payment to members, officers and attachés of the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following Committee on Inaugural Ceremonies: Messrs. Greer, Goodrich, Barber, and Killingsworth.

RESOLUTION.

By Mr. Greer:

ASSEMBLY CONCURRENT RESOLUTION No. 2.

*Resolved by the Assembly, the Senate concurring*, That a committee of three be appointed by the Speaker to confer with a like committee from the Senate and the Inaugural Ball Committee of Sacramento City upon the Inaugural Ball ceremonies.

Adopted.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following committee: Messrs. Houser, Rolley, and Copus.

RESOLUTION.

By Mr. Dorsey:

*Resolved*, That the Sergeant-at-Arms be, and he is hereby authorized and directed, to purchase for the use of the Assembly eighty-five copies of Henning's pocket edition of James H. Deering's Codes of California and Bancroft's edition of the General Laws, latest publications, the same to be paid for out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrants for the same in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same.

Referred to Committee on Ways and Means, when appointed.

REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1903.

MR. SPEAKER: Your committee appointed to wait upon the Governor and inform him that the Assembly was organized and ready for business, reports that they have performed that duty and that the Governor will later send in a message.

BLISS, Chairman.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Mr. Johnson, a recess was taken for twenty minutes.

REASSEMBLED.

At eleven o'clock A. M. the Assembly reconvened, with the Speaker in the chair.

RESOLUTION.

By Mr. Brown:

*Resolved*, That a committee of three be appointed by the Speaker as a temporary Committee on Contingent Expenses and Mileage.

Adopted.

RECESS.

On motion of Mr. Johnson, the Assembly took a recess until one o'clock and fifty-five minutes P. M.

REASSEMBLED.

At one o'clock and fifty-five minutes P. M. the Assembly reconvened. Speaker Fisk in the chair.

The Speaker notified the Sergeant-at-Arms of the Senate, who appeared at the bar of the House, that the Assembly is prepared to receive that honorable body in Joint Convention.

The Senators appeared, and the Senate and Assembly went into Joint Convention.

## IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Tuesday, January 6, 1903.

At two o'clock P. M., the Senate and Assembly met in Joint Convention.

The President of the Senate, Hon. Jacob H. Neff, directed the Secretary of the Senate to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

The Speaker of the Assembly, Hon. Arthur G. Fisk, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California, and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant-Governor, as follows:

Of Article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15 A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The Clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Section 1294. He must at once direct one copy to "The Speaker of the Assembly next to meet," address it to Sacramento, California, and deposit it, postpaid, in the postoffice.

Section 1295. The other copy he must direct and address in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election

Section 1296. The returns for election for Governor and Lieutenant-Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly in presence of both houses.

Section 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended and who is elected thereto.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed on the part of the Assembly, as tellers, Messrs. Foster and Baxter.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Lukens and Sanford.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported and announced the vote, as follows:

FOR GOVERNOR.

| | |
|---|---|
| George C. Pardee | 146,332 |
| Franklin K. Lane | 143,783 |
| Gideon S. Brower | 9,592 |
| Theodore D. Kanouse | 4,636 |
| Scattering | 130 |

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result as certified to by the Secretary of State, and announced by the tellers, to be: Total number of votes cast for Governor, 304,473; and that George C. Pardee was duly elected Governor of the State of California for the ensuing term, according to the Constitution and the laws of the State of California, he having received the highest number of votes cast for any candidate for said office.

CANVASS OF RETURNS.

FOR LIEUTENANT-GOVERNOR.

| | |
|---|---|
| Alden Anderson | 150,039 |
| I. B. Dockweiler | 129,749 |
| Frank R. Whitney | 10,541 |
| S. P. Meads | 4,844 |
| Scattering | 73 |

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result to be: Total number of votes cast for Lieutenant-Governor, 295,246; and that Alden Anderson was duly elected Lieutenant-Governor of the State of California for the ensuing term, according to the Constitution and the laws of California, he having received the highest number of votes cast for any candidate for said office.

RESOLUTION.

Senator Lukens offered the following resolution, and moved its adoption:

*Resolved*, That the hour of one o'clock P. M. of Wednesday, January 7, 1903, and the Assembly Chamber be appointed the time and place for the Governor-elect and Lieutenant-Governor-elect to take the oath of office in the presence of both houses of the Legislature, in joint convention assembled, as required in and by Section 905 of the Political Code; that the Joint Committee on Inauguration already appointed be and are hereby directed to inform the Governor-elect and Lieutenant-Governor-elect of this action; and that when this Joint Convention adjourns, it adjourn to meet at the hour and place aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read and approved.

Senator Wolfe moved that the Joint Convention do now adjourn.

ADJOURNMENT.

At three o'clock and five minutes P. M., the President of the Senate declared the Joint Convention adjourned until one o'clock P. M. of to-morrow, January 7, 1903.

## IN ASSEMBLY.

At three o'clock and ten minutes P. M., the Assembly reconvened.

Speaker Fisk in the chair.

At three o'clock and twelve minutes P. M., the Speaker called Mr. Johnson to the chair.

ELECTION OF CHAPLAIN.

Mr. Stanton of Los Angeles moved that the Assembly do now proceed to the election of a Chaplain.

So ordered.

Mr. Stanton nominated the Rev. J. B. Stevenson of Los Angeles.

There being no other candidates, nominations were declared closed.

The Chief Clerk was directed to call the roll upon the election of Chaplain of the Assembly.

The roll was called, with the following result:

*For Stevenson*—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—61.

Mr. Stevenson was declared elected Chaplain of the Assembly.

ELECTION OF MINUTE CLERK.

Mr. Stanton moved that the Assembly proceed to the election of Minute Clerk.

So ordered.

Mr. Stanton nominated A. A. Wood of Riverside.

There being no other candidates, nominations were declared closed and the Chief Clerk was directed to call the roll.

The roll was called, with the following result:

*For Wood*—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—66.

Mr. Wood was declared elected Minute Clerk of the Assembly and subscribed to the following oath of office:

I do swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Minute Clerk of the Assembly according to the best of my ability.

A. A. WOOD.

Subscribed and sworn to before me, this 6th day of January, A. D. 1903.

GROVE L. JOHNSON, Acting Speaker.

ELECTION OF BOOKKEEPER TO THE SERGEANT-AT-ARMS.

The Chief Clerk read the following communication from the Sergeant-at-Arms:

SACRAMENTO, January 6, 1903.

*To the Honorable Assembly of the State of California:*

I hereby nominate I. Wertheimer as Bookkeeper to the Sergeant-at-Arms, and ask you to elect the same.

JOHN T. STAFFORD, Sergeant-at-Arms.

The question being upon the confirmation of the nomination for Bookkeeper to the Sergeant-at-Arms, made by the Sergeant-at-Arms.

The roll was called, with the following result:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleason, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright and Mr. Speaker.

NOES—None.

Mr. Wertheimer was declared elected, and subscribed to the following oath of office:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Bookkeeper to the Sergeant-at-Arms of the Assembly according to the best of my ability.

I. WERTHEIMER.

Subscribed and sworn to before me, this 6th day of January, A. D. 1903.

GROVE L. JOHNSON, Acting Speaker.

Mr. Carter moved to take up the Governor's message.

So ordered.

Mr. Carter moved that the message be printed in the Journal and that one thousand copies be printed for the use of the members.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 5, 1903.

*To the Assembly of the State of California:*

I have the honor to present herewith to your honorable body my Second Biennial Message.

HENRY T. GAGE,
Governor of the State of California.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 5, 1903.

*To the Senate and Assembly of the State of California.*

Inasmuch as my distinguished successor will almost immediately take office, and not being advised of his policy, nor wishing, in any manner, to embarrass his administration, I shall therefore so shape this message that it may be largely a communication in respect to the condition of the State, and its affairs, and make only recommendations in regard to matters which I deem necessary and expedient, leaving Governor Pardee and your honorable bodies otherwise unhampered by my views.

Elected in November, 1898, by a large plurality of the votes of the people of California, upon a solemn pledge of economy in the administration of State affairs, and having unfalteringly obeyed the law throughout my term of office, I am now gratified to close my administration with all pledges fulfilled and to pay a tribute of merited commendation to the legislators and State officers who, during the last four years, have ably assisted me in those labors which have culminated in numerous public benefits and advantages, and among others in the creditable record of the lowest tax rate in the history of the administrations of this State. Properly to moderate the expenses of a fast-growing State, with vast resources and numberless needs, and, at the same time, not to hinder its onward development by restrictive parsimony, is no mild problem of statecraft. Nor, in the exercise of necessary and firm restraint, is it easy to avoid the criticism of careless observers, or the denunciation of those whose personal interests may seem to be injuriously affected by the improvement of the State's interests.

During my administration I allowed all proper appropriations to meet the current expenses of government, and provided, without stint, for every State institution and State need, but I curtailed extravagance by vetoing excessive and inexpedient appropriations, so that the State is now on a business basis and able to pay its demands without either a discount of its warrants or the exhaustion of its General Fund.

In disallowing appropriations I have not evaded any law which required their payment, nor any State exigency which was required to be, sooner or later, faced.

Believing that the farming and stock-raising industries of the State would be best promoted by advancing the interests of the several existing agricultural associations established by law, I approved liberal but not lavish appropriations for their support.

### STATE PRINTING OFFICE OPENED—ENACTMENT AND OPERATION OF LAW ESTABLISHING SEPARATE PRINTING FUNDS FOR STATE OFFICERS.

I opened the State Printing Office, which had been closed during the last year of my predecessor's term, and, having allowed sufficient appropriation to pay the current expenses, I approved, on March 6, 1899, the Act entitled: "An Act to add a new section to the Political Code, to be known and numbered as section five hundred and forty, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer, in connection therewith, all relating to State printing."

Section three of said Act provides for the printing of reports of all State officers, boards, and commissions out of their separate printing funds, which funds were provided for in the General Appropriation Bill.

This law was passed in pursuance of my suggestion in my inaugural address, where, on page 9, directing attention to the burdens incident to the State printing, I said:

"The expense of such printing, which should properly be charged against the account of the officers of the departments and institutions ordering the printing, is unjustly arrayed against the State Printer's account. Some proper check should be imposed upon the expense of printing incurred by the various officers, boards, and departments. Each public institution and office should be charged for its printing out of its separate appropriation or funds on hand."

This new law has, with few exceptions, worked well; for it has caused each State officer to be circumspect and economical concerning printing expenses, and, therefore, has redounded to the material advantage of the people.

### OVER-LEGISLATION.

In my inaugural address and, subsequently, in the first biennial message, I adverted to the evils of over-legislation, and now, after an experience of four years, the belief entertained by me that much damage results to the State from the multiplication of new laws has grown into positive conviction.

The zeal of legislators sometimes makes them forget that a new law is, generally, a displacement of a previously existing right, and that the judicial branch of the government will probably pass upon the legislative enactment in the course of litigation arising out of the process of adjusting the new law to the existing relations. A State is less liable to suffer from a paucity than from a redundance of laws.

It was aptly said by one of the learned Justices of our Supreme Court, in a recent case: "A scarcity of statutory laws and want of facility for passing them are not among the evils of the times."

Statutes require time for their maturity in order to manifest their equitable, or disclose their inequitable, effects.

They need the soil of usage and the water of judicial interpretation for their growth

and development; and, when once planted, the legislative plow should be tardily exercised.

The rights and obligations of the people are correlated, and so delicately adjusted that sudden and extensive changes in the laws sunder these relations and hinder the harmonious progress of the State.

The repeal of useless and unconstitutional laws which burden our statute books would be more beneficial than the adoption of a number of hastily-considered new laws and doubtful amendments.

Incidental to this evil of over-legislation is an inclination on the part of legislators to enact general laws to fit special cases in order to evade Section 25 of Article IV of the State Constitution, which prohibits local or special legislation. General laws are often passed which, in fact, are only designed to benefit particular individuals or localities, or to relieve special conditions, but, although the special purpose be good, it often happens that the very generality of the law impairs other and more material rights.

Different conditions, as a rule, require different laws

It is a matter to be regretted that the constitutional provision against special and local legislation is so wide-reaching in its effects

While the evil that was intended to be remedied and guarded against by Section 25 of Article IV was a very serious one, still the new evil of the enactment of general laws to fit special cases is more serious, and it would be well for this constitutional section to be so amended as to permit necessary exceptions, thereby doing away with this injurious method of legislative evasion.

### GOVERNOR'S TIME TO ACT ON LEGISLATIVE BILLS SHOULD BE EXTENDED.

The Constitution has fixed a most inopportune time for the inauguration of the Governor and the assembling of the legislators.

The newly elected Executive is, under the existing laws, compelled to face a busy session of the Legislature at the very beginning of his official career, before he can inform himself in detail of the State's necessities, or outline a complete policy of State administration.

Added to this impeding disadvantage is the constitutional provision which restricts the time to ten days after the adjournment of the Legislature for approval or disapproval of the numerous important and unimportant bills which are left to the Governor for action by the outgoing legislators, and which increase his many great responsibilities.

During the last week of the session hundreds of bills, many of them very lengthy, and nearly all involving intricate questions of law as well as of policy, are thrust upon the wearied Executive, and it is expected that he can determine these many vexed problems within this narrow constitutional limit of ten days.

Mental as well as physical capacity has its varying limit, and infinite powers are not predicable of Executives.

The Governor should be allowed much more time to examine and intelligently pass upon the various Acts which are submitted by the Legislature for his approval, and which is impossible under the present law.

In the absence of a constitutional amendment remedying this matter, and until the adoption of such a measure, I recommend that the Legislature make use of their discretionary power, and, by concurrent resolution, frame and pass all bills designed for laws and present them to the Governor eight or nine days before the final adjournment. This time would, in addition to the constitutional time, give the Governor eighteen or nineteen days within which to pass upon the numerous measures enacted.

These remaining eight or nine days of partial legislative inaction could be profitably used, among other ways, by the Senate and Assembly in most carefully considering and deliberating upon resolutions and constitutional amendments, pursuing investigations, and acting upon the reports of committees, and the members might also, in their individual capacity, materially assist the Executive by furnishing him with needed information concerning the nature of the bills submitted for his signature.

Where measures, passed by slender majorities, are proper subjects for argument, the Executive, during this interval, might be afforded an opportunity of hearing reasons from both the supporters and opponents of the bills. No higher service could be rendered the State than the adoption of such a course by the Legislature, for it would not only enable the Governor to act more advisedly upon the measures presented, but also prove a barrier to the passage of the many loose and ill-digested laws which are hurried through the Senate and Assembly during the few closing days and hours of the session. At all events, even if the legislators did nothing except to assist the Executive, this interval would be of the highest benefit to the State.

### CAREFUL REVISION OF THE ELECTION LAWS A NECESSITY.

The recent election has, no doubt, revealed to your minds various and serious defects in the election laws, which tend to defeat the free expression of the will of the electors.

The necessity of a careful and thorough revision of these important laws which vitally affect fundamental rights being made evident, I am satisfied that from the many amendments which will probably be presented, you will select only those which are constitutional, clear, simple, honest, and best adapted to the requirements of free and intelligent citizens.

In this class of legislation wise counsel will doubtlessly be afforded by my distinguished successor, to whom you will look for the approval of just laws designed to promote these desired ends.

NECESSITY FOR LEGISLATION REGULATING THE DRILLING FOR OIL AND GAS.

Great injury is likely to result to property from the negligent and careless manner of drilling oil and gas wells, as well as from the negligent and careless plugging and filling of such wells after abandonment.

It is quite evident that we shall soon be in great need of some legislation to regulate the conditions surrounding drilling of oil and gas wells. I recommend this matter to your most careful consideration.

LAND FRAUDS—NECESSITY OF VESTING IN THE GOVERNOR POWER OF WITHDRAWAL OF LANDS FROM SALE.

In my message to the Legislature convened in extra session, January 29, 1900, I directed especial attention to the evil of fraudulent speculation in the public lands, and of the open misuse, by land-brokers and speculators, of the rights and privileges afforded by the national and State land laws to bona fide settlers.

In that message it was said that during the last few years thousands of acres of valuable State land had passed under the control of land rings, which lands were sold at prices ranging from four dollars and upward, and were used by the purchasers as scrip for the purpose of obtaining valuable mineral and oil land as well outside as within the State.

This matter did not, however, receive the consideration from the Legislature which its importance deserved, and it was not surprising from this inaction, that a few months afterward disclosures should have been made concerning the perpetration of frauds in the acquisition of valuable mineral and oil lands. Had the Legislature then acted upon my suggestion many valuable claims legally acquired by bona fide appropriators would not have been subjected to the troublesome litigation which ensued, nor would the frauds of the land ring have continued to the detriment of the State and the honest settlers and miners. The quantity of available public land of the State open to entry is small and is fast diminishing, and it is necessary, if any remedy is to be invoked by law, that it should be carried into effect immediately.

I repeat here the reasons and the remedy suggested on pages 16, 17, and 18 of the message at the extra session of 1900, namely:

"Until proper amendments are made to the laws relating to our public land, power should be vested in the Governor to withdraw from sale the school lands, which are now being used as scrip to take the place of the Valentine and Porterfield scrip

"One of the principal objects of the sale by the State of its public lands to private persons is to encourage its actual settlement and cultivation, and when the intention of our statutes is so perverted through the pernicious schemes of land-jobbers, it becomes the high and solemn duty of the legislators to prevent such frauds for the protection of the people.

"Owing to the Act of Congress directing the President to set apart forest reserves upon the public domain of the United States, various reserves covering large tracts of valuable timber and other lands belonging to the State in 16th and 36th sections have been placed within the boundaries of these reserves. As the title to these school sections still remained in the State, they were subject to entry and sale under our State laws, notwithstanding that they fall within the boundaries of the proclaimed reserves.

"In the Act of Congress dated June 4, 1897 (Vol. 30, U. S Statutes, page 36), the following provision is made for the benefit of actual settlers and owners of land within these reserves, allowing a relinquishment of their titles to the United States:

"'That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected; *provided further*, that in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.'

"This provision of the United States statute, together with the condition of our own laws, has been used by the land ring for their own selfish and unlawful purposes.

"Immediately after the proclamation by the President of a forest reserve within this State, applications for State school land within such reserve have been filed, and immediately sold as scrip by local dealers, as well as by dealers in other States, at prices ranging as high as $5 per acre, whereas the State can only receive $1.25 per acre. The land attorneys secure the relinquishment of the entryman or his assignee to the United States, and file application for other public lands of the United States, even outside of the State of California.

"In cases where the State school lands within the reserves have been patented, the dealers secure under said Act of Congress patents to other lands which they have located.

"By reason of this privilege afforded by the United States statutes and our own lax laws, the school lands within the forest reserves are greatly increasing in value, and much of the land has been cornered by the land attorneys, and is now advertised and sold as scrip.

"If the State is obliged to part under the existing laws with its school lands within these reserves, so that it likewise loses the taxes which would be paid by an actual settler, in the absence of the ability of the State's officers to detect and discriminate between fraudulent and bona fide land claims, then the people of the State should reap the benefit from the advanced value of such lands which now go to the land-jobbers, by authorizing the Governor to withdraw such land from sale at the minimum price, and to sell the same at an increased price, according to its value."

OFFICIAL CHAMPERTY.

The covert maintenance of claims against the State by State officers and their deputies should receive a permanent check by the passage of stringent penal laws.

State officers should be content with the compensation provided by law, and their duty to the people does not permit of a secret partnership in claims, no matter how valid, which may be urged by others against the State.

Information secured by a State officer, through his control of State records, should not be attempted to be used directly or indirectly for his personal benefit.

I recommend that it be made a felony for any State officer or deputy to speculate or encourage speculations respecting any claim or demand against the State, or to aid or abet any other person in any suit upon a claim or demand against the State.

WATER AND FOREST LEGISLATION, AND SOME REASONS FOR MY VETO OF SENATE BILL NO. 7.

The Legislature, at its last session in 1901, passed a measure, known as Senate Bill No. 7, apparently, but not really, for the benefit of the irrigation needs of the State which bill, for the reasons here stated, I was compelled to disapprove.

Since my veto a few persons, with the aid of some few newspapers, have misconstrued the reasons for that veto as well as the motives which prompted it, and have pictured said Senate bill as a most beneficent measure, the disapproval of which it is asserted caused irreparable detriment to the State

So greatly was the matter mooted that, through the same selfish and improper sources, a denunciation of the veto was made a plank in the last State Democratic platform.

Conceding, for the purposes of argument only, that Senate Bill No. 7 was intrinsically meritorious, still it was not a duty, under my oath of office, to approve it because of its merit alone.

It is not enough that legislative measures carrying large appropriations should be intrinsically meritorious in order to receive Executive sanction.

In the signing of appropriation bills the exercise of the Governor's best judgment is required for the protection of the people of the State from heavy taxation, etc. Measures demanding the payment of large sums of the people's money must not only be praiseworthy in themselves, but must be actually just, urgent, and necessary In performing his duty to the people the Executive can not protect them from heavy burdens if he give approval to every meritorious bill carrying an appropriation which chances to pass the Senate and Assembly Meritorious bills appropriating several hundreds of thousands of dollars are introduced at every session of the Legislature and receive legislative approval, but not being actually necessary and urgent, the Governor's discretionary veto in such cases is the only protection of the people of the State from onerous taxation. In the exercise of this discretion the Governor must be guided by the exigencies of each case and must take into consideration the amount of standing appropriations demanded by existing laws, as well as claims against the State, both those accrued and to accrue, in forming a proper estimate of the total appropriations which he can approve.

At the legislative session of 1901, when Senate Bill No. 7 was presented, I deemed it my duty to veto bills which had passed the same Legislature, amounting to a total of $1,283,365.35, in which sum is included the $107,000 appropriated by the aforesaid Senate bill.

Had I approved all of the bills carrying appropriations which passed the Legislature at that time, such action would justly have deserved very severe criticism.

Now, considering Senate Bill No. 7 upon the assumption that it was a commendable public measure (which, in fact, as presented, it was not), let me ask, was this bill appropriating $107,000 necessary, urgent, and indispensable at the time of its passage? Have the people of the State suffered a detriment that can not be remedied at some ensuing legislative session? An answer to these questions, independently of an exposure of the actual demerits of the bill, will disclose the unfairness of those self-seeking persons who, with pen and tongue, have so frequently and unjustly assailed my veto and position respecting the subject of irrigation.

The following is the full text of the bill:

"An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations

"The people of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. There is hereby constituted a Board of Water and Forest Commissioners, composed of three citizens of the State, who shall be appointed by the Governor on or before April first, nineteen hundred and one. No two of such commissioners shall be a resident of the same county.

"Section 2. Such commissioners shall hold office for the term of two years.

"Section 3. Before entering upon the discharge of the duties of his office, each of said commissioners shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully and honestly discharge his duties as such commissioner, and shall execute and file with the Secretary of State an official bond, with good and sufficient sureties, to be approved by the Governor, in the penal sum of twenty thousand dollars, conditional for the faithful performance of his duties.

"Section 4. Such commissioners shall receive no salary. They shall have power to employ a secretary at a salary of not exceeding one hundred dollars per month, and shall be allowed a contingent fund of not exceeding two hundred dollars per month, to defray office and actual traveling expenses, and shall annually account to the Governor for all moneys received and disbursed by them. The said commissioners shall annually, on the first day of September, report fully to the Governor, setting forth in detail the work done and projected during the preceding year, with such recommendations for carrying into effect the purposes of this Act as to them seems best. Such commissioners may receive donations to assist them in carrying out the purposes of this Act, accounting as such commissioners for such donations.

"Section 5. Said commissioners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any department of the Federal Government for the purpose of making topographic surveys and a joint investigation of and report on the water resources of the State, the best methods of developing, controlling, and utilizing the same, and the best methods of preserving the forests; *provided, however*, that their expenditures for such purposes shall not be in excess of the amounts to be expended by the department of the Federal Government in collaboration with which any specific work is done. They may also in like manner and subject to the same conditions make such experiments for preserving the forests of the State as may seem best to them, and to the representatives of the branch of the Federal Government authorized to undertake such experiments.

"Section 6. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to enter and cross all lands within this State; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any of such persons.

"Section 7. The sum of one hundred and seven thousand two hundred dollars is hereby appropriated as a special fund for the purposes specified in this Act, and the Controller of State is hereby authorized and directed to draw warrants upon such fund from time to time upon the requisition of two of such commissioners, and the State Treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-third fiscal year, and the remaining one half of said appropriation shall be available in the fifty-fourth fiscal year; *and provided further*, that the part of said appropriation to be available in the fifty-fourth fiscal year shall not be used until there shall be made to the Governor by the said commissioners a satisfactory report, with maps attached, of their operations during the preceding fiscal year, and the Governor shall certify to the Controller the fact of his having received such satisfactory report.

"Section 8. This Act shall take effect immediately."

It is apparent from the whole context of the bill that the work of the commissioners, to be appointed under its provisions, was intended to be merely preliminary. The commissioners were not given any powers to preserve the forests of the State, or to protect its water resources, and, from the standpoint of the Constitution, no such powers could have been lawfully delegated by the Legislature.

What necessity and urgency existed, then, of appropriating this large amount of money at the session of 1901? Even the framers of the bill did not contemplate that the commissioners who were to be appointed under it could reach a final solution of the best methods of preserving the forests of the State, and make a report in full of its water resources within less than two years, because by Section 2 of the bill they fixed the term of office for that period of time.

The duties of the commissioners are undefined and the character and limit of their work are left for their own determination. It is discretionary with them not only what methods to employ, but even to determine when the work will begin. The only specific injunctions seem to be, first, under Section 4 of the bill, that the commissioners shall annually, "on the first of September, report fully to the Governor in detail the work done and projected during the preceding year," and under Section 7, it is made a condition precedent for their use of the appropriation of the fifty-fourth fiscal year that they shall make to the Governor "a satisfactory report, with maps attached, of their operations during the preceding fiscal year." Under this latitudinarian measure, who except the commissioners could place a limit upon their investigations, or determine when they had finished their labors? Who, except the commissioners, could

say at the end of two years what problem in forestry or in irrigation remained unsolved? Is it to be assumed that the next Legislature would abolish this all-wise commission when its report should be presented and the $107,000 appropriated should be expended?

Legislation giving unlimited powers to individuals and commissioners has never been satisfactory. No matter how honest may be the individuals selected to fill public office, still public policy demands that their powers be defined and limited, in order that their private views and interests be subordinated to public duty.

It is evident, therefore, that the only loss sustained by the people of the State by the veto of Senate Bill No. 7 has been the failure to receive the opinions and conclusions of three citizens of unknown lineage, ability, and integrity on the forests and water resources of the State; whereas, on the other hand, the people have been enabled to retain in their pockets the aggregate sum of $107,000. Balancing this loss and profit, is it not fair to believe that the people could afford to wait until this legislative session, when a proper and more definite bill can be passed, if required, which will actually outline definite plans and operations for the preservation of the forests and the conservation of the waters?

If this Legislature should, in its wisdom, decide upon the necessity of creating a forest and water commission, it will be enabled in the light of the indefinite Senate Bill No. 7, to impose proper restrictions upon the powers of the commission and outline with certainty the work to be performed.

But the bill itself is not by its terms sufficiently meritorious, nor such as would directly benefit the people, nor, had it received my approval, could it have effected the excellent purposes of its framers and supporters.

Personally I favor, unrestrainedly, and recognize the necessity for, the passage of efficient laws for the preservation of the forests and the conservation of the waters of the State.

I favor, also, the passage of laws carrying substantial appropriations to effect these objects, but I do not favor the creation of commissions with undefined powers and unlimited authority to control the work and to expend according to their own private views appropriations made for these necessary and beneficial purposes. Public work must be subordinated to public control. The expenditures of public money must be carefully safeguarded by law and strictly accounted for to the people.

Senate Bill No. 7 was far from being a useful public measure. The bill as framed is objectionable upon the following grounds:

First—There is no special duty imposed upon the commissioners, except in Sections 4 and 7, wherein they are merely required to report annually to the Governor their operations and present maps.

Second—There is no limitation upon their power to contract.

Third—There is nothing in the bill directing the commissioners to do any specific work in any particular manner through which the State might receive practical benefit.

Fourth—There is nothing to indicate the feasibility or possibility of any joint action of this commission with any special Federal board or officer, and there is no special Act of Congress which would make such co-operation effective. In the absence of a specific Act of Congress authorizing such joint investigation and providing for a proper plan of operations, the work of this commission would be of no practical benefit.

Fifth—The bill as framed is objectionable, among other things, in this, that it embraces more than one subject, which subjects are even expressed in the title, to wit: "Providing for an investigation and report on the *water resources of the State*," and also for an *investigation and report on the best methods of preserving the forests of the State.*

Such an Act, if passed, would probably be declared unconstitutional and void as opposed to Article IV, Section 24, of the State Constitution.

The extent and vagueness of the powers to be exercised under this measure bring it within the criticism of the Supreme Court of this State, decided in People vs. Parks, 58 Cal. 638, where it was said regarding a bill in no degree less certain nor less extensive in its grant of powers than Senate Bill No. 7, as follows: "Under it may be concealed many subjects which are not expressed in the title;" and again on page 643 of the same report of the case, it is said: "There are powers conferred upon it (the Legislature) alone by the Constitution, and it can not delegate them to any other department of the government or to any agency of its appointment, because it would be confiding to others that legislative discretion which legislators are bound to exercise themselves, and which they can not delegate to any other man or men to be exercised."

The power to conserve the waters of the State and to protect its forests is one eminently reserved to the whole people of the State to be exercised through the Legislature in conformity with the Constitution, and the Legislature can not forego this important function by delegating its exercise to individual commissioners. If the vague powers attempted to be conferred upon the commissioners under the extremely indefinite provisions of this bill could be so realized as to be of practical benefit to the State, the commissioners would necessarily be obliged to decide and determine their own powers and fix the limits under said bill, which functions are purely legislative and, if actually done, would be perhaps void as opposed to the Constitution.

From a sound business view of the matter the bill as prepared was unnecessary in the main and the appropriation under the circumstances an extravagant and wasteful diversion of the public money. So far as this bill required an investigation of the water resources of the State and the preparation of maps therefor, the history of State

legislation upon this subject shows that much of this work has already been done under appropriations made for the State Engineer, an office created by an Act approved March 29, 1878 (Acts 1877-8, p. 634), which office has since been abolished.

The total amount appropriated by the Legislature for the maintenance of the office of State Engineer and the completion of the surveys and work commenced from the creation of the office, March 29, 1878, until 1887, amounted to over $250,000.

The Act creating that office outlined the work to be performed, specifically defined the duties, and limited the scope of the powers of the office created. Mr William Ham Hall, who very ably filled the office, did much valuable work in the line of that dimly indicated in Senate Bill No 7. During his term of office, Mr. Hall compiled two large volumes of a report full of valuable historical and statistical information, and also prepared elaborate detail irrigation maps of Southern California, great central valley maps, and topographical and irrigation maps of said valleys, all of which have been for a long time and still are for sale in the office of the Secretary of State. These interesting publications, secured at an expense of over $250,000 to this State, have been of little practical benefit to the people, and yet the work was done carefully and thoroughly.

In the light of the result of such legislation, it would be as foolish as it is unnecessary for the State to repeat this experience by appropriating more money for more literature.

State legislation upon the important subject of forestry has likewise been unfortunate for the people, because lacking in certainty Over $95,000 of appropriations have been expended through a Commission or Board of Forestry from the creation of the board by Act approved March 3, 1885, until its repeal in 1893, and the transfer of its property to the Agricultural Department of the State University by Act approved March 23, 1893 The establishment of a Board of Forestry, by reason of the very *general* terms of the law, was not of such value to the people as to demand its continuance, and the result of this expenditure of money was mainly in adding to the stock of dead State literature in the form of a few consecutive biennial reports.

Nor is the provision in Senate Bill No. 7, requiring the commissioners to co-operate with Federal boards or officers, either judicious in itself or such as would result in practical advantage to the State.

Assuming, in the absence of an Act of Congress, that these commissioners could lawfully co-operate with existing Federal boards or officers, the State officers would necessarily be subordinate, both in the methods of operation and in the expenditure of the appropriation. Indeed, the work in such event could only be effected in obedience to the directions and under the regulations of the United States Department of Agriculture. The Federal authorities would, therefore, be supreme, and the work undertaken would be primarily in the interest of the Federal Government and in pursuance of its general policy.

This suggests another reason why such a measure would be unnecessary The history of congressional legislation upon the subject of the conservation of waters and forests and the reclamation of arid lands shows a well-defined policy of the Federal Government, conformable with the wishes of the people, to assume control and protection at the expense of the nation, and not of the individual States. In view of this policy, Congress has heretofore for many years made extensive surveys and published valuable maps upon the subject, and vast sums from the national treasury have been expended for these excellent purposes. So generally have the people of the United States accepted and confirmed the policy of the Federal Government in assuming control and expending the national money in this laudable manner, that a plank was inserted in the Republican National Platform of 1900 in the following words:

"In the further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories."

In the proclamation of the Presidents since the time of President Cleveland, under authority of Congress withdrawing public lands from entry and setting aside forest reserves, we perceive the general policy of national control at national expense.

President Roosevelt, in his excellent message to Congress, December 3, 1901, suggesting subjects for examination and legislation, specifically and emphatically approved of this national policy in the following language:

"At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for the conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. * * *

"The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

"The forests alone can not, however, fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalize the flow of streams and to save the flood waters *Their construction has been conclusively shown to be an undertaking too vast for private effort. Nor can it be best accomplished by the individual States acting alone.*

"*Far-reaching interstate problems are involved, and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features.* It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower branches of the same streams.

"The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channels in the dry season to take the same course under the same laws as the natural flow.

"The reclamation of the unsettled arid public lands presents a different problem. Here it is not enough to regulate the flow of streams. The object of the Government is to dispose of the land to settlers who will build homes upon it. To accomplish this object water must be brought within their reach. * * *

"There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main-line canals impracticable for private enterprise These irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should so far as possible be repaid by the land reclaimed. The distribution of water, the division of streams among irrigators, should be left to the settlers themselves in conformity with State laws and without interference with those laws or with vested rights. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves, and as will stimulate needed reforms in the State laws and regulations governing irrigation. * * *

"At the very beginning the Government should make clear, beyond shadow of doubt, its intention to pursue this policy on lines of the broadest public interest. No reservoir or canal should ever be built to satisfy selfish personal or local interests, but only in accordance with the advice of trained experts, after long investigation has shown the locality where all the conditions combine to make the work most needed and fraught with the greatest usefulness to the community as a whole. There should be no extravagance, and the believers in the need of irrigation will most benefit their cause by seeing to it that it is free from the least taint of excessive or reckless expenditure of the public moneys."

From the above excerpts from the President's message, as well as from our knowledge of the declared Federal policy as expressed in congressional legislation, it is evident that the public water sources and forests should be mainly a matter of National, and not State, protection and expense, because the general welfare and not merely State wealth is principally promoted. While I believe in substantial State assistance for State benefit, I am convinced that continuous and large appropriations of hundreds of thousands of dollars should not be expended by the State, enhancing the burdens of taxpayers, for the promotion of work which the Federal Government is both willing and able to undertake.

At the very beginning of my administration I was so impressed with the policy to which the Federal Government was pledged by the National Republican party that I used in my inaugural address the following words:

"The drought of last year again illustrated the great necessity of the storage of mountain waters and winter rains for irrigation purposes to meet the contingency of dry seasons. The expense of such an undertaking is so far beyond the means of the State, and the advantages are so great to the Federal Government for the irrigation, reclamation, and sale of its public arid lands within the State, that the money to be raised for such purposes properly falls within the domain of Congress.

"The construction of storage reservoirs would induce settlers to take up locations upon the public arid lands, enhancing, through settlement and cultivation, the value of such land, and adding largely to the population and wealth of the State and Nation.

"Our Senators and Representatives in Congress should be requested to introduce a measure to secure Federal aid in this direction."

The truth of these opinions entertained by me in 1899 has been corroborated by the clear enunciation of the Federal policy outlined by President Roosevelt in his message.

In his last message to Congress, in December, 1902, President Roosevelt directed the attention of Congress to the importance of "the inauguration of the system of *nationally-aided* irrigation for the arid regions of the far West," thereby advocating the continuance of the policy of appropriations by the Federal Government for the development and storage of waters on the public lands, and the preservation of the forests which are natural sources of water supply.

At the time of the passage of Senate Bill No 7, appropriating $107,000, there was awaiting my action Assembly Bill No. 873, passed by the Legislature, appropriating $250,000 for the purchase, for a State park, of a tract of land situate in Santa Cruz and San Mateo counties containing trees known as *Sequoia sempervirens*. It was represented to me by thousands of citizens, as well as by the promoters of the bill, that these magnificent forest giants were about to be destroyed and their loss certainly would be irreparable. The bill was argued for its urgency as well as necessity, and the threatened destruction seemed to justify its passage.

The question, therefore, independent of the merits or demerits of Senate Bill No 7, was to choose between these two measures. On the one hand, was presented to me the probable loss to California of those rare and splendid trees, unequaled for grandeur and beauty by any in the world; on the other hand, Senate Bill No. 7, providing for a preliminary report on water resources and forestry, which report was not required to be presented for a period of two years. To burden the taxpayers with both appropriations on top of the necessarily large appropriations for the maintenance of the State and the payment of State claims, would have been a gross injustice and a misuse of Executive discretion.

I feel, therefore, that I was fully justified in choosing the more necessary and urgent measure and expressing in my veto of Senate Bill No. 7 the following reason:

"While this measure might contribute to important and beneficial results to the State, the large appropriation which it carries, when considered together with the large appropriation demanded in the purchase of the Redwood Park under the terms of Assembly Bill No. 873, make it impossible for me at this session to approve both bills, without resulting in great burden to the taxpayers."

When the intrinsic defects of Senate Bill No. 7 are considered, it will be conceded by impartial persons that the duty of the Executive was, under the circumstances, to disapprove the bill because no loss could result thereby to the State. The fact that there was no restriction upon the commissioners in the expenditure of the money proposed to be appropriated, and no direction for any specific work, nor limitation upon their powers, justified me in my action. Good State policy demands that the State should neither surrender to individuals the control of its forests and waters for private experiments, nor open to speculative ventures the public money. The State is a trustee for all its citizens, and to resign that trust would be to abandon its sovereign functions. Had the necessity for the passage of this bill existed which is claimed by my critics, it is strange that the Senate and Assembly did not overrule my veto, which they had the power and which it was their duty to do in such an event, if my veto was not just and proper. The acquiescence of the Legislature by refusing to pass the bill over my veto is a distinct indorsement of my policy, and it deserves praise for its reconsideration which saved the taxpayers the payment of $107,000 through an idle and ill-considered measure from which the State would have reaped no advantage.

But, at all events, the advocates of this mischievous and expensive bill may console themselves with its loss in the fact that if, unmindful of the public welfare, I had given it my approval, the measure itself might have been nugatory by reason of its probable unconstitutionality.

*Such laws as you may choose to pass in aid of irrigation should be drawn in a manner not to interfere with vested rights, nor involve the State, inextricably, with Federal management and control, so as to embarrass and subordinate the rights of the State in its waters; nor entangle, with Federal questions of control, the interests of farmers, fruit-growers, and other users of water so as to necessitate long litigation in Federal courts for their final determination, and postpone for an indefinite time the enjoyment and exercise of those interests.*

In conclusion, I wish to repeat and emphasize the fact that I am heartily in favor of all proper and adequate laws which will conserve the waters of the State and safeguard its forests, and I believe in the allowance of sufficient State appropriations to carry into effect practical State projects and plans; but such appropriations should neither be continuous nor excessive so as to become burdensome to the citizens, nor should the State attempt to trench upon the domain of the Federal Government nor undertake projects and plans which the Nation is willing to execute and the expenses of which it is willing to assume.

### THE CRIME OF LIBEL SHOULD BE MADE A FELONY.

The social, moral, and material interests of the State depend upon the honor of the individuals who constitute it.

Material wealth is but a means to the mental, moral, and physical good of the members of a commonwealth.

Public wealth rests primarily upon public honor, and public honor is the aggregate of the good reputations of the people who form the constituent elements. The people, therefore, have a most vital interest in the subject of their reputations singly as well as collectively.

Commerce moves with public honor and credit, and public honor and credit rest ultimately upon a series of individual confidences.

The light of a good reputation, though centered in personal character, derives its principal brightness and efficiency from sound public judgment.

Our laws, both civil and penal, are strictly framed and multiplied to meet all emergencies in our supreme effort to protect the material property of our State, its citizens, residents and temporary sojourners.

Our laws, both civil and penal, are numerous and stringent for our physical protection against death, illegal restraint, and bodily injury. Yet, strangely, the greatest of our constitutional rights, that which we most prize, which alone makes life worth the living, upon which depends the right of enjoying life and liberty and of pursuing happiness (Art. I, Sec. 1, Constitution of California)—the right to be preserved in that good reputation and character which we labor and struggle to earn and leave as a heritage to our children—this supreme right is less fortified in law than our most trivial rights of property.

In England, in the latter part of the eighteenth century, when the press had scarcely a voice and human life and liberty were at the beck of an absolute despot, and when the law concerning seditious libels was formulated in the cabinet of the King, and docilely announced from the bench by corrupt and willing judges, it became necessary for a freedom-loving people to resort to a technical defense in favor of the press by claiming that the jury in cases of libel had the right of determining both the law and the fact.

This position, subsequently enacted in the form of a statute by Parliament in the reign of George III, became a safeguard for press utterances in England.

But in this country the press never was enslaved. Breathing the free spirit of the American colonies, it required no such fiction and no such guaranty. The construction and interpretation of our laws by our courts have always strongly favored those accused of crime. It remained, however, for the majority of the framers of our State Constitution to engraft this English provision in our bill of rights, where it now appears in Section 9 of Article 1 of the present Constitution, in part copied from the old Constitution, its effect being to give the libeler a superior standing among criminals.

An eminent member of the State Constitutional Convention of 1878, now one of the learned Justices of our Supreme Court, in urging the convention to place the criminal libeler upon the plane of other criminals by allowing the judge and not the jury to determine the law of the case, thus tersely and cogently illustrated the point:

"If a thief robs you of your property he has not done you an irreparable injury, for you can acquire more; but when he destroys your character he destroys that by which you acquire property. I am not speaking of character in the sentimental sense. If he should assail your character, by which you earn your living, then he is in fact destroying your property. In that sense character is the dearest thing we have—the most valuable. Now, sir, the man who steals your property must be tried by the ordinary laws of the country, but the man who steals your character must stand above the law, spit in the face of the law, because he has a peculiar profession."

Unhappily, this sage advice and appeal was unheeded; hence, the libeler stands to-day in this State guarded, beyond all power of legislative interference, by a constitutional provision which makes him an aristocrat among criminals by reason of the singular prerogative which he may claim on his trial, that the law of libel is not to be taken by the jury from the lips of the court nor from the statutes enacted by the people, but must be determined by the jury according to their own interpretation, whims, and prejudices Notwithstanding that the assassin of character is thus favored and protected by an extraordinary constitutional privilege, even though his dastard crime may destroy the fairest reputations of man and woman and drive the maligned to suicide or to a madhouse, yet, under our present laws, the punishment of this criminal is confined to a bare fine or a limited imprisonment in a county jail, leaving the alternative mode of punishment and the minimum penalty to the mere discretion of a possibly intimidated superior or police judge or justice of the peace.

If the libeler's privilege be greater than that of any other criminal, in view of the gravity of the crime, should not the grade be raised from misdemeanor to felony?

Public and individual wealth are subordinate to and of less value than public and individual honor and reputation.

Lord Bacon, living in an age of corruption, had a much higher appreciation of the worth of human reputation than would seem to be ours if we judge from the condition of our laws, for he said: "Men's reputations are tender things, and ought to be, like Christ's coat, without a seam."

The present great Emperor of Germany, last November, defending the memory of Mr. Krupp against newspaper defamation of the deceased manufacturer, manifested his abhorrence of the crime of libel in the following strong terms, the force of which must necessarily be impaired in the translation:

"This deed" (speaking of the libel), "with its consequences, is nothing less than murder, for there is no difference between him who mixes and presents a poisonous draught to another and him who, from the safe shelter of his editorial sanctum, with the poisoned darts of his slanders robs his fellowman of his honorable name and kills him by the mental tortures he inflicts."

Howsoever we may cherish our reputations and publicly and privately condemn libel, we have not, as a practical people, given force to our opinions, nor have we sufficiently intrenched ourselves against libelous assaults by the passage of laws meting out penalties commensurate with the gravity of this most flagrant and obnoxious crime

It is made a felony by our criminal law to steal from the person of another the merest trifle of his personal property, or even, unsuccessfully, to make the attempt.

It is made a felony to creep secretly into another's barn or outhouse with intent to steal the smallest article of value.

But it is only a misdemeanor for one maliciously and deliberately to rob a man or woman of cherished reputation and destroy the honor which years of virtue and honest life have maintained, or foully to invade the privacy of a household, and unbosom and distort its family secrets through the dark innuendoes of a cowardly libel

It is by our law a felony to attempt to rape the lowest courtesan, but audaciously and vindictively to defame the priceless chastity of purest womanhood is simply a misdemeanor hedged around with the quirks and quillets of the law.

It is by our law made a felony to steal a bicycle, horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny, and the convicted offender may wear the stripes of the

penitentiary for a period extending from a minimum of one year to a maximum of ten years. Still, on the other hand, the penalty for the crime committed by the convicted destroyer of man's or woman's reputation is only a maximum fine of five thousand dollars, with a nominal sum as a minimum, or an imprisonment in the county jail for a maximum of one year, with a fractional part of a day as a minimum—the determination of the penalty, within those limits, resting on judicial discretion.

With such insufficient penalties imposed upon the crime, it is no wonder that the dignity of the press should be debased and that licentious journalism should be rampant.

The majority of the newspapers of the State, especially the rural press, are generally controlled and owned by brave, moral censors—men whose purpose in life is to purify public opinion, suppress vice and crime, and maintain, by public argument, the rights and liberties of the people. Unhappily, a few glaring instances are to be seen of newspapers, conducted by morally irresponsible corporations and certain millionaires, which represent, in fact, not the pure and free voice of public opinion, but the business and political interests of the owners, who use them as a means for the attainment of their own ambitions and the expression of their private hates and prejudices.

With few scruples and millions of dollars at their command, and actively interested in many political movements of the State for their own exaltation, these said proprietors have become such ominous elements as to menace the rights of the people and the security of the State.

Capable of misrepresenting public as well as private interests, when they can not dictate to public officers in the performance of their sworn duties, they do not hesitate to resort to vilification. Even State officials, with the many important interests under their administration, may become their victims, if their insatiate and insolent demands be not obeyed by them. A fine to such millionaire publishers, or a limited imprisonment, which does not place upon them the convict's stripes, is not a source of fear, nor can such minor penalties deter them from the course which ambition or revenge may select.

If timorous or pliant men should, under the present imperfect laws, chance to be elected to public office, it may well be foreseen that such officers may become the mere toys or tools of these ambitious publishers.

The reckless and libelous abuse of private character by a few certain newspaper proprietors is made more dangerous when they guiltily combine or conspire to aid or abet one another in defenses against actions for libel.

The rights of citizens should be protected from such conspiring libelers who thus prostitute the purposes and privileges of a free press; hence it is apparent that the punishment now prescribed by law is inadequate to act as a deterrent for so grave an offense.

It is time to reflect upon this menacing and growing peril. It is time that the people should by law assert their majesty. It is time to preserve the sanctity of good character from the wanton and malicious abuse by the harpies who befoul it. It is time to place a public barrier against newspaper intimidation of private citizens, legislators, and other public officers, and to demonstrate that our State government must not be conducted by and for a few newspapers, but by and for the people.

No honest journalist can deem such necessary action subversive of his liberty and privileges or a limitation of the constitutional rights of the press.

While honest criticism of public officers is both a right and a duty upon the part of newspapers, and while it is also a right and duty to expose malversation or incompetency of all public servants, yet libelous abuse and caricature find no justification when, perchance, the policy of a public officer does not accord with the interests or views of the libeler.

If individual reputations may be torn to shreds at the sport or malignant will of a libeler who stands intrenched behind his moneybags, yet public officers ought at least to be permitted to conduct official duties without interference and vilification.

If no constitutional law can be devised by the Legislature to reach this desired end, an amendment to the Constitution tending to abate this alarming evil may in the future become a grave necessity.

At least *for the present*, as a remedy against wanton and libelous assaults upon the reputation of private individuals and public officers, respect for law and decency may possibly be enforced by making the crime of libel a felony, with a maximum penalty of twenty-five years' imprisonment in the State prison and a minimum imprisonment therein of one year.

It seems to me that it would be no injustice to the press of the State, nor curtailment of its proud liberty, to raise the value in law of man's and woman's reputation, especially considering the fact that the privileged libeler may still stand upon his extraordinary constitutional right of having the jurors, and not the court, determine the law.

As it is but just, however, that there should be no special privileges given to one class accused of crime over another, I recommend a constitutional amendment changing Section 9 of Article I of the Constitution, whereby this legal anomaly of now permitting the libeler to submit the law for the determination of the jury be abolished, and the court be given the power to determine the law as in other cases.

### PARDONS, COMMUTATIONS, AND REPRIEVES.

Since my first biennial message, January 7, 1901, I have granted seven pardons and five commutations, as specifically set forth, with my reasons, in "Appendix B" to this

message, to which reference is made. This number, added to one pardon and one commutation previously granted and which are described on pages 38 and 39 of my first biennial message, make a total of eight pardons and six commutations granted during my administration up to the date of writing this message.

Of these, four pardons and one commutation were issued to persons serving in county jails for misdemeanors, and four pardons and five commutations were issued to persons serving sentences for felonies.

There are, besides, over a hundred applications awaiting my decision, while hundreds have been denied by me.

If my sense of duty were to be counteracted by purely charitable feelings I should regret that my record of pardons and commutations has been and will be so very much below that of all of my distinguished predecessors in office. What was said in my first biennial message upon this subject, I repeat as a part of the reasons which have impelled me to so strictly examine the numerous applications presented, and to grant so few of them as compared with the number of those granted by former Executives.

"The tendency of the human mind is not to resist, but to yield to the appeals of unfortunate criminals and their heart-broken relatives.

"There is a higher duty which the Executive owes to the people. He must not allow his personal sympathies to be swayed. The law-abiding people of the State require protection. Crimes, whether due to weakness of nature or to cool deliberation, must be punished. To liberate criminals upon the appeal of relatives in all instances where the convicts have repented and have served very long and severe sentences, would be practically to declare that crimes should not be punished."

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"In nearly fifty per cent of the cases which have been presented, the applications are accompanied by a petition signed by the jury which convicted the criminal, and by a letter of the trial judge, expressing his opinion that the sentence imposed was, perhaps, too severe, or that the ends of justice would be subserved by the liberation of the convict.

"This means of attempting to shift the responsibility of a severe sentence upon the Executive is not an argument which can have much effect upon me where the trial has been presumably a fair one, and where the evidence tends to prove the guilt of the accused.

"Judges are sworn to do their duty. The trial judge has the case before him, with the living witnesses, whose demeanor and words bear the impress of truth or falsehood. The judge has heard the case, and while the jury may convict, the power of granting a new trial still rests with him.

"Under these circumstance, acting upon the presumption that the sworn officers of the law have done their duty, I have steadfastly disregarded such appeals in clear cases.

"I have patiently examined each case in the light of my duty to the people, and while my heart has many times urged me to sign the paper which would bring joy to the prisoner and to his anxious friends, yet my oath of office and my responsibility to the people to maintain the law have demanded a different course."

GRASSHOPPER PEST.

During the months of June and July and the early part of August large swarms of grasshoppers invaded several counties of this State, doing much damage, particularly in the counties of Placer, El Dorado, Sacramento, Fresno, and Tulare. The counties of Placer and El Dorado were their breeding-grounds, from which places they drifted to adjacent localities and thence southward through the Sacramento and San Joaquin valleys, and scattered in moderate swarms through a few of the counties of Southern California. The damage done and threatened in the county of Sacramento was such as to induce the Supervisors of that county to appeal to the State Board of Horticulture, they being unable to agree with the officers of Placer and El Dorado counties upon a joint plan of action. The members of the Board of Horticulture, upon the opinion of the Attorney-General, found that their powers were too restricted to afford adequate relief, and conferred with me upon the proposition of burning the infested lands

In view of threatened litigation if this remedy were resorted to, I advised the members to contract with the owners for the burning of the infested lands, upon the understanding that I should recommend to the Legislature an appropriation covering their estimated loss, not to exceed $10,000. This plan was not, however, carried out by the board.

Throughout this serious trouble, the excellent practical work, great knowledge, and tact of Prof. C. W. Woodworth, of the College of Agriculture of the State University, were of great value to the farmers and fruit-growers of the State, and his assiduous labors are worthy of high commendation.

Considering this great danger and its probable recurrence in the future, it would be advisable that the law be amended so as to increase the powers of the State Board of Horticulture so as to deal effectively with similar conditions hereafter occurring

The following recommendations made by Professor Woodworth, in Bulletin No. 142, University of California publications, entitled "Grasshoppers in California," seem to me very pertinent:

"It will be imperative, if the hopper situation is to be controlled in the State, that the laws be so amended that there will be definite provision giving some one in each

locality the power to conduct the local fight against the hoppers. Perhaps the best way in which this can be accomplished would be to definitely enlarge the powers of the county horticultural boards and specifically make it their duty to look after the hoppers of their county. This has worked very satisfactorily in the grasshopper fights of other States, and there seems no reason why this machinery already created in this State should not be utilized in this way. There will be really no need of creating any new powers, but merely making the powers we have now for fighting scale insects apply also to the fighting of the grasshopper pest. Of course it should be also clearly understood that in this matter these county commissioners shall work under the directions of the competent supervision insisted upon above.

"*State Authority.*—The experience this year in Sacramento and adjacent counties shows that it is very important for the success of this work that there shall be a central authority, equally powerful with the local authority, whose duty it shall be to undertake work where adjacent districts are in danger and where the local authority neglects or fails to act. As the horticultural law now stands there is no one who has any power to step in between counties and prevent the inaction of one resulting in a loss to the other. When the horticultural laws were framed the insects had in view were the scales, which are very slow and poor migrants, so that there was scarcely any danger in one county from the neglect of the authorities of the other. With the grasshopper the situation is entirely different. This matter would be put in the proper shape if the State Board of Horticulture were given the same powers possessed by the county boards, which at present the law expressly denies it."

FALSE REPORTS CONCERNING THE EXISTENCE OF BUBONIC PLAGUE IN CALIFORNIA.

In my first biennial message, January 7, 1901, I referred, at some length, to the subject of certain false and exaggerated reports concerning the alleged existence of bubonic plague in San Francisco, which, through the interest, ignorance, or recklessness of a few persons, were indiscriminately published in the year 1900, and thereafter intermittently continued.

The falsity of the reports has been frequently proved, but, unfortunately, through the ill-designed efforts and action of Dr. J. J. Kinyoun, assuming to represent the United States Marine Hospital Service at San Francisco, and of the members of the San Francisco Board of Health, much damage nevertheless accrued to the various commercial, industrial, and other productive interests of the State, injuring alike the laborer, merchant, farmer, and fruit-grower.

The temporary quarantine established over the State, June 16, 1900, through the interest, ignorance, overzeal, or possible vindictiveness of Dr. Kinyoun, for a time checked many of our exports and, besides, injured the fair name of our State for health.

For several weeks previous to the said quarantine, after a long and careful personal examination and inquiry in San Francisco, entailing much labor, in which I was assisted by many impartial eminent physicians, bacteriologists, and representative citizens, I arrived at the true conclusion that no case of bubonic plague had been found to exist in San Francisco or elsewhere in the State.

On June 13, 1900, in response to a telegram of inquiry from the Honorable John Hay, United States Secretary of State, I telegraphed to him an exact and detailed report of the situation, together with my conclusion that no case of bubonic plague had existed or was known to exist within our State.

This telegraphic report, which will be found on pages 9 and 10 of my first biennial message, was signed and concurred in by eminent bacteriologists, medical experts, and prominent citizens. However, through the misleading reports of Dr. Kinyoun and his local medical allies, notwithstanding all my efforts as Executive and long and frequent explanations to the United States authorities at Washington, it was difficult to convince the Surgeon-General of the United States Marine Hospital Service of the true condition of the health of San Francisco.

I do not wish, in any manner, to impugn the motives or scientific knowledge of the eminent Surgeon-General for his temporary bias, because he was personally distant from the scene and unacquainted with the methods and policy pursued by Dr. Kinyoun and his assistant plague-advocates. Besides, I am satisfied that if we had been so fortunate at the time as to have had his personal investigation and diagnoses of the various cases, upon which Dr. Kinyoun acted, there would have been a summary removal of Dr. Kinyoun and a prompt vindication of the health of the State.

The situation was rendered more critical and my actions for the abatement of the general scare and false rumors obstructed by the policy pursued by a few reckless, selfish, and unpatriotic proprietors of newspapers within this State, who, urged by personal malice, prejudice, or hidden interested motives, published in their personal organs that the plague was in reality epidemic, and that the health of the people would be endangered through the removal of the Federal quarantine.

While the general press of the State sustained my position, yet the fulmination of these false and defamatory publications by this dissentient and hostile minority strengthened the position of Dr. Kinyoun and his assistants, and the same vicious reports being circulated widely in other States imperiled our commerce by hampering the exportation of our various products and industries. Dr. Kinyoun, encouraged in his unjust policy by the pernicious assistance of these few newspapers, continued his one-sided examination of the health conditions of San Francisco, and whether through inexperience, ignorance, or other cause, labeled as plague-stricken nearly every unknown

case of death examined by him and found in the Chinese quarter, and characterized as either true plague or a suspicious case many Chinese invalids who were afflicted only with tuberculosis, venereal diseases, and the like.

The roll of so-called plague cases was increased. The report was unjustifiably heralded throughout the world that bubonic plague was epidemic in our State, and Dr. Kinyoun, in an endeavor to vindicate his own outrageous blunders as a physician, on the 16th of June, 1900, publicly announced the Federal quarantine of this State in defiance of the law and the rights of the people of California.

The following telegram sent by me to the President on the day of the quarantine explained in clear terms the character of Dr. Kinyoun's acts against our State:

*Telegram from the Governor to President McKinley.*

"SAN FRANCISCO, CAL., June 16, 1900.

"*The President, Washington, D. C.*·

"Dr. Kinyoun, the Federal Quarantine Officer of this port, claiming to act under your authority, has unreasonably and unnecessarily quarantined this State in opposition to my full and fair report to the Honorable Secretary of State, under date June 14, 1900, and also, among other things, in opposition to the opinion of Judge Morrow, of the United States Court, rendered yesterday, dissolving the quarantine.

"Through Dr. Kinyoun's conduct in the past, as well as his present action, the reputation of the State, the rights of citizens as well as the rights of foreign subjects, are outrageously impaired. The following is a copy of his last orders served upon the various transportation companies:

"'OFFICE OF MEDICAL OFFICER IN COMMAND,
"'MARINE HOSPITAL SERVICE, SAN FRANCISCO, QUARANTINE,
"'SAN FRANCISCO, CAL., June 15, 1900.

"'*Santa Fé Railway Company, San Francisco, Cal.*·

"'GENTLEMEN: In accordance with the law of March 27, 1890, and the regulations made thereunder and promulgated by order of the President under date of May 21, 1900, you are hereby notified and directed until further orders not to issue transportation to any one leaving San Francisco for other States or Territories of the United States, unless on presentation of certificate signed by a Marine Hospital officer Inspectors of the Marine Hospital Service now stationed at the State borders have been instructed to allow no passengers coming from San Francisco to pass the borders of the State on any common carrier unless a certificate is furnished. This has been made necessary on account of the lifting of the quarantine by order of the Federal court, thereby allowing people who have possibly been exposed to the infection of plague to leave this city for other States

"'Respectfully,

"'J. J. KINYOUN,
"'Surgeon M. H. S., Quarantine Officer A. M. R.'

"I am informed that Dr. Kinyoun transmitted dispatches yesterday to Washington, through official channels, wherein are contained unwarranted statements and improper reflections. He has been advised by the United States District Attorney that his course is unjustifiable, and he refuses to withdraw his last order of general quarantine without further instructions from Washington.

"On behalf of the people of California, I respectfully protest against his actions, and request immediate relief for the people of this State, the traveling public, and the commercial interests of the coast.

"Your most obedient, humble servant,

"HENRY T. GAGE,
"Governor of the State of California."

Two days thereafter, namely, on June 18, 1900, upon the order of President McKinley, the quarantine was released; but, although the President acted promptly upon being advised of the true situation, the publicity of the matter gave a plausible reason for some of the States, notably Texas, to quarantine against our products and to hinder travel.

Notwithstanding the summary removal of the quarantine, Dr. Kinyoun did not abate his injurious policy of falsely representing to the Surgeon-General of the United States Marine Hospital Service, the existence of plague in San Francisco, thus proving himself a continuous source of peril.

So hostile had Dr. Kinyoun become to the acceptance of any proof against his theory of plague that I am satisfied it was largely through his instrumentality and that of the San Francisco Board of Health, and to uphold their false positions, that three biased alleged experts were subsequently sent from Washington to our coast to make a report to Surgeon-General Wyman whether the plague was epidemic as previously reported, and whether the action ordering the quarantine was justifiable under the circumstances.

It was a very singular coincidence that, at this time, in conjunction with this increased harmful activity of Dr. Kinyoun and the arrival of these alleged experts, certain large capitalists in control of a transcontinental railroad line and of shipping and other interests in the Northwest, were most industriously disseminating the injurious reports of the plague at San Francisco, and were using them as an argument to induce the United States Government to change its transport service from San Francisco to Seattle.

On the 26th day of January, 1901, in the middle of the busy session of the Legislature, I was suddenly notified that these alleged plague experts were sent by the United States medical authorities at Washington and were already in San Francisco secretly making a one-sided examination of the alleged plague with the assistance of Dr. Kinyoun and his plague allies Alarmed at this grave menace to the general interests of our citizens in the event that this partisan medical body should give publicity to their prejudiced findings, and indignant that our State should be so discourteously treated, I telegraphed as follows to the President:

*Telegram from the Governor to President McKinley.*

"EXECUTIVE DEPARTMENT, SACRAMENTO, CAL., January 28, 1901.

"*The President, Executive Mansion, Washington, D. C.*

"I have been informed that Treasury Department has sent a commission of experts to this State to examine the pretended plague cases heretofore reported, as well as present health conditions, which commission is now about to commence investigations, ignoring the State authorities in the matter, and proceeding in line with reports heretofore made by Dr. J. J. Kinyoun to Surgeon-General of Marine Hospital Service.

"I hope that in this matter of vital interest to the people of California there is no intentional discourtesy on the part of the officer directed by the Treasury Department to supervise this investigation.

"In this matter, which concerns deeply the welfare of this State, I respectfully request that co-operation with the State authorities by such experts should be advised, in order that the State may select eminent home bacteriologists and physicians, as well as, if deemed necessary, bacteriologists and physicians from other States and countries, to examine the same suspected cases, so as to arrive at a correct and impartial conclusion.

"I dislike much now to call your attention to this matter, but the irreparable injury heretofore done to this State by unfair and *ex parte* examinations warrants this appeal.

"Your most obedient, humble servant,

"HENRY T. GAGE,
"Governor of California."

On January 30, 1901, I received in reply a telegram from the Honorable the Secretary of the Treasury, which, while disclaiming discourtesy, was sufficiently indefinite as to justify my belief that the course outlined by the United States medical authorities would be effectively carried out. This I inferred especially from the following sentence of Secretary Gage's telegram, declining State co-operation in the examination of the suspected plague cases, to wit:

"*It is expected to ascertain the facts, and the Department does not feel it should hamper the commission in its method of investigating and getting at the facts.*"

Inasmuch as all my efforts with the United States medical authorities were unable to secure up to that date a fair and impartial investigation of the health conditions of the State, so serious did the situation become that on January 31, 1901, I transmitted a special message to the Legislature, then in session, setting forth the gravity of the matter and appealing for necessary legislation and, among other things, I said:

"The previous inaccurate reports respecting the existence of bubonic plague in this State, which has resulted in the injury to the reputation for health, as well as in the injury to its citizens, industries, and commerce, have been the consequence of a system of *ex parte* investigation, without opportunity of State examination or superintendence.

"The repetition of such investigations upon secret lines, without public scrutiny under State authority, as have been heretofore pursued, will imperil the welfare of every citizen and inhabitant of this State, and will bring distress to the farmer, orchardist, horticulturist, manufacturer, tradesman, merchant, as well as to all our marine and land transportation companies

"The meanest criminal under the Constitution of the United States can not be denied the right of being confronted by his accusers, listening to their testimony, and subjecting them to cross-examination; and shall it be contended that the great State of California shall be unjustly denied a similar privilege in the opportunity of facing those who, impugning the public health, as the result of a secret and one-sided examination, might choose to cast an irremovable blemish upon the State's sanitary condition, on which the personal rights and property of her citizens in a large measure depend?

"The State being denied a hearing, I conscientiously believe, therefore, that legislation is immediately and urgently needed by which our State may assume that general and unrestrained control over the subject of the public health within its borders which so vitally concerns her, and which is her inalienable right by virtue of her sovereignty."

Meanwhile the experts, jointly with the assistants employed by Dr. Kinyoun, proceeded with their *ex parte* examination, and not until they had practically finished their outlined course did they apprise me of their presence and of a wish to meet me. The first official notice received from these supposed impartial experts was on February 1, 1901, when I received at Sacramento, while the Legislature was still in session, a formal letter signed by them, dated San Francisco, January 29, 1901, in which letter were contained, with other things, the following:

"Among the orders given to the commission is one stating that the members of the commission are to pay respects on a *suitable occasion to the Governor of the State In the meantime, the members of the commission are undertaking their investigation with as little publicity as possible.*"

And in fact, there was so little publicity, and it was such a dark-lantern proceeding, that no officer of the State nor unbiased expert was permitted to be present

The day following, February 2d, I caused a courteous letter to be mailed to said experts, stating, among other contents, that I should be pleased to receive the members of the commission at the State Capitol at such time as the members might deem proper. To this letter I received no reply until February 13, 1901, when I received a letter signed by the experts, expressing their wish to have an opportunity of calling upon me, and requesting me to indicate a time and place.

Although it appeared very singular that these Government experts did not seem to know that official duty ought to have directed them to call at the Executive Department at Sacramento when a matter of such supreme importance to the people of the State was being investigated by them and was depending on their decision, nevertheless, on the receipt of this letter I caused to be mailed a reply reciting the contents of my previous invitation, and named for their convenience February 16, 1901, at 2 P. M., at room 380 of the Palace Hotel, in San Francisco, as the time for meeting.

They attended at this time and place, there being present, at my request, a few representative citizens.

The meeting was purely formal on their part, the experts refusing the proffer of State assistance and evading direct and pertinent inquiries, thereby making it clear that they had already finished their formal duties, and had arrived at a conclusion in accordance with the prejudiced views of Dr. Kinyoun.

On the following day, February 17, 1901, being convinced, after another interview with these supposed experts, that their report was completed, I telegraphed the President, setting forth copies of my letters of invitation to them, and among other things, saying:

"The time and place last appointed was the first opportunity given me to meet the members of the commission. At this interview I tendered these gentlemen every assistance the State could render them in the premises, and expressed the desire to be permitted to investigate the question at issue jointly with them. To-day, however, they inform me that their report will be ready for transmission to Washington to-morrow

"Thus the State has been denied every participation in this investigation, while at the same time the commissioners have been constantly aided by Dr Kinyoun's assistants. This the commissioners admitted in an interview with me yesterday. Should their report to the Department state that the plague exists here, such conclusion will be regarded by our people as the result of an unfair, unjust investigation. Before such report receives the approval of the Federal authorities at Washington, or be made public, I most earnestly and respectfully request that a reinvestigation be had at once, in which case the Government may appoint three commissioners and the State of California three others, all to have power to select a seventh member in case such commission be equally divided in opinion. The decision of such a commission would and should be regarded and treated by every one as decisive. If this most important but humble request be denied us, then we respectfully submit that before the commissioners' report be made public, and prior to taking any action thereon, the representatives of this State to be sent from here should be accorded a personal hearing in Washington, to the end that undue alarm and consequent injury may be avoided. Whatever differences of opinion may at this time exist as to the existence or non-existence of plague, no one can honestly be of the opinion that the disease is epidemic in San Francisco, nor can anybody seriously contend that ample protective and preventive measures can not be taken in the premises, without even spreading great or any alarm among the people and without disturbing our commercial affairs. I take pleasure in assuring you, notwithstanding anything that may have been said to the contrary, that California wishes to co-operate with the Federal authorities in this most important matter, having in view not only our own but the welfare of the whole people, and I implore you to afford our State an opportunity for such co-operation."

To this telegram the Honorable the United States Secretary of the Treasury replied as follows:

*Telegram from Hon. Lyman J. Gage, U. S. Secretary of the Treasury, to the Governor.*

"WASHINGTON, D. C., February 19, 1901.

"*His Excellency, the Governor of California:*

"Replying to your telegram of the 7th instant to the President, while the Department does not deem it necessary to join in a new commission as you propose, it is not its purpose to make public the report of the present commission till you are advised of its purport, and even then the matter will be very seriously considered before any action is taken. The Department is in accord with you in your desire to prevent unnecessary alarm and to consider measures with the least possible publicity or disturbance of commercial affairs, and will pursue this policy both with regard to its commission in California and its action at this end. In other words, it will endeavor to prevent undue publicity, and desires to, if possible, avoid publishing any report. The Department accepts with pleasure your suggestion to send a special representative of the State, believing he can familiarize himself with the situation here and trusting it will result in co-operation.

"L. J. GAGE, Secretary"

Realizing that it would be difficult to select, immediately, a representative who would be sufficiently familiar with all the facts to explain the situation to the Federal

authorities at Washington, I sent a telegram, on February 19, 1901, to the Secretary of the Treasury, stating, among other things, that if the matter of action on the report of the experts could be deferred until after the adjournment of the Legislature, then sitting, that I would personally present the matter to the Treasury Department. This proposition did not, however, meet the views of the Secretary of the Treasury, who intimated his disapproval of a delay in a telegram to me dated February 21, 1901, expressing, however, assurances that it was the wish of the Department to avoid publicity and cause the least possible detriment to commercial interests.

While these matters were pending between the United States Treasury and the Executive Department of the State, early in February, it was deemed advisable by the Surgeon-General to remove that very objectionable character, Dr. Kinyoun, whose attitude was so exceedingly adverse to our State interests as to jeopardize the harmony existing between the Executive Department and the United States Marine Hospital Service. Dr. J. H. White was selected in place of Dr. Kinyoun in this particular matter, and while his honesty of purpose can not be gainsaid, it is to be regretted that his personal views were limited and biased by the previous report of the so-called experts that plague was actually epidemic in San Francisco—a report ludicrous by lapse of time and in the light of subsequent events.

Dr. White's personal reports, therefore, to the Surgeon-General, were at least unconsciously colored, and, notwithstanding his tact and wish to impartially investigate the conditions, his course was impeded by the publication of the substance of the report of the alleged experts, and of the personal opinions of Dr. Kinyoun, who had not as yet been removed from the State, in those few sensational newspapers whose proprietors upheld for their own selfish interests the false rumor of the prevalence of plague.

After several consultations with Dr. J. H. White, the Federal officer in charge at San Francisco, I felt that the Surgeon-General of the U. S. Marine Hospital Service might not recede from the position taken, and that some compromise was necessary for the best interests of the State, notwithstanding the fact that plague did not exist. Money was needed also, in the event of an emergency, for the State to rid itself of the odium of plague caused by the said numerous publications; hence, on February 19, 1901, the Legislature passed an Act entitled "An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases and appropriating money to be used for such purpose," wherein the sum of $100,000 was authorized to be expended by the State Board of Health under the direction of the Governor for the investigation and suppression of bubonic plague and other infectious and contagious diseases

Upon the 25th of February, 1901, the United States medical authorities still insisting upon their position that the plague was epidemic in San Francisco, I telegraphed the Secretary of the Treasury, as follows:

*Telegram of the Governor to the Secretary of the Treasury.*

"SACRAMENTO, February 25, 1901.

"*To* HON. LYMAN J. GAGE, *Secretary of Treasury, Washington, D. C.:*

"In reply to your dispatch of date February 21, you are aware that a dispute originally arose between the Federal authorities and the State authorities in reference to health conditions of California; and whereas, since then, the Federal authorities have made investigations in which the State authorities were not allowed to participate; and whereas, the commissioners who prosecuted the investigations for the United States, under such circumstances, have concluded that the health conditions of San Francisco need certain attention; and whereas, heretofore I expressed my views in regard thereto by message to the Legislature of California; still, in view of all of the circumstances and conditions, believing that it will be for the best interest of all concerned, first having been assured by your office that your Department would take the steps hereinafter referred to, if requested, and in the performance thereof would, among other things, be particular to avoid publicity, and that the management would be pursued with the least possible detriment to our commercial interests; and believing that, if the Federal authorities be given control in the premises, all other States of the Union may be better satisfied, and that all general quarantine of this State and of its cities will be thereby avoided, and that all quarantine of other States against this State may be avoided, and so forth, I therefore respectfully request the United States authoritiesto take charge of the matter within this State and deal with the situation from the standpoint of the report of its commissioners, but without cost or charge to this State, at the same time assuring you of my hearty co-operation.

"I thank you for your courtesy, and await your reply.

"HENRY T. GAGE,
"Governor of the State of California."

On the following day I received from the Secretary of the Treasury this reply, namely:

*Telegram of the Secretary of the Treasury to the Governor.*

"WASHINGTON, D. C., February 26, 1901.

"*His Excellency the Governor of California, Sacramento, Cala..*

"Acknowledging receipt of your telegram of the twenty-fifth, the Department wishes to express its appreciation of your courteous attitude in the matter under consideration, and desires to submit to you the following suggestions, namely, that in the work to be

performed, while all ordinary expenses incurred in the payment of its own officers may be met by the Department under the law in accordance with usage, the chief burden should be borne by the City of San Francisco. The Mayor and other necessary local authorities should be notified, as were you, with a view to an understanding as to this matter. No municipality has ever depended financially upon the Government under like circumstances, though there have been numerous parallel cases during epidemics of yellow fever. Even if the Department should be willing, contrary to its announced policy, the matter would have to be brought before Congress for an appropriation, which is now practically impossible, and would moreover give undue publicity. Surgeon White will be the agent of the Department, in charge of the whole situation, which, in view of the return of troops in the near future from the Philippines through San Francisco, will be doubly necessary. Please answer as to above suggestions.

"L. J. GAGE, Secretary."

The necessity becoming urgent of appointing representatives from our State to consult with the United States medical authorities at Washington, and remove the existing tension, on February 27, 1901, I appointed able and distinguished citizens—Messrs. John P. Young, Henry T. Scott, T. T. Williams, and W. F. Herrin—to act as special State health commissioners and proceed to Washington and communicate with the authorities in charge concerning the health conditions of San Francisco and of the State On March 1, 1901, I duly issued commissions to these citizens, and, also, on the same day issued to the accomplished Mr. Fremont Older a separate commission to represent both the City of San Francisco and the State with the aforesaid commissioners. My selection of the commissioners was most fortunate, for these gentlemen succeeded, as far as it was possible, in convincing the Federal authorities that the health conditions of the State had been misrepresented by those who had reported the plague as epidemic in San Francisco. The work of the commissioners was completed with much tact and wisdom, and I deem it necessary to append their report for the purpose of explaining the work done under State direction for the relief of the people in conformity with the requirements of the Federal authorities. This report is annexed to this message, and also the special report of the State Board of Health, dated August 27, 1901, which are marked "Appendix A," and reference is made thereto.

It will be seen from the annexed report of the Special Health Commissioners that an arrangement was made with Dr. J. H. White, representing the United States Marine Hospital Service, the Mayor of San Francisco, and the State Board of Health, whereby a joint investigation and cleansing of Chinatown were undertaken under the direction of the Federal medical authorities, the expense of which was to be sustained by the City and County of San Francisco and the State jointly in certain agreed proportions, as shown on page 7 of the report of the commissioners.

In pursuance of this agreement it appears from the report of the State Board of Health, dated August 27, 1901, set forth in Appendix A, that the work of disinfecting, cleansing, and fumigating Chinatown under the supervision of Dr J. H. White, representing the United States Marine Hospital Service, was commenced by the State Board of Health April 8, 1901, and occupied upward of seventy days, during which time numerous cases of alleged plague were examined.

In every instance where a complete diagnosis was made by Federal officers, *in the presence of State officers*, the suspicion of plague was fully disproved, which has been since admitted to be the fact by Surgeon-General Wyman through his dispatch to me dated June 18, 1901, which is herein set out at length This frank official opinion of the Surgeon-General not only rested upon the experience of that joint investigation, but is equally true when applied to the subsequest conditions. What stronger or more conclusive proof in the premises of the non-existence of plague can be adduced than the well-known and recorded fact that during all the time since 1900 there have been fewer deaths in Chinatown in proportion to its population than in any other portion of San Francisco? Is it not the height of absurdity to claim there is an epidemic of plague raging in a given place which presents a smaller death-rate than any other locality? And it is an indisputable fact that the comparative death-rate in San Francisco is exactly as I have here stated it, notwithstanding that the Federal records made early in 1900 contained the report that plague was then epidemic in that city.

The members of the State Board of Health in their aforesaid report summarize their labors as follows:

"The State has scrubbed an area equal to 525 acres, and in addition thereto, fumigated about 30,000,000 cubic feet of dwelling apartments.

"Have seen 307 sick cases and autopsied 103.

"Total cost to date, $37,518.

"Number of days cleansing Chinatown and visiting the sick, 142. *During all of which time we have not observed a single case of bubonic plague.*"

In concluding their report they say:

"At the beginning of this work the Federal authorities who co-operated with us were of the opinion, based upon reports of others more or less trustworthy, that bubonic plague was prevalent among the Chinese of that city, and that it would be readily found

as soon as proper investigation was had. During this period of fumigation, disinfecting, and cleansing, no effort was omitted on our part nor on the part of the Marine Hospital representatives to locate and identify the presence of plague.

"At the conclusion of the work, as thorough and searching as it could possibly be made, *no case of bubonic plague was found, nor was any indication of its having been there discovered. If plague had existed in San Francisco just prior to this sanitary investigation, it would have been there during the months of April, May, and June, because no efforts had been made to suppress it and no precautions taken to prevent its spread.*

"It is safe, therefore, to say that the evil reports of the presence of that disease in San Francisco were based upon error in diagnosis upon the part of incompetent investigators. We take great pleasure in assuring you that plague does not exist in San Francisco, and that it never has had lodgment there, nor elsewhere in California."

The people of the State owe a debt of gratitude to the members of the present State Board of Health and their assistants for the zealous, painstaking, and successful discharge of their many difficult duties in this connection.

During the progress of this work of cleansing Chinatown, Dr. White, observing the low mortality and small number of sick among the Chinese, in proportion to their numbers, and failing to find a single case of plague, on May 18, 1901, wrote to me deducing an unfavorable conclusion from these good sanitary signs and intimated a bare and unfounded suspicion that the sick and dead were being secretly removed by the Chinese from San Francisco to other towns and cities. Upon this hypothesis he requested leave that he should be authorized through his agents to investigate sickness and deaths in any other town or city in this State.

This demand seemed so unjustifiable, that on May 28, 1901, I telegraphed him as follows:

*Telegram of the Governor to Dr. White, U. S. Marine Hospital Service.*

"SACRAMENTO, May 28, 1901.

"DR J. H. WHITE, *Surgeon Marine Hospital Service,*
*No. 420 California Street, San Francisco, Cal.:*

"You will please take notice that the State authorities have not requested you nor any other officer of the Federal Government to investigate or participate in an examination of the health conditions of the State outside the limits of the City and County of San Francisco, and that the State Board of Health is complying in every respect with the conditions requested by the Federal authorities, and is fully carrying out the agreement with the U. S. Treasury Department.

"I have always been ready and desirous of making the most searching investigation into the health conditions of San Francisco and other points within this State, but the investigation should be conducted on fair and honest lines by those representing the Federal Government and the State.

"I decline to allow you to assume control of State health affairs, and pursue secret and hidden investigations. The State authorities are now and always have been abundantly able to look after the health concerns of the State without interference. Your mere suspicion from the improved health of the Chinese district that the sick are being removed from San Francisco, is not only unwarranted as a conclusion, but I know it to be unfounded in fact I therefore decline to authorize your agents, whose responsibility to me is unknown, to do as you have proposed and requested. If there is any city, town, or district within this State where you yourself desire to make examination, let me know, and I will send some one suitably qualified professionally to look over the matter with you. But one-sided secret examinations, such as have been witnessed in San Francisco, to its great detriment, and to that of the State, will not be permitted elsewhere.

"If you desire to have a conference with me at any opportune time, I will be pleased to comply with your wish, but communications by mail or telegraph are unsatisfactory.

"HENRY T. GAGE, Governor."

That the exceptional good health of the Chinese in San Francisco should lead to the inference of suppressed plague was an exceedingly novel position, which, had it not emanated from a high medical authority, might have been characterized as grim humor.

That the humor of Dr. White's position was not perceived by his superior officer will appear from the following telegram afterward received from the accomplished Surgeon-General:

*Telegram from U. S. Surgeon-General Wyman to the Governor.*

"WASHINGTON, D. C., June 18, 1901.

"HIS EXCELLENCY GOVERNOR GAGE, *Sacramento, Cal.:*

"Dr White has arrived, and reports work of cleansing and disinfecting Chinatown, San Francisco, nearly complete, and that he is satisfied the work has been done by your agents under his advice in full compliance with the understanding. A few unfit habitations remain to be condemned; that work is in progress by the San Francisco super-

visors, and all will be completed within a few days. *It is a matter of mutual congratulation that no cases have been found during the progress of this work, and that the outlook is so encouraging.* For our mutual protection and interests I believe it very essential that the supplementary work indicated in Doctor White's telegram to you of June 7th should follow, as it will cause continued satisfaction and prevent comment and criticism of both the State and Service, which would otherwise be likely to follow. The bureau here is able, by reason of its central position, to know the sentiments which prevail, and a quiet performance of the labors suggested by Doctor White is in many points advisable from every standpoint. I have read this telegram to the Secretary of the Treasury, who coincides therewith, and if necessary will communicate with you himself. Will you kindly wire your views?

"WALTER WYMAN,
"Surgeon-General, M. H. S."

Our previous experience with the blundering investigations of Dr. Kinyoun, justified me in refusing to permit his successor to pursue *ex parte* examinations throughout the State, hence, I transmitted the following letter to Surgeon-General Wyman:

*Letter of the Governor to U. S. Surgeon-General Wyman.*

"JUNE 24, 1901.

"DR. WALTER WYMAN, *Surgeon-General M. H. S, Washington, D. C.*

"SIR: I am much pleased to receive through yourself assurances that the agreements made by this State have been performed 'in full compliance with the understanding,' and likewise greatly value the statement, emanating from such high scientific authority as yourself (especially having before us the past grave blunders of others not having had your wide experience), that now it is certain and a matter of mutual congratulation 'no case' (of plague) 'has been found during the progress of the work,' which result was by me at all times confidently expected.

"The State authorities have made thorough and extraordinary investigations, and I am fully advised as to the health conditions of California, and know there is no occasion at this time for the further investigation suggested by Dr White, and am most happy to report that it will not be necessary for your department to be further burdened.

"However, if it is your pleasure, as a mere precautionary measure, to make further autopsies, or if there is any city, town, or district within this State which you, through your department, desire to inspect, please be good enough to name such competent persons as you desire and I will most cheerfully send others qualified professionally and in every particular to co-operate and look over the situation with them, and thereby further your highly commendable purpose in that regard. But one-sided or secret examinations (not at all times participated in by the State), such as have, in the past, been witnessed in San Francisco, to its irreparable detriment and to that of the whole State, you can readily see, from the result of your own recent searching and valuable examination, should not, and can not, be again permitted.

"I appreciate most deeply your kind offices and shall be glad to co-operate with you in future. "Respectfully yours,

"HENRY T. GAGE."

For some time after the cleansing of Chinatown no claim was made of the discovery of additional plague cases. But *the festive spirit of science* was subsequently manifested through the investigations of a certain bacteriologist whom Dr. Kinyoun had left as a legacy to Dr. White, hence reports of alleged cases have been since occasionally published as the result of his *ex parte* investigations

These reported sporadic cases have been more numerous whenever it was imagined that the vigilance of the State Board of Health had relaxed, and they have been verified only by those medical gentlemen who, at an early stage, favored the theory of Dr Kinyoun and whose pride of opinion has prevented them from being convinced of their self-deception.

Perhaps it would be only fair to say, that the medical investigators, in most instances, who have contended that plague existed in San Francisco or elsewhere in this State, have been honest in their opinions and purposes, but that their judgments have been warped, their experiments have been hasty and incomplete, their inductions partial and inaccurate, and their conclusions, therefore, necessarily illogical and untrue.

Since writing the foregoing, I have had the great pleasure of meeting in San Francisco that very able gentleman hereinbefore referred to, Surgeon-General Walter Wyman, for many years last past and now having charge of the Marine Hospital Service of the United States, and whose recent visit to California to personally inspect the health conditions of the State will, assuredly, reveal to him the ignorance and vicious conduct of Dr Kinyoun and his plague adherents. Surgeon-General Wyman is not only a highly distinguished public officer, but also a medical scientist appearing to have very conservative views, and I think it is therefore safe to predict that he and his proficient and accomplished assistant, Dr. Glennan, will save us from all further annoyance of threats of improper quarantine and of inaccurate reports growing out of reckless investigations.

One of the dearly-learned lessons taught by this unfortunate plague scare is the duty of our people, while always respecting Federal prerogatives, sacredly to guard the State in the future against all encroachments upon its rights.

FUNDS FOR THE PREVENTION AND SUPPRESSION OF INFECTIOUS AND CONTAGIOUS DISEASES.

Out of the fund of $100,000 provided by the Act of February 19, 1901, and the fund referred to in the Act approved March 23, 1893, for the prevention and suppression of infectious and contagious diseases, the State Board of Health has, during this administration, necessarily expended to this date the sum of $72,911.76, leaving a balance of $66,623 05, as appears from the following report received from the State Controller at the time of this writing:

"CONTROLLER'S DEPARTMENT, STATE OF CALIFORNIA,
"SACRAMENTO, 2d Jan., 1903.

"HON. HENRY T. GAGE, *Governor of California, Sacramento:*

"SIR: In answer to your inquiries:

| | |
|---|---|
| "First—'Balance in fund appropriating money to prevent introduction of contagious diseases, approved March 23, 1893, when Governor Gage took office' | $39,534 81 |
| "Second—'The amount of the fund appropriated by the thirty-fourth Legislature for the prevention of the introduction and for the investigation and suppression of contagious and infectious diseases, approved February 19, 1901' | 100,000 00 |
| "Third—'The amount drawn against these funds to date' | 72,911 76 |
| "Fourth—'The amount of money for which vouchers have been filed' | 72,911 76 |
| "Fifth—'The balance remaining in the appropriations at this date' | 66,623 05 |

"Yours respectfully,
"E. P. COLGAN, Controller."

The careful and efficient work done by the State Board of Health in the sanitation of Chinatown, as well as in dispelling the reports of plague, convince me of the great importance of permanently providing for a like emergency disease fund to be at the disposal of the State Board of Health, subject to the conditions in the aforesaid Act of February 19, 1901 (Stats. 1901, page 10).

The Governor of this State, in conformity with the said Act of the Legislature, should always have an emergency fund of from $100,000 to $150,000 in readiness to deal properly with sudden and dangerous disease epidemics of all kinds which might hereafter be brought from other States and foreign countries.

CHINATOWN A MENACE—NECESSITY OF STATE ACTION.

Notwithstanding that the reports of plague in the Chinese quarter of San Francisco have been unfounded, this part of the city will always be somewhat of a menace until better sanitation is there enforced. Its uncleanly state, and the mode of life and habits of many of the Chinese residents, seem to me to need legislative inquiry and appropriate legislation whereby unwholesome conditions may be abated and the various underground places, as far as possible, abolished, and perhaps it might be well furthermore, to give careful consideration to the advisability of future measures looking to a change in the location of Chinatown.

CIVIL WAR CLAIMS.

On January 4, 1899, in my inaugural address, I called attention to the unsettled claims of the State against the General Government, for the furnishing, equipping, and paying of volunteers during the Civil War, amounting to over $4,000,000, and I recommended that our Senators and Representatives be requested to urge the passage of a law refunding to the State the money so advanced.

Since this recommendation in my inaugural address, I am pleased to note that the State Controller has referred to this important matter especially, in his report dated December 1, 1902, where he states that under the Act of Congress, approved February 14, 1902, he hopes that something may be accomplished, and further says that he has been in correspondence with the Auditor of the War Department and expresses confidence that, with the assistance of our Representatives in Congress, success may be expected.

I have little doubt, if the matter be actively attended to by our Senators and Representatives, that Congress will acquiesce, by proper measures, in this just return of the money advanced and expended by the State in defense of the Nation.

One of the serious obstacles to the allowance of this claim, hitherto existing, has been the delegation of these claims to special agents and lobbyists for collection, with a

promise of a percentage upon the recovery of these claims. That a great State, having honored and able representatives in Congress, should deputize collection agents, upon promise of commissions, to urge a just and equitable claim against the General Government, is a reflection upon the character of the demand itself, as well as upon the policy of the State.

It was owing to this circumstance, mainly, that a measure, introduced in Congress in 1898, failed to receive approval. Actuated by this conviction, on March 17, 1899, I vetoed Assembly Bill No. 651, having this object in view, entitled: "An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful."

In that veto message (Assembly Journal, 1899, page 1661), I said, among other things:

"If these claims of our State be founded in equity, and I am convinced that they are, the Federal Government will recognize their validity, and will pay them upon proper efforts in Congress by our Senators and Representative, whose duty it is to secure for the State its legal and equitable demands. If the money belongs to the State, it should collect it through the proper official channels, without employing brokers or appointing partners to share in the collections. The honor of our State ought not to be impugned through the acts of delegated lobbyists, while prosecuting its claims against the National Government."

CLAIMS AGAINST THE UNITED STATES GOVERNMENT ARISING OUT OF THE SPANISH-AMERICAN WAR—PAYMENT OF VOLUNTEERS.

Early in the year 1900, the late Adjutant-General, W H. Seamans, under my instructions, assiduously began the difficult task of bringing to a settlement the unpaid claims against the United States Government which arose out of the Spanish-American War, and which were pending under my predecessor's administration.

The payment of an unsettled balance, which had been presented through Governor Budd, was suspended on account of specific objections urged by the U. S. War Department, and this claim required a new specification of items and statement of differences, and a renewal of the demand, which accounts are still undetermined and awaiting the action of the War Department.

These accounts are for transportation, subsistence, pay of naval militia, and incidental expenses, aggregating $18,177 98, which are particularly set forth in the last report of Adjutant-General Stone.

In addition to these undecided claims there were collected and prepared, after much care and labor, accounts due many of the California U S Volunteers to the Spanish-American War for duty from the time of their enrollment and assembling to the date of their actual muster in the United States service.

The State has not paid nor provided for the payment of these services, but under an Act of Congress, approved July 8, 1898, and as amended March 3, 1899, the United States Government made provision for their payment By Section 6 of the amendatory Act, it was provided that all claims for such services should be presented in itemized form to the Treasury Department on or before January 1, 1902, or be forever barred.

In view of the fact that comparatively few of the officers and soldiers of the U. S. Volunteers were aware of the provisions of these Acts of Congress, Lieutenant-Colonel Peeler, of the National Guard of California, was detailed on special duty to collect receipts and vouchers from such of the volunteers whom it was possible to reach. Claims and vouchers were finally secured aggregating the sum of $58,244 86, but it was impossible by reason of the death, absence from the State, and general dispersion of the volunteers to present complete claims of all the volunteers entitled to pay.

These collected claims were itemized as required by the Acts of Congress and according to the rules of the War Department, and were presented in person in November, 1901, to the department at Washington, by Adjutant-General Seamans. I am much grieved to state that the previous ill health of Adjutant-General Seamans, added to the rigors of an Eastern winter, resulted in his death on January 3, 1902, a few days before these claims were finally settled, whereby the State of California lost an excellent public officer, a gallant soldier, and an honorable citizen.

On January 7, 1902, the Auditor of the U. S. War Department, by settlement No. 17,333, issued a check to my order in the sum of $58,151 26 in payment of the claims of the volunteers, which, allowing for excusable errors, was, in substance, a full settlement of the claims as presented by Adjutant-General Seamans

There being no mode provided by law for the custody and deposit of this large sum, it being held as a trust fund for the numerous volunteers whose vouchers had been presented, and, being satisfied that the payments would necessarily extend over a long period of time by reason of the death and dispersion of the various claimants, and of many assignments, I deemed it advisable to place the sum in the care of the State Treasury as a special deposit and cause payments to be made therefrom by checks signed by the Governor, and countersigned by the Adjutant-General, drawn against this special deposit.

It transpired, in fact, as I anticipated, that many of the original claimants had assigned their claims, some had left the State, others were in the army in the Philippines, and a few had died, their heirs presenting the claims of the deceased. Duplicate registers of the accounts and of their payments are kept in the offices of the Governor and Adjutant-General. The present condition of this fund appears in the following reports made to me by the State Treasurer and Adjutant-General, to wit:

"TREASURY DEPARTMENT, STATE OF CALIFORNIA,
"SACRAMENTO, CAL., December 31, 1902.

"HON. HENRY T. GAGE, *Governor of California*

"DEAR SIR: As 'custodian' of the Special (war with Spain) Fund, I beg to submit the following report of transactions in said fund, ending with the close of business on above date:

| | | |
|---|---|---|
| Number of Governor's warrants paid | | 2,459 |
| Amount received from Governor for disbursement | | $58,151 26 |
| Aggregate amount of warrants paid | | 53,425 26 |
| Balance on hand, subject to draft | | $4,726 00 |

"Respectfully submitted.

"TRUMAN REEVES, State Treasurer,
[Official seal.] "By D. A. Moulton, Deputy."

"STATE OF CALIFORNIA, ADJUTANT-GENERAL'S OFFICE,
C. I. "SACRAMENTO, January 1, 1903.

"HIS EXCELLENCY HENRY T. GAGE, *Governor of the State of California, Sacramento, Cal.:*

"SIR: I have the honor to report to you as follows concerning the disbursement of the fund for the pay of California U. S. Volunteers, Spanish-American War of 1898, from the date of their enrollment to date of their muster into the United States service, or rejection, ending with the close of business, December 31, 1902:

| | | |
|---|---|---|
| Amount collected from U. S. Government and deposited by Governor Gage with the State Treasurer as 'Special Fund (war with Spain)' | | $58,151 26 |
| Checks issued and paid | $53,425 26 | |
| Balance in treasury, subject to check | 4,726 00 | |
| | | $58,151 26 |
| Checks issued | | $53,969 26 |
| Checks outstanding, not presented | $544 00 | |
| Checks paid | 53,425 26 | |
| | | $53,969 26 |

"Very respectfully,

"GEO. STONE, Adjutant-General.

"N. S. BANGHAM, Assistant Adjutant-General."

In view of the want of statutory provision for the custody of this money so collected, I respectfully recommend that a law be passed providing that the State Treasurer be the custodian, holding the same on special deposit, and payable on the checks of the Governor and Adjutant-General as heretofore. I also join in Adjutant-General Stone's recommendation (among many other good suggestions of that very capable officer) in his last report, for the purpose of a law which should be made expressly retroactive, as follows:

"That an Act be passed by the Legislature authorizing the payment of money due deceased members of the California Volunteers from the date of enrollment to the date of muster in, or rejection by the medical examiner, to the heirs of such deceased persons, upon proper verification, without obtaining letters of administration."

UNPAID BALANCE OF STATE'S MONEY IN THE CALIFORNIA STATE BANK OF SACRAMENTO.

Since the year 1895, there has remained on deposit in the California State Bank of Sacramento the sum of $1,267.99, being an unpaid balance of the appropriation authorized by an Act of the Legislature entitled "An Act to appropriate money to pay the National Guard of California for services rendered by order of the Governor, to enforce the law, in eighteen hundred and ninety-three and eighteen hundred and ninety-four," approved February 25, 1895.

This money has been for this long time deposited in bank unused and has not been drawing interest. While the bank has been at all times anxious and willing to pay said sum to the proper officer, yet there seems to be no one legally authorized to collect the money. I recommend that an Act be passed designating some public officer or officers to collect the money and providing for its proper disposition when so collected.

UNPAID JUDGMENTS AGAINST THE STATE.

The following are the unpaid judgments against the State, according to a statement received by me from the Attorney-General:

*Unpaid Judgments against the State of California, December 30, 1902.*

| Name of Plaintiff. | Court. | Court No. | Date of Judgment. | Nature of Action. | Am't of Judgm't |
|---|---|---|---|---|---|
| John O Reis | Sacramento | 6,870 | Dec 23, 1896 | Indian War bonds | $33,552 12 |
| A S Baldwin | Sacramento | 6,866 | Dec. 23, 1896 | Indian War bonds | 7,428 91 |
| W H. Mead | Sacramento | 6,868 | Dec. 23, 1896 | Indian War bonds | 636 64 |
| Samuel Davis | Sacramento | 6,869 | Oct 16, 1901 | Indian War bonds | 38,404 54 |
| Samuel Davis | Sacramento | 6.871 | June 15, 1896 | Indian War bonds | 35,260 00 |
| R Y Hayne | San Mateo | 2,348 | Oct 2, 1902 | Legal services | 5,000 00 |
| R. Shaw | San Benito | 1,196 | Nov. 30, 1901 | Coyote scalp claims | 3,780 00 |
| Benj. Lauer | Modoc | 1,311 | Feb. 13, 1902 | Coyote scalp claims | 6,770 00 |
| Benj. Lauer | Modoc | 1,314 | Feb 13, 1902 | Coyote scalp claims | 55 00 |
| John Raggio | Calaveras | | Dec. 4, 1902 | Coyote scalp claims | 1,125 00 |
| James T Laird | Modoc | 1,328 | Feb 13, 1902 | Coyote scalp claims | 2,400 00 |
| Bank of Commerce | San Diego | 11,828 | Apr. 24, 1902 | Coyote scalp claims | 1,320 00 |
| Julia H Jones | San Francisco | 79,940 | Apr 8, 1902 | Coyote scalp claims | 600 00 |
| Robert R. Potter | Tuolumne | | Oct 10, 1902 | Coyote scalp claims | 1,315 00 |
| Joseph Quirolo | Amador | 1,827 | Dec. 5, 1902 | Coyote scalp claims | 370 00 |
| Wm Going | Amador | 1,828 | Dec. 5, 1902 | Coyote scalp claims | 550 00 |
| R P Marquez | Orange | 2,279 | Apr. 21, 1902 | Coyote scalp claims | 140 00 |
| Commercial Bank of Madera | Fresno | 9,676 | | Coyote scalp claims | 3,670 00 |
| M Zirker | Merced | 1,898 | Nov 25, 1902 | Coyote scalp claims | 1,000 00 |
| Geo Conway | Merced | 1,899 | Nov 25, 1902 | Coyote scalp claims | 290 00 |
| M A Forster | Orange | 2,280 | May 9, 1902 | Coyote scalp claims | 550 00 |
| Farmers' Exchange Bank of San Bernardino | San Bernardino | 8,537 | Apr. 25, 1902 | Coyote scalp claims | 2,365 00 |
| Oscar R Brown | Mono | | Sept. 20, 1902 | Coyote scalp claims | 1,035 00 |
| Chas. Williams | Butte | 4,021 | Oct 8, 1902 | Coyote scalp claims | 500 00 |
| National Bank of D O. Mills | Sacramento | 9,619 | Dec 6, 1902 | Coyote scalp claims | 46,980 00 |
| Geo Hornage | San Joaquin | 7,881 | Sept. 20, 1902 | Coyote scalp claims | 465 00 |
| Hakes Investment Co | San Diego | 11,873 | Apr 24, 1902 | Coyote scalp claims | 5,880 00 |
| M. D. Corey | San Diego | 11,874 | Apr 24, 1902 | Coyote scalp claims | 3,195 00 |
| W. R Guy | San Diego | 11,875 | Apr 24, 1902 | Coyote scalp claims | 8,655 00 |
| J. R Hanify | S F Justices' | 91,512 | Feb. 7, 1899 | Damages—Breakage of State Wharf | 260 71 |
| Charles Bickerdike | Sacramento | 9,608 | Dec. 20, 1902 | Coyote scalp claims | 59,680 00 |
| C. A. Weaver | Sacramento | 9,609 | Dec 20, 1902 | Coyote scalp claims | 815 00 |
| Chas A Palmer | Sacramento | 9,610 | Dec. 20, 1902 | Coyote scalp claims | 460 00 |
| Geo Leonard | Sacramento | 9,611 | Dec. 20, 1902 | Coyote scalp claims | 1,040 00 |
| L. C Waite | Sacramento | 9,612 | Dec. 20, 1902 | Coyote scalp claims | 410 00 |
| A. T Lightner | Sacramento | 9,613 | Dec. 20, 1902 | Coyote scalp claims | 4,810 00 |
| John F. Pryor | Sacramento | 9,614 | Dec. 20, 1902 | Coyote scalp claims | 3,350 00 |
| E Weisbaum | Sacramento | 9,615 | Dec 20, 1902 | Coyote scalp claims | 2,085 00 |
| N. Weisbaum | Sacramento | 9,616 | Dec. 20, 1902 | Coyote scalp claims | 590 00 |
| W B Waldron | Sacramento | 9,617 | Dec 20, 1902 | Coyote scalp claims | 3,835 00 |
| W. S. Hooper | Sacramento | 9,526 | Dec. 20, 1902 | Coyote scalp claims | 4,450 00 |
| N. Weisbaum | San Francisco | 80,125 | Dec 29, 1902 | Coyote scalp claims | 640 00 |

LOSS TO STATE AGRICULTURAL SOCIETY BY CLOSING STATE FAIR.

The assassination of our great and beloved President, William McKinley, occurred during the progress of our State Fair, and at my suggestion, the Directors of the State Board of Agriculture caused the fair to be prematurely closed out of respect for the memory of our lamented President.

I am loth to make any recommendations concerning appropriations, in view of the fact that their reasonableness and expediency must be determined by my distinguished successor; but, in this case, I promised the Directors that I would recommend an appropriation in an amount sufficient to cover the actual loss sustained.

Upon inquiry as to the items of loss, I received from the Directors, through their Secretary, the following communication, and therefore, in accordance with my promise, I submit the matter for your determination:

"SACRAMENTO, CAL., November 17, 1902.

"HON. HENRY T. GAGE, *Governor of California, Sacramento, Cal.*:

"DEAR SIR: In response to your request for information with respect to the loss sustained by the State Agricultural Society by reason of closing the fair on Saturday, September 14th, 1901, caused by the death of President McKinley and out of respect to his memory, I am pleased to report as follows:

"The exact amount of the loss sustained can not be definitely stated, but it consists of admission fees which would have been received and rebates which the Society was forced to pay to persons who had purchased privileges. These items are, as nearly as they admit of definite statement, as follows:

| | |
|---|---|
| Admissions to the Park, one day | $2,325 00 |
| Admissions to the Pavilion, one day | 1,500 00 |
| Rebates paid to purchasers of Park privileges | 1,708 75 |
| Rebates paid to purchasers of Pavilion privileges | 42 00 |
| Loss on sale of daily programmes and cost of printing same | 150 00 |
| One-twelfth music contract | 163 00 |
| One-twelfth gas and electric light contracts | 100 00 |
| One-twelfth Morse Police Patrol contract | 70 00 |
| One twelfth forage | 75 00 |
| | $6,133 75 |

"The amounts stated above as rebates are the actual amounts paid. The admission fees and sales of programmes are conservative estimates, based upon previous experience, and proportionate to the previous attendance during the fair of 1901.

"The above amount represents a clear loss to the Society, as all of our fixed charges had already been incurred, consisting of advertising, help, music, and other contracts, and they were in nowise reduced by the shortening of the fair. The closing of the gates on this day was a serious loss to the Society, and has occasioned us much financial embarrassment. We earnestly trust, through your favorable recommendation, that these losses will be reimbursed.

"Very respectfully,

"GEORGE W. JACKSON, Secretary."

STATE HOSPITALS FOR THE INSANE.

The several State Hospitals for the Insane are well managed by the respective boards, and the result is a most marked improvement in their condition since my assumption of duties.

Under the excellent superintendency of Dr. Crane, the State Hospital at Agnews has become a model asylum, and the former unhappy scandals and reports of horrors existing under previous administrations are no longer heard nor tolerated.

More than a year ago Dr. Crane expressed a wish to resign from his arduous duties on account of impaired health, but he was persuaded to continue in charge of the Hospital until early in December when, I deeply regret to say, his ill health compelled him to tender his final resignation, which is a great loss to the inmates of the hospital, whose best interests he had at heart and who received his most tender care and attention.

I am much pleased to state that my plan suggested to the several Trustees, and by them executed, of employing women physicians to attend the female patients, has been productive of much benefit, and has relieved these institutions from the odium existing under some other administrations

Respecting this matter, I beg leave to direct your attention to what was said in my first biennial message, namely:

"*Female Physicians Appointed.*—At the inception of my administration I perceived the necessity of employing female physicians in the State Hospitals for the Insane, on account of the large number of female patients. I laid the matter before the Lunacy Commission, and am pleased to say that the plan met with the hearty approval of the members of the commission, and two female physicians were appointed, after due examination as to their qualifications—one being assigned to Napa, and the other to Stockton, and duty required them to visit the other State asylums.

"The appointment of these female physicians was only made possible by the reduction by the Lunacy Commission in the salaries of the officers and employés of the asylums, by reason of the amendment to the law passed pursuant to the proclamation at the extraordinary session in 1900."

THE STATE PRISONS.

From reports received this day from the wardens of the State prisons at Folsom and San Quentin, it appears that there are incarcerated in San Quentin 1,490 male prisoners and 23 female prisoners, and in Folsom 788 male prisoners.

The management of these prisons is fully described in the last biennial report of the State Board of Prison Directors, dated November, 1902, where the board, considering the reports of the wardens and clerks of San Quentin and Folsom prisons, among other pertinent matters, say:

"These reports show in detail the financial condition and operation of the prisons and contain other statistical information, which obviates the necessity of our going into the same matters or making a more extended report to you at this time. As will be observed from a perusal of the reports, both prisons are in excellent financial condition and the best of discipline among the prisoners is preserved. Two years ago the reports of the officers at San Quentin prison showed that a large sum of money had been saved during the two previous years from the sale of grain bags, and their report this year shows the same thing to have continued, and, we believe, as expressed to you in our re-

port at that time, that the manufacture of grain bags at the prison at San Quentin has been a vast benefit to the farmers of this State, not only in preserving the price of all grain bags at the lowest possible figure, but also in preventing combination among the dealers. It is our pleasure to report again that the opium traffic at San Quentin is still under control and has in fact been practically completely destroyed, and during the two years last past there has been no opium found in San Quentin prison. * * * The officers of both prisons have been faithful in their attention to duties and we are pleased to report that most perfect discipline prevails in both prisons."

THE STATE REFORM SCHOOLS.

Upon the assumption of my duties of office and for several months afterward, the condition of the Preston School of Industry was very unsatisfactory.

Notwithstanding the efforts of the Board of Trustees, the inmates were undisciplined and the school was fast becoming demoralized.

Reluctant to make sudden changes where I believed that the officers were apparently capable and their efforts well directed, still, after a personal visit and inspection, I was convinced that the condition of the school could be materially improved by a change in the superintendency, if a proper person could be found. After considering many names submitted for selection, I recommended Rev. C. B. Riddick of Alameda County to the trustees, who, accepting my suggestion, appointed him Superintendent.

I have had much reason to be gratified at the selection of this gentleman, whose integrity, capacity, and industry, always above reproach, have resulted in a complete moral and intellectual reformation of the school. The last report of the Preston School of Industry gives a detailed account of its management and present condition which as well reflects credit upon the Trustees as upon the Superintendent.

I am pleased, also, to say, that the Whittier State School is much improved, and that the disagreements which existed under the previous management and obstructed, in some degree, its advancement, have been altogether removed, and, under its present officers, careful attention is given to the education of its inmates, and a strict moral discipline maintained.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND THE BLIND.

The Directors of the California Institution for the Education of the Deaf and Blind, and the Superintendent, appear to have zealously performed their duties.

On account of some unknown cause of infection, a serious epidemic of smallpox broke out in May, 1901, endangering, for a time, the lives of the inmates. Through the perfect disinfecting and cleansing measures employed by the State Board of Health by my order, and the skill and care of the physician in charge, the disease was within a comparatively short time effectually suppressed without a single death

INDUSTRIAL HOME OF MECHANICAL TRADES FOR THE ADULT BLIND.

The good management of the Industrial Home for the Adult Blind under the present Board of Directors has resulted in making the Home one of the model public institutions, and, I take pleasure in quoting from the seventeenth annual report of the Directors the following excerpt to show what has been accomplished:

"When the present board and Superintendent Sanders took charge of the institution, June 1, 1899, its shops had long been closed and its inmates idle As they rely upon their wages for clothing and comforts, their condition had become forlorn to a pitiful degree The management preceding us had left a deficit of nearly $9,000. The commerce of the Home had of course been diverted to other channels, and the task of recovering it by reopening the shops, putting the blind at work and finding a market for their product, was of extreme difficulty. But the experience and keen administrative ability of the blind superintendent, Mr. Joseph Sanders, proved equal to the emergency. The shops were reopened November 1, 1900. From that time to October 31, 1902, the inmates earned and were paid wages amounting to $6,859.49. The receipts of the fiscal year ending June 30, 1902, were $13,250.21, or $1,104 18 per month. The commercial operations of the Home since that date show a steady increase in manufactures and sales. That there is room for the product of the blind inmates is evident when it is known that only ten per cent of the brooms used in California are the product of domestic white labor. In the trade the Home brooms rank as first class. The inmates are urged to keep up the standard of their product, and it is a pleasure to know that their skill is equal to the demand made upon it * * * The officers and employés of the institution have been attentive and faithful to their duties during the year that has just passed; and are as good a corps of employés as are to be found in any institution in the State."

THE STATE BOARD OF FISH COMMISSIONERS.

I have received the following important communication from the State Board of Fish Commissioners, which, considering the excellent and economic management of the Board, deserves your careful consideration:

"SAN FRANCISCO, CAL., September 29, 1902

"HONORABLE HENRY T. GAGE, *Governor, State of California, Sacramento, Cal.*:

"SIR: Your State Board of Fish Commissioners have the honor to invite your attention to the following pertinent facts relating to the maintenance and improvement of the work under our jurisdiction, for reasons that are herein set forth.

"First—The amount of our appropriation is totally inadequate to meet the growing demands of a valuable industry and make necessary hatchery repairs

"Second—To maintain the standard of the two principal hatchery stations for the propagation of salmon and trout, located respectively at Sisson and Tahoe City, we require additional funds to make such repairs and improvements, as will insure permanency to the fine results already accomplished, besides placing the buildings and grounds in a condition commensurate with the dignity of a great State.

"Third—The scope of our work has so broadened that we are unable under our present appropriation for support and maintenance of hatcheries, to place them in the condition that their importance to the general good demands.

"Fourth—The amount of money necessary to accomplish these ends would make but a very slight draft upon the general funds of the State, while the output of these stations could be increased fully fifty per cent.

"After making a careful study of all the conditions and questions involved, it is the judgment of this Board that a special appropriation of $10,000, to be devoted to hatchery changes and improvements, such as duplicate flume system, additional ponds, a dwelling house for the superintendent of Sisson station, and the purchase of additional land on which it can be located, and the proper fencing of the State's property at Tahoe, would be a sum sufficient to meet these necessary requirements

"The Sisson station is the most important. We have there a larger number of stock fish than ever before in the history of this commission. The success of a station depends upon the guaranteed supply of pure water That we already have in abundance, and sufficient to double our present output, but we have not the means to construct the necessary flumes and ponds. We have but a single flume, and that poorly protected. Any interruption to the flow of water or temporary breakdown, would result in the loss of millions of fish that have cost the State a large sum to advance to their present state of perfection. Therefore, a flume system in duplicate is imperative It would be an additional safeguard and good business judgment to locate a modest dwelling for the superintendent on the grounds, following the custom of the U. S. Commission and many States of the Union. Our pond system should be increased, so we could cut out and abandon some of the expensive spawn-taking stations operated in remote sections. We would secure a higher percentage of strong fry, because dangerous and expensive transportation of eggs would be avoided. Our forces could be concentrated, and in every sense would the conditions be improved, and the main purpose for which this commission was created more nearly fulfilled

"Our State already ranks high in the matter of fish propagation. We desire to maintain that standing. Our work furnishes a cheap food-supply to thousands. The poor people of our State are more largely benefited than any other class. In San Francisco our markets are selling food fish every day in the year at retail twenty-five per cent cheaper than they are selling in the New York markets at wholesale.

"In the face of increased demand, our salmon supply is steadily increasing, since artificial propagation began. At the beginning of the present 'close season,' September 10th, there was the largest run of salmon in the Sacramento and San Joaquin rivers known in ten years.

"This commission planted 400 striped bass (fingerlings) near Benicia, in the Straits of Carquinez, some eighteen years ago. We are now marketing of this delicious food fish about two million pounds per annum in San Francisco We have brought about the same conditions in the planting of shad.

"We are planting millions of trout fry annually, which afford not only food, but healthful sport for thousands of our people We are devoting more attention to the propagation of Eastern Brook trout (*Fontinalis*), a most desirable food and game fish, one that will flourish in the smaller streams, especially in the meadows of our high plateaus, where no other trout will remain. We are maintaining and increasing the supply of Rainbow trout in the headwaters of the Sacramento, in the McCloud, and in the Truckee rivers, three of the most famous trout streams in the world, that bring to their attractive banks anglers from all parts of the Union.

"The planting of black bass has not received the attention it deserves, because of lack of funds. This valuable fish should be more widely distributed through the barren lakes and reservoirs of the State at the lower elevations, where trout will not flourish, so that a desirable and convenient food supply would be placed within the reach of many more of our people.

"As this commission has never appeared before the Legislature with a deficiency in any of the funds over which it has control, and has carefully and scrupulously guarded every cent of expenditure, and because we desire to continue this record, and at the same time increase the scope of our work for the benefit of all our people throughout

the State, as well as to maintain the high personnel of the employés of this Board, we most respectfuly ask your assistance toward bringing about these desired ends, by presenting this matter to the Legislature of the State.

"We have the honor to remain,

"Yours respectfully,

"CALIFORNIA FISH COMMISSION.
"H. W. KELLER,
"W. W. VAN ARSDALE,
"W. E. GERBER.

"CHAS. A. VOGELSANG, Chief Deputy."

SAN FRANCISCO HARBOR IMPROVEMENTS.

The cramped condition of the San Francisco harbor for the accommodation of the increased shipping, which existed at the beginning of my administration, has been, fortunately, removed through the passage of the laws at the extra session of 1900, which permitted the extension of State piers and wharves to a distance of about eight hundred feet, and gave discretion to the Harbor Commissioners to execute leases whereby the rents from such contracts may be applied, in whole or in part, for the construction of new wharves and bulkheads or breakwaters, or the work to be paid for, in whole or in part, from the rents and revenues. Leave having been granted in December, 1900, by the Honorable the Secretary of War to extend the pierhead line to the increased limit provided for in the amendments passed in 1900, many new and substantial wharves have been constructed, thereby affording ample room to meet the increasing shipping. It was deemed necessary, in July of last year, for the State Harbor Commissioners to change the pierhead line north of China Basin and Mission Rock, and after submission to the Federal officers, the Honorable the Secretary of War, on October 10, 1902, notified me of the approval of the change in the communication following.

"WAR DEPARTMENT,
"WASHINGTON, October 10, 1902.

"SIR: Referring to your letter of July 24th last, in the matter of modification of the established harbor line in San Francisco Harbor at points north and south of China Basin and Mission Rock, I beg to advise you that the subject has been under consideration by the San Francisco Harbor-line Board, which has held a public hearing and afforded parties interested an opportunity to present their views.

"The report of the board, dated September 29th ultimo, shows that so much of the application as related to the proposed change south of the basin and rock had been withdrawn by the applicants, and the board has recommended that the pierhead line north of China Basin and Mission Rock be changed as follows:

"'Beginning at the intersection of the pierhead line, approved March 24, 1890, with a line drawn at right angles to the bulkhead line (approved on the same date) and from a point on said bulkhead line 100 feet northerly (measured along the bulkhead line) from its intersection with the northerly side of Channel street produced; thence easterly, along a continuation of the said line drawn at right angles to the bulkhead line, to a point 800 feet distant from the bulkhead line; thence northerly, at right angles to the line just described, to a point on the pierhead line approved March 24, 1890, distant 20 feet northerly (perpendicular distance) from a line parallel with the northerly line of Bryant street and 980 feet easterly from the westerly line of Spear street.'

"The recommendation of the Board has been approved by the Chief of Engineers and the Department.

"Very respectfully,

"ELIHU ROOT, Secretary of War.

"HON. HENRY T. GAGE, *Governor of California, San Francisco, California.*"

The various and profitable improvements following from the amendments of 1900 are described particularly in the last two reports of the State Harbor Commissioners, and are worthy of commendation.

CALIFORNIA REDWOOD PARK.

I have received the following communication from the California Redwood Park Commission, which I submit for your careful consideration:

"The commissioners appointed under the provisions of an Act entitled 'An Act providing for the creation and management of a California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park,' report that under the provisions of the Act they have acquired thirty-eight hundred acres of land, containing the species of tree known as *Sequoia sempervirens* in the Big Basin, Santa Cruz County, as provided in Section 1 of the Act above alluded to.

"The bill provided that the sum of $250,000 should be appropriated out of any money in the State Treasury not otherwise appropriated, which sum should be subject to the control of the commission and to be used solely for the purchase of lands suitable for a park; that of the entire sum of $250,000 but $50,000 should be available only on the first day of January, 1902, and the sum of $50,000 to become available thereafter on the first day of January in each year to 1906.

"In making the purchase, the commissioners report that the owners of the property accepted the certificate of the commission that the purchase had been made, and that the purchasers were entitled to the sum already available, and would be entitled to the sums to become available on the first days of January in the years mentioned in Section 2 of the Act; that the title of the property was approved by the Attorney-General, as provided by law, and that deed to the land was placed in escrow in the Anglo American Bank, San Francisco, and a fully certified record of the entire transaction filed with the Secretary of State.

"The object of the creation and acquirement of a park containing trees of the species known as *Sequoia sempervirens* was clearly declared in the Act creating the commission to make provision for said purchase It was made incumbent upon the commission to select land from a tract of land commonly known as the Big Basin, situated in Santa Cruz County, State of California, on which are growing trees of the species known as *Sequoia sempervirens*, and which, in the judgment of said commission, is suitable for a park, the purpose being to preserve a body of these trees from destruction and maintain them for the honor of the State of California and for the benefit of succeeding generations.

"In making the selection and in consummating the purchase which followed such selection, care has been taken to acquire a compact, solid body of land which, in the judgment of the commission, is most suitable for a park and for the fulfillment of the purpose of the law.

"The forest thus acquired is in many respects the most distinctively forested body of land to be found in the State of California It is in fact the only forest region designated by the Act itself suitable for the purposes to which it will hereafter be devoted.

"In the delineation and acquirement of this body of forested land, the commission has kept steadily in view the legislative intendment, and in the accomplishment of results we believe it has discharged its duty strictly in accordance with the wishes of the people of the State of California, as expressed through its legislative and executive departments

"The redwood forests of California may very justly be classed among the botanical wonders of the world. They constitute one of the leading attractions to tourists, and the possession and preservation of this park will undoubtedly augment the volume of annual tourist travel to this State. In this way the park becomes a valuable adjunct in the way of advertising the natural resources of the State, thus more widely disseminating a knowledge of its natural advantages and its desirability as a place of residence. The possession and proper maintenance of this park will, therefore, become a contributor to the reinforcement of the capital and population of the State.

"It is a matter worthy of comment that this typical forest is found located within a direct distance of fifty miles from San Francisco, the chief metropolis of the State, and when lines of communication are completed, which its existence as a public recreation ground will call into being, it is within practically three hours railroad time of San Francisco. In the early future it will be practicable to visit it, and enjoy its beauties, by the expenditure of only one day's time. This attribute of accessibility will augment its importance as an element of interest to those who visit it for pleasure and for scientific research Your commissioners will immediately address themselves to the task of securing an extension of transportation lines into the Big Basin and into the margins of the park. In this way only can the benefits of the purchase be secured to the State at an early day.

"Having, in pursuance of a deliberative act of the Legislature, acquired this magnificent property, its wise administration will become at once a question of legislative policy. Your commission is in possession of facts which will justify the opinion that it will be made easily accessible at a very early day. Supplementing this general accessibility, it will become necessary to construct roads and trails through the park, and for this purpose a legislative appropriation will be necessary.

"The duty of the preservation of this park attends its ownership by the State, and this will involve an expenditure of money for the preservation of this forest, now the property of the State, and in order that such roads and trails as will make it accessible to the public as a public recreation ground may be constructed, this commission respectfully requests at your hands a recommendation to the Legislature for an appropriation in the sum of $15,000, to be expended in the preservation and improvement of the park for the next two years, to become available in the sum of $7,500 on the first day of July, 1903, and in a like sum of $7,500 on the first day of July, 1904."

### THE UNIVERSITY OF CALIFORNIA.

The people of the State are justly proud of the University of California, which is the crown of the common school system, and they do not grudge reasonable taxation for its betterment

I am glad to report that, under the present Board of Regents, and especially under the excellent management of President Benjamin Ide Wheeler, the university has made more rapid progress than ever before in its history.

In proportion to its growth, and the increased number of special departments of study, the financial requirements of the university have, necessarily, augmented. To meet these immediate demands I deemed it proper to suggest, at the last session of the Legislature, in lieu of other proposed measures, that a continuous appropriation bien-

nially of $200,000 should be provided to assist in the maintenance of the university and be carried in the General Appropriation Bill. Accordingly, the Legislature passed the measure entitled "An Act to provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill," which I duly approved on March 15, 1901.

Inasmuch as the appropriation, under the provisions of this Act, was not to commence until the fifty-fifth fiscal year I therefore approved a separate appropriation for the sum of $200,000, payable in three separate installments during the years 1901 and 1902.

Under this allowance, together with the two per cent ad valorem tax allowed for its maintenance, it is perhaps possible that the needs of the university will be fully met, and that the sad spectacle observed under previous administrations of officers of the university lobbying to secure the passage of needed appropriations will not again be witnessed.

If the present allowances be found inadequate to meet the future necessities of the university, I am confident that my able successor in office, being both an alumnus and a regent, and, therefore, acquainted with its various details, will probably devise some proper and feasible means which will afford it sufficient support without unnecessary burdens upon the people.

CALIFORNIA POLYTECHNIC SCHOOL

At the last session of the Legislature an Act was passed, approved March 8, 1901, for the establishment, in San Luis Obispo, of the California Polytechnic School, specifying as the purposes: "To furnish to young people of both sexes mental and manual training in the arts and sciences, including agriculture, mechanics, engineering, business methods, domestic economy, and such other branches as will fit the students for the non-professional walks of life."

An appropriation of $50,000 was provided for the purchase of a site in San Luis Obispo County, and for the construction and furnishing of necessary buildings and its maintenance.

By the terms of the Act, the government of the school is vested in a board of trustees, consisting of the Governor, the State Superintendent of Public Instruction, and five trustees appointed by the Governor, to hold for a term of years.

On January 31, 1902, I appointed as trustees, Messrs. S C. Smith of Bakersfield, E. J. Wickson of Berkeley, Warren M. John and Wm. Graves of San Luis Obispo, and F A. Hihn of Santa Cruz. On September 24, 1902, I appointed Mr. R M. Shackelford of San Luis Obispo to fill the vacancy caused by the death of Mr. Graves. The board met, selected and purchased, as a site, a tract of land of 281.04 acres in San Luis Obispo County, just outside the city of San Luis Obispo, for the sum of $7,709 30. Plans and specifications for the erection of buildings upon said land have been filed with the State Controller, wherein the estimated cost of the work is $41,268.00, contracts have been let, and the construction of the buildings is now in progress.

BUREAU OF LABOR STATISTICS—A FREE LABOR BUREAU RECOMMENDED.

Upon my induction into office I considered, and still consider, that the office of Commissioner of the Bureau of Labor Statistics, established by the statute approved March 3, 1883, was intended to directly benefit the laboring classes of the State by supplying the State government with such proper information as should enable it to ascertain the condition of these classes and to provide legislative remedies for their amelioration.

Influenced by this consideration, I departed from the plan of my distinguished predecessors by selecting the appointee directly from the ranks of labor, and I rejoice to state that, from the present excellent management of the bureau, I have had no cause to regret my selection.

On page 7 of the ninth biennial report of the Bureau of Labor Statistics, the Commissioner said:

"In its original conception this bureau was created in the belief that it would in a degree be an exponent and protector of the rights and interests of the wage-earners; that it would be a department of the State government in close and intelligent sympathy with their affairs, to which they might turn for advice and information, and for such assistance as could be consistently rendered to them. This being the case, it would seem logically to follow that the administration of the bureau should be in the hands of such as come from wage-earners themselves, and who are conversant, by reason of personal experience and association, with those subjects with which the work of the bureau deals. Plain, however, as this proposition seems to be, it has remained for our present Governor, Henry T. Gage, to be the first in this State to take official cognizance of it; and while the excellence of his choice for the office of commissioner may well be a debatable matter, his sympathy with the originally conceived idea of the plan and scope of the bureau is shown by the fact that its entire staff, under his administration, have come to their respective places direct from among the wage-workers of the State."

While the office thus created has furnished valuable information to the State, yet in its practical effect, it has not been of immediate use to the laboring classes, principally because the powers of the commissioner being limited by the statute creating the office to the collection of statistical facts, there were no means by which aid could be afforded to the unemployed in cases of stagnation of labor arising from various industrial causes.

The history of industrial depressions in this State shows recurrent periods, when surplus labor resulted in idleness in certain lines of employment, while, at the same time, labor was greatly in demand in different lines

There is, then, an actual need which has been emphasized by the demand of the State Federation of Labor, for making the office of Labor Commissioner of practical use and benefit to the wage-earners.

For this purpose I recommend that a free labor bureau be established as an adjunct to the Bureau of Labor Statistics, which should be under the direct supervision of the Labor Commissioner, and that a sufficient continuing appropriation be allowed for the compensation of necessary assistants and for the payment of contingent expenses.

In the preparation of such a law stringent provisions should be inserted respecting the performance of the duties of the commissioner and his assistants, and providing a remedy in cases of grievance, so as to make the bureau, among many other advantages, an impartial and effective agency for securing work for deserving employés.

### ARBITRATION OF DIFFERENCES BETWEEN EMPLOYERS AND EMPLOYÉS.

In this connection the serious industrial differences in this State, as well as the recent unfortunate condition of the coal miners of Pennsylvania, and the effective moral influence of President Roosevelt, resulting in the temporary adjustment of grave trouble between the employers and employés, it would be well to consider the passage of a proper and efficient legislative measure, or, if necessary, a constitutional amendment, framed for the amelioration of such difficulties. It is true that arbitration can not be made compulsory, but measures may be framed whereby the parties to a controversy may be induced to submit their differences to an impartial council or board, which, when so stipulated, may be made binding

I am aware that a statute is now in effect entitled "An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employés, to define the duties of said board, and to appropriate the sum of twenty-five hundred dollars therefor," approved March 10, 1891, but this statute has proved to be inadequate for the purposes intended, and excepting the expenditure of a portion of the small appropriation by the first and only appointees under the statute, it has been for years an unused law.

In the event of the enactment of a new measure, I recommend that the Governor and Labor Commissioner be made members of such council of arbitration.

The interdependent relations of employers and employes in our commercial and industrial structure are so intimate that the unjust impairment of the rights and privileges of either tends to social and industrial disorganization. As a progressive and liberal people, we ought to work harmoniously, and good faith and honesty are the essentials of co-operative harmony.

While State laws can not trench upon the contracts of individuals nor imperatively fix and adjust upon an equitable basis the rights of employers and employés, yet some fair measure may be passed which, with the assistance of a just and healthy public opinion, will invite and induce the disputants to submit their controversy to the calm decision of a tribunal of arbitration.

### CONDITION OF PUBLIC INSTITUTIONS GENERALLY.

All other public institutions are in good condition and greatly improved since my installation in office.

While some complaints have been made and some friction has, at times, marred the harmony and efficiency of one or two public boards whose officers held for terms under my appointment, still while mild reasons existed for a change, which would have been exercised had I been vested with the power of removal, I can correctly state, that upon investigation it was shown that these conditions were exaggerated through the sensationalism of a few hostile newspapers

Similar conditions existed, and perhaps even in a more intense degree, under my very able, painstaking, and honorable predecessor, Governor James H. Budd, whose administration generally was a great credit to the people of the State

I am convinced that the following remarks of Governor Budd, in his second biennial message in regard thereto, are well applicable to my administration and those differences occurring thereunder, viz :

"I leave State institutions in far better condition and under better laws than they were when I became Governor. It is impossible, however, that some of the seventeen State institutions shall not be disturbed occasionally by some outbreak or petty quarrel among officials. The correction of these is not possible until the Legislature grants more powers to the Governor. Now, when a trustee is appointed the Governor's power ceases entirely."

### CONSTITUTIONAL AMENDMENTS AND MUNICIPAL CHARTERS.

I venture to call your attention to a matter which, by reason of its disintegrating tendency, seems to me to be portentous of future probable peril to the local sovereignty of the State.

Constitutional amendments, proposing large grants of power, especially to municipalities, have been so often loosely worded by their framers in the Legislature, that after

adoption by the people, when judicially construed, it becomes evident that excessive power has been ceded, thereby limiting the sovereign functions of the people.

I strongly favor the right of cities and towns to be free from legislative interference in those purely local concerns which are necessary for their maintenance as municipal bodies I have a most sincere affection for city and town government

I subscribe, heartily, to the following views of De Tocqueville, in his work "Democracy in America," Chapter V, namely: "Municipal institutions are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it can not have the spirit of liberty."

But the municipal institutions which De Tocqueville had in view and of which he wrote were different from the local sovereignties, like a few of the cities of this State, which, constructed through broad constitutional statutes, are demanding with their every pace new and larger grants of power.

Our State is sovereign in its local sphere because the people constituting it are sovereign, but it still owes a binding allegiance and is inseparably united to the Nation, because the whole people of the United States, as sovereigns, have an equal interest in its welfare, just as the people of California have an equal interest in the welfare of other States.

So, on the other hand, the people of the northern, central, and southern counties have an interest in the City and County of San Francisco, in the cities of Los Angeles and Oakland, and other cities of the State, and the people of these cities and towns, in turn, have an interest in the welfare of those counties and their subdivisions

In other words, every citizen of California is deeply interested in every part of the State's extensive area.

The pride and jealousy of locality, arising from residence and business interests, which exist among the people in every part of the State, if over-indulged and intensified, may cause them to overlook their wider and more patriotic interests in the development and progress of the State and Nation

In order to harmonize these jealous, and frequently conflicting, local interests, and at the same time perpetuate our constitutional rights and privileges, it is necessary that such portion of the people's power, which properly constitutes the State's sovereignty, should remain perpetually intact It should not be frittered away by inattentive constitutional concessions nor loose judicial construction.

Every law is either a grant of power or a limitation of right.

Professor Ordronaux, in his excellent work on Constitutional Legislation, says: "Every law being in the nature either of a command or a prohibition, is a displacement of existing civil relations in which society as well as individuals have acquired rights, and its *possibilities to work harm must be duly estimated as well as its power to do good.*"

Laws of a broad and flexible character definitely limited to purely local needs and concerns are both proper and necessary for the growth and welfare of a municipality, but irrepealable, ambiguous constitutional charters are a lurking peril to the supreme interests of the State.

The members of the Constitutional Convention of 1878, although having the right idea of preserving municipalities from legislative interference with their local interests, did not design that the State should suffer by the provisions inserted in the Constitution providing for municipal organization.

Yet the gradual addition to the Constitution of incautious constitutional amendments relating to municipal charters has tended to abstract from the necessary power of the State

Constitutional amendments are easily passed at each session of the Legislature, for, unlike laws, the Governor has neither the power of approval nor of disapproval.

When passed by resolution of the Senate and Assembly and submitted to the people, comparatively few voters really understand the character and purpose of these amendments, when appearing by title and number upon the ballot, hence, as a rule, the electors vote upon them in a very perfunctory manner.

Whether carried or lost, these constitutional amendments generally receive a smaller portion of the popular vote than the several State candidates of the two leading parties. In this apathy of the electors danger is concealed.

While moderate decentralization is essential to municipal liberty, immoderate decentralization leads to disintegration

Our great and free Republic grew from the sovereignty ceded by the several American Colonies, and the strength of the Colonies themselves rose from the cession of rights by the free cities and towns within them. The several elements necessary for statehood which had existed in the municipalities integrated in the State, and the several national elements which had been claimed and controlled by the colonies, were surrendered to and integrated in the Republic

"One nation out of many" has been the proud boast of the freest people on the earth. The reverse policy is now rapidly proceeding

The municipalities are constantly gaining the sovereignty which the State is losing. Once enfeeble the State by undue and unguarded cessions of its local sovereignty, and instead of sustaining its well-poised balance between the people of the State and the Federal Government, it will become a mere political shadow, unable on the one hand to resist the centripetal force of federalism, or, on the other, the centrifugal force of municipalism.

This policy is not in accord with the form of government which our patriotic forefathers founded, nor is history wanting in illustrations where such a policy has wrought ruin to free political institutions

I regard this excessive growth of municipal power as a peaceful mode of secession from the State, and an unconscious blow against the State's integrity, and, indirectly, an unpatriotic assault upon national existence.

The disruption of the Achaian league, which for one hundred and forty years gave freedom and enlightenment to Greece, was achieved by the craft of Roman statesmen, who, perceiving the love of power and decentralizing tendencies of the cities which formed the federal league, greatly enlarged the power of the cities at the expense of the central sovereign power, until the league, reduced to a name, left the several cities unprotected, a separate prey to Roman tyranny.

In the light of such an example, disproportionate and careless cession of its sovereignty to municipalities is not consistent with the best interests of the State. Municipal leagues exist at the present time throughout the United States whose common object is the extension of municipal powers, and in consequence the limitation of State power. In view of this massing of opinion toward decentralization, it behooves patriotic legislators to be cautious and conservative in the drafting of constitutional amendments which have for their object the augmentation of municipal power, considering the special provisions of our State Constitution.

A law passed by the Legislature is easily repealed at an ensuing session when found to work injury, but a constitutional amendment hastily passed by the Legislature and inconsiderately adopted by the people, however injurious in its effects, is very difficult to abrogate.

As these amendments inflexibly affect fundamental rights, and as the Governor has no voice in their passage, it becomes your solemn duty to investigate more closely these proposed amendments than proposed laws, and to place them far above and beyond the power and influence of lobbies.

CONCLUSION.

My career in office has not been one of pleasurable ease, nor have I ever sought, at the expense of public duty, my own aggrandizement.

Mistakes may have been made sometimes, perhaps through want of that diplomatic tact which graces many in public life, and which too often deceives, but for such, and all mistakes, wherever made, I shall be answerable to the judgment of my fellow-citizens in the quiet and just criticism of private life.

Having, however, always kept before me as my guiding light what I conceived to be and cherished as the people's interests, upon this, the eve of retirement, I feel that, actuated by a sense of right and justice to all my fellow-citizens, I have striven with my best and for the best.

HENRY T. GAGE,
Governor of the State of California.

"APPENDIX A."

REPORT OF THE SPECIAL HEALTH COMMISSIONERS APPOINTED BY THE GOVERNOR TO CONFER WITH THE FEDERAL AUTHORITIES AT WASHINGTON RESPECTING THE ALLEGED EXISTENCE OF BUBONIC PLAGUE IN CALIFORNIA.

SAN FRANCISCO, CAL., September 16, 1901.

HON. HENRY T. GAGE, *Governor State of California:*

SIR: The commissioners appointed by you on the 1st day of March, 1901, to visit Washington in order to confer with the Federal authorities in relation to the alleged prevalence of bubonic plague in the Chinese quarter of San Francisco, and to the more or less positive declarations of intention to place the State of California under quarantine, and who were subsequently invited by you to assist in an advisory capacity in carrying out the agreement reached to cleanse Chinatown, have the honor to report as follows:

In the course of a conference held in your office on the 27th of February, 1901, participated in by the members of your commission, it was developed that a misunderstanding had arisen concerning the attitude of the Executive of the State of California toward the Federal health authorities. Misrepresentations had been made by irresponsible papers, which created the impression in Washington that there was a disposition on your part to obstruct the operations of the United States Marine Hospital Service, and these were being seized upon by peoples having rival interests and were employed as arguments to force the abandonment of San Francisco as a military headquarters, and as the chief base of the Philippine transportation service. Statements were made that the existence of bubonic plague would make the imposition of a quarantine necessary, and it was openly asserted that such action would be followed by the removal of the transport service and military headquarters from an alleged plague-infected city.

At the conference referred to, you laid before your commissioners all the correspondence which had passed between yourself and the Federal health authorities on the subject of the alleged existence of the plague in San Francisco. It plainly disclosed the fact that there was no ground for the assertion freely made that you were placing obstacles in the way of taking precautions, on the contrary, we found in it earnest professions of a desire to co-operate with the Federal health authorities in order to set at rest the alarming and injurious rumors which were being circulated regarding the prevalence of the disease. In a telegram of February 25, 1901, you said to the Hon. Lyman J. Gage, Secretary of the Treasury, in reply to a dispatch from him, regretting your inability to visit Washington and confer with the department regarding the matter:

"I therefore respectfully request the United States authorities to take charge of the matter within this State and deal with the situation from the standpoint of the report of its commissioners, but without charge or cost to this State, at the same time assuring you of my hearty co-operation."

We found that your attitude respecting the assumption of the cost of the preventive measures was prompted by information, conveyed in a semi-official manner, that there was a considerable sum of money at the disposal of the health authorities of the United States, to be used in emergencies such as that which confronted the State. But we noted that the Honorable Secretary of the Treasury assumed that "while all ordinary expenses incurred in the payment of its own officers may be met by the department under the law, and in accordance with usage, the chief burden should be borne by the City of San Francisco." "No municipality," he added, "has ever depended financially upon the Government, under like circumstances, though there have been numerous parallel cases during epidemics of yellow fever." In the course of the conference it was made clear to us, while the Legislature at its session in 1901 had fortunately made an appropriation for health purposes to be expended under your direction, that you did not have the legal right, even if the desire existed, to permit any portion of it to be expended except by State officials. It was also made apparent by telegrams received from Washington that our Senators, instead of assisting in clearing up the situation, were accentuating its gravity by accepting without challenge the allegations that bubonic plague prevailed in San Francisco, and by absolutely disregarding all the evidence which tended to show that the disease did not exist in San Francisco at the time and had not existed.

Accordingly, as the result of the conference of February 27, 1901, and in response to the professed desire of the Secretary of the Treasury, it was decided by you to send a commission to Washington to go over the matter with the authorities in that city and to avert, if possible, the threatened quarantine The commission left this city on March 3d and arrived in Washington on the 7th. On the morning of the 8th the Secretary of the Treasury was waited upon and your position was fully presented by Mr. W. F. Herrin, who spoke for the commission. He made clear to the Honorable Secretary that, while you were convinced there was no ground for the assertion that there was or had been bubonic plague in San Francisco (an opinion shared by the members of the commission), you were desirous of co-operating with the Federal health authorities in making their investigations, and in taking such precautions as would serve to allay any apprehension that might have been created outside of California by the alarmist reports published in certain papers, and which had been telegraphed all over the world

The spokesman of the commission also called the Honorable Secretary's attention to the fact that through misapprehension or design the special commissioners appointed by the Treasury Department for the purpose of ascertaining the existence or non-existence of bubonic plague in San Francisco, did not call upon you until after they had concluded their labors, although you had urged that "co-operation with the State authorities by such experts should be advised in order that the State may select eminent home bacteriologists and physicians, as well as, if deemed necessary, bacteriologists and physicians from other States and countries, to examine the same suspected cases, so as to arrive at a correct and impartial conclusion;" and had urged as a reason for making this appeal: "The irreparable injury heretofore done to this State (California) by unfair and *ex parte* examinations"

These and other representations made to the Honorable Secretary influenced him to accede to your very reasonable request that the State should be permitted to protect its interests, and your commission was referred to the Supervising Surgeon-General, Marine Hospital Service, to discuss with him the outlines of a plan of action. A satisfactory agreement was soon reached, the nature of which is disclosed by the following correspondence:

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING SURGEON-GENERAL, MARINE HOSPITAL SERVICE,
"WASHINGTON, March 11, 1901.

"MR JOHN P. YOUNG, *Chairman Committee Representing the Governor, Mayor of San Francisco, and Business Interests of California, Washington, D. C.*

"SIR: I transmit herewith a letter, dated March 9th, from the Surgeon-General of the Marine Hospital Service, outlining the understanding which has been arrived at between yourselves and this department, as a result of the conference on March 9th.

"In transmitting the same, I wish to express the appreciation of this department of the visit of your committee and its spirit of friendly conference. I trust, also, that the results so earnestly desired by both yourselves and the department will be speedily achieved and by methods that may be effective without causing undue alarm.

"The department will appreciate an acknowledgment.

"Respectfully,

"(Signed:) O. L. SPAULDING, Acting Secretary.

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING SURGEON-GENERAL, MARINE HOSPITAL SERVICE,
"WASHINGTON, March 9, 1901.

"*The Honorable the Secretary of the Treasury:*

"SIR: Referring to the conference, held in accordance with your instructions after the meeting in your office this forenoon, with the representatives of the Governor of California, the Mayor of San Francisco, the press, the railroads, and the business interests of San Francisco, I have to inform you that an understanding has been reached, stated somewhat informally as follows:

"The visiting representatives have expressed a desire for hearty co-operation of the State and city authorities interested in the work, which is made necessary in view of the report of the commission; and they desire, while this work shall be done by the city and State authorities, the services of some expert officer of the Service to give advice as to the methods to be pursued, agreeing that his recommendations shall be carried out, and that the work shall be begun at once.

"I have informed them also that so far as can be seen at the present time the principles enunciated in my telegram of January 9, 1901, to Surgeon White, copy of which is inclosed, are about what should be adopted at the present time, with the understanding that it is possible that future developments may require more radical measures though it is not expected

"It is understood also that the burden of expense falls upon local or State authorities though, of course, the department will meet the salaries and incidental expenditures of its own officers.

"It is the desire of the Treasury Department, as well as of the bureau, that these affairs shall be conducted with the least possible interruption to commerce and the least possible excitation of alarm.

"Surgeon White, now in San Francisco, is the officer of the Service who will be the representative of the bureau and of the department in this matter, and who, it is understood, is entirely acceptable to all parties.

"Respectfully,

"(Signed:) WALTER WYMAN,
"Supervising Surgeon-General, M. H. S.

"One inclosure, copy of January 9, 1901, telegram to Surgeon White, San Francisco, Cal."

(Telegram)

"WASHINGTON, D. C., January 9, 1901.

"DR. J. H. WHITE, *Occidental Hotel, San Francisco, Cal.:*

"Regarding plague in San Francisco, you might say situation not acute. Experience in Oporto, Santos, Glasgow, and climatic conditions in 'Frisco make it more a matter of future menace—as instanced in British Medical Journal of December 1st, page 1614 It was present in Calcutta two years before acknowledged. Therefore, more to prevent future catastrophe than from present alarm, measures should be taken as necessity arises, nor need they be (taken) in such manner as to excite alarm, but should include inspection, isolation, and disinfection, as in smallpox (in same manner)

"If assured of this, publication would be unnecessary. Use this as your judgment dictates.

"(Signed:) WYMAN."

It is proper to call attention to the telegram which forms a part of this correspondence, as it was freely charged in the press, and by medical journals, that your commission had induced the Federal health authorities to consent to the suppression of facts. It will be noted that the date of the telegram to Dr. J. H. White was January 9th, and that in it Surgeon-General Wyman advised him to take his measures in such a manner as not to excite alarm; and that publication would be unnecessary This is all your commission asked, and it preferred the request in the full assurance that the only harm that could be done would be that caused by the dissemination of statements calculated to injure the reputation of California by fastening upon it the reputation of being subject to plague.

The arrangement thus reached by your commission was promptly reported to you, and at your request, on our return from Washington, we met in the office of Hon James D. Phelan, Mayor of San Francisco, to consult with you and that official respecting the mode of carrying out the agreement. At this meeting you indicated the extent to which you thought the State should go in meeting the views of the Federal authorities. Mayor Phelan, however, was unable to make any specific promises on behalf of the city, but expressed a willingness to do all in his power to comply with the demands which would arise as the work of cleansing Chinatown proceeded. The conclusion was reached by those in consultation that the pledge made for you by your commission should be promptly redeemed, and Dr. J. H. White of the Marine Hospital Service, who was in waiting, was called in and asked to outline his plan of campaign. He said that he should require the cleansing, disinfection, and fumigation of the district known as Chinatown; that it would be necessary to provide and maintain a crematory to dispose of the rubbish; a laboratory for bacteriological purposes; a building available for use as a detention barracks; a hospital for any subjects that might be discovered, and a morgue and hall of tranquillity. As Dr. White's large experience in such matters qualified him

to speak understandingly, his opinion as to the probable cost of carrying out the cleansing, disinfection, and fumigation, which he said would be necessary, was asked. He answered that he had given the subject some attention, but could not make a close estimate He thought, however, that the work would necessitate an expenditure of at least $100,000.

It being impossible at this meeting for Mayor Phelan to definitely state what part of the expense of cleansing Chinatown, and for providing the facilities which Dr. White had demanded, could be assumed by the city of San Francisco, another consultation was arranged for the ensuing day, April 2d At this conference the following agreement was entered into between yourself, on behalf of the State, and Mayor Phelan, on the part of the city:

"The State will clean up Chinatown in its own way and with its own money. Will fumigate and disinfect until $25,000 of State money is spent.

"City will erect and maintain a crematory to dispose of rubbish found by the State.

"City will erect and maintain laboratory.

"City will provide and maintain detention barracks and hospital.

"City will provide morgue and hall of tranquillity, and maintain same."

Although this agreement imposed the greater part of the burden of cleansing, disinfecting, and fumigating the Chinese quarter of San Francisco upon the State, your commission, considering the exigency and the possible consequences of delay, heartily approved the arrangement entered into, and urged that the work be proceeded with at once, in order that the pressure which was undoubtedly being exerted to have the Federal authorities erect a quarantine against California should be relieved. At your request your commission consented to continue acting in its advisory capacity, and agreed with you that it was desirable to have an efficient corps of physicians, acting under the direction of the State Board of Health, to assist in the examination of every alleged case of bubonic plague brought to the attention of the Federal authorities while making their investigations in this city. The importance of this course of action was demonstrated by the results, which fully justified the position taken by you from the beginning, namely, that there was no ground for the charge that cases of genuine bubonic plague had been found in San Francisco.

Although your commission, at the conclusion of this meeting of April 2d, announced to Dr. J. H. White, the official designated by the Federal health authorities to direct and supervise the work of cleansing, disinfecting, and fumigating Chinatown, the readiness of the State to proceed, he postponed the commencement of operations until April 9th. On the morning of that day a force of forty-three men, subsequently largely increased, was put to work, and the instructions of Dr. White were rigidly adhered to, your commissioners taking pains to hear from him at frequent intervals, in order to learn if everything was proceeding according to his desires. The process adopted, as prescribed by Dr. White, and the progress of the work, are fully described in the accompanying report of the State Board of Health of August 27, 1901. In all 1,185 buildings, containing 16,888 rooms, and numerous hallways, stairways, sinks, yards, basements, sub-basements, water-closets and roofs were cleansed, disinfected and fumigated. Fifteen hundred and eleven loads of garbage, or 4,533 cubic yards, were removed by the State force. The carting and burning of this material were done at the expense of the city. The number of men employed daily on all the work ranged from 130 to 150. That the business was done expeditiously and economically will be inferred from the fact that it was accomplished for about one fourth the amount estimated by Dr. White Those in charge are to be specially commended for the economies practiced in the purchase of supplies. We find from the reports rendered by the State Board of Health that by disregarding the recommendation of Dr. White to purchase sulphur, bichloride of mercury, dutch ovens, etc., in large quantities, a considerable saving was effected. Thus the work of disinfecting and fumigating was thoroughly performed with 300 pounds of sulphur, although the Marine Hospital Service estimated that thirty tons would be necessary. Fifty pans were bought, and twenty only used, but the requisition of the Federal official called for 200.

In addition to the work of cleansing, disinfecting, and fumigating, the State Board of Health undertook the important duty of assisting the Federal health officers in their search for suspicious cases. A doubt having arisen in the minds of Dr White and his staff regarding the accuracy of the number of sick Chinese reported in the quarter, a corps of five physicians was employed by the State Board of Health to make a house-to-house canvass. These physicians made a daily report of the work performed by them and also a report of a Chinese whom they found sick, giving a history of each case and a diagnosis of the disease. Each block in the quarter was covered by the State's physicians eight times, and in all of the seventeen blocks only 307 sick cases were reported. A morgue was established by the Marine Hospital Service at 638 Merchant street, and any Chinese man, woman, or child dying in the City and County of San Francisco was, by the order of Dr White and his associates, immediately removed thereto and treated as a case of bubonic plague until the autopsy proved the contrary. Under an order issued by the City Board of Health of San Francisco, no Chinese person dying in the City and County of San Francisco could be buried until a certificate of death was countersigned by either of the three physicians in charge of the morgue and laboratory conducted by the Federal officials. At all the autopsies the State was represented by one or more physicians, and no autopsy was held without a representative from the State Board being present. The State had as its bacteriologist Dr. S. M. Mouser, who conducted a very thorough and complete investigation in all cases that were considered in any way suspicious.

The wisdom of these precautions was soon made evident. Many cases were reported which were pronounced suspicious by the physicians employed by the Marine Hospital Service, but although between April 8th and August 27th 103 autopsies were performed, not one case was found which could be pronounced bubonic plague. The report of the State Board of Health which gives the clinical history of these cases and the circumstances attending the autopsies indicates that there was an eager desire on the part of those who contended that bubonic plague existed in this city to establish that fact. In one instance an attempt was made to quicklime a body in order to destroy the evidence which would conclusively prove that the deceased had died of pulmonary tuberculosis, which fact had been ascertained at the autopsy. Had not the State Board's physicans taken the attitude they did, the evidence is strong that it would have been pronounced a genuine case of plague. Many other circumstances are cited tending to show that there was a disposition manifested to keep up the impression that bubonic plague had prevailed in the city and that it was still present, but the watchfulness of the State Board's representatives prevented any misunderstanding on that point. And in view of the necessity of thorough watchfulness in this matter, your commission, at its last meeting with you, approved the continuance by you for at least six months of measures to secure complete information as to all suspected or alleged cases of plague, and generally to see that the health conditions of Chinatown were not in any way misrepresented. The monthly expenses of such measures were then estimated at about $1,000 per month, and your commission entirely approves this and all other expenses incurred by the State authorities in this whole matter. It is significant in this connection that the latest case of bubonic plague alleged to have been discovered in this city was on April 8th, the day before the State Board commenced its active investigations. After that date no case was discovered, although many were asserted to be such until an autopsy disproved the assertion.

The commission heartily commends the attitude taken by you in your answer to the telegram from Walter Wyman, Surgeon-General, Marine Hospital Service, dated June 18, 1901, which seems to have closed the incident, and in which he says: "It is a matter of mutual congratulation that no cases have been found during the progress of this work" (that is, the cleansing of Chinatown and the investigation of the character of every case of sickness found within its limits), and suggests that certain supplementary work recommended by Dr. White should be carried out. Your declaration that "there is no occasion at this time for the further investigations suggested by Dr White" is fully concurred in by us, and we trust that the determination expressed by you that "one-sided or secret examinations, such as have in the past been witnessed in San Francisco, to its irreparable detriment and to that of the whole State, * * * can not again be permitted," will be rigidly adhered to.

In conclusion, your commission desires to express the opinion that the result of the steps taken by you has been to wholly disprove the allegation that bubonic plague has existed in San Francisco. Had the same precautions been taken before April 8, 1901, that were adopted after that date we should not have been menaced with quarantine, nor would we have had imposed upon us the expenditure of a large sum of money, every dollar of which was extorted by the necessity of warding off the evil consequences of the false reports concerning the health of the city and State. There can be no reasonable doubt that the autopsies made prior to April 8, 1901, would have had the same result as those made after that date had there been present doctors who were not interested in creating the impression that San Francisco was plague-infected. The fact that no plague has been found since April 8, 1901, and the further fact that the disease, although it was alleged to have made its appearance on March 6, 1900, did not become epidemic, and that no two cases of what was termed bubonic plague appeared in the same house, should carry conviction to every candid mind that San Francisco is and has been absolutely free from the disease, and that those who said it existed were either mistaken or deliberately misrepresented the facts.

JOHN P. YOUNG,
WM. F HERRIN,
T. T. WILLIAMS,
H. T. SCOTT,
Commissioners.

FREMONT OLDER,
Commissioner of the City of San Francisco and of the State.

In signing the above report I desire to express the opinion that in the earlier reports of the existence of plague, the Mayor and Board of Health and other officials of San Francisco were sincere in their belief that the reports of physicians that the plague was here were true I am of the opinion, however, that later on the judgment of the Board of Health became corrupted by its dislike to confessing mistake and by its desire of proving that its erroneous conclusions were justifiable.

Certainly no blame should attach to officials for taking precautions against disease, which excellent authority declared existed. At the same time no excuse should be made for physicians and others who attempted to palm of as plague diseases of a non-contagious character.

T. T. WILLIAMS.

Conference Committee:
W. J. MARTIN,
HUGH HUME

THE DISINFECTING, CLEANING, AND FUMIGATING OF CHINATOWN IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, BY THE STATE BOARD OF HEALTH.

HEADQUARTERS OF STATE BOARD OF HEALTH,
ROOM NO. 11, FERRY BUILDING,
SAN FRANCISCO, August 27, 1901.

The work of disinfecting, fumigating, and cleaning of the district known as Chinatown, in the City and County of San Francisco, was commenced April 8, 1901, by the State Board of Health, under the supervision of the Marine Hospital Service of the United States, Dr J. H. White in charge. The district known as Chinatown and mapped out by Dr White consisted of the following seventeen blocks:

Block 132, bounded by Pacific and Jackson, Powell and Stockton streets;
Block 133, bounded by Jackson and Washington, Powell and Stockton streets;
Block 134, bounded by Washington and Clay, Powell and Stockton streets;
Block 135, bounded by Clay and Sacramento, Powell and Stockton streets;
Block 136, bounded by Sacramento and California, Powell and Stockton streets;
Block 110, bounded by Broadway and Pacific, Stockton and Dupont streets;
Block 111, bounded by Pacific and Jackson, Stockton and Dupont streets,
Block 112, bounded by Jackson and Washington, Stockton and Dupont streets;
Block 113, bounded by Washington and Clay, Stockton and Dupont streets;
Block 114, bounded by Clay and Sacramento, Stockton and Dupont streets;
Block 115, bounded by Sacramento and California, Stockton and Dupont streets;
Block 89, bounded by New Montgomery avenue and Pacific, Dupont and Kearny streets;
Block 90, bounded by Pacific and Jackson, Dupont and Kearny streets;
Block 91, bounded by Jackson and Washington, Dupont and Kearny streets;
Block 92, bounded by Washington and Clay, Dupont and Brenham place;
Block 93, bounded by Clay and Sacramento, Dupont and Kearny streets;
Block 94, bounded by Sacramento and California, Dupont and Kearny streets.

The blocks on the west side of Stockton street were not cleaned in their entirety; only portions of said blocks are occupied by Chinese, and in no instance was it necessary to invade the premises on the Powell street boundary.

On April 4th, the following communication was received at this office from Dr. J. H. White, viz.: "The work of disinfecting, fumigating, and cleaning the district known as Chinatown will commence at the southeast corner of Stockton and Pacific streets, and follow a southeasterly course, on account of the prevailing winds."

The State Board of Health was prepared to begin work on April 5th, when Dr. White made a request for postponement until April 8th At nine o'clock on the morning of April 8, 1901, we commenced work with a force of forty-three men on block 111, beginning on the corner of Stockton and Pacific streets, as per instructions of Dr. White. Under the instructions of the Marine Hospital people we requested the Chinese to clean their premises preparatory to having them fumigated by means of the following process: "All rooms to be fumigated with five per cent sulphur dioxide for forty hours, with all contents in place. This to be followed by all textiles to be subjected to a steam disinfection for twenty minutes in a temperature of 215° Fahr. All goods that could not be disinfected by steam to be soaked in bichloride of mercury solution, 1 to 1,000, or in five per cent carbolic acid solution. All other things that do not come under these clauses and incapable of disinfection, such as foodstuffs, were to be carried to the crematory and burned."

These orders were countermanded and the following plan was substituted, viz: The floors and walls waist high in the rooms in the various premises to be washed and scrubbed with a saturated lye solution 1 pound to a 4-gallon bucket of water, and the remaining portion of the walls and ceiling to be sprayed with a 1 to 800 solution of bichloride of mercury. We were obliged to pursue this plan in all storerooms until such time that it was found to be of such character of work that it would be impossible to complete the large storerooms and warehouses short of seven or eight months By request and after consultation with Dr. White, we were permitted to fumigate those storerooms which contained goods that were not damageable by means of sulphur process of fumigating. In those storerooms and warehouses which contained goods which were easily damaged we were permitted to use a formaldehyde gas.

The men were divided into squads of five each, one of said squad being known as the captain or foreman. These squads were in charge of physicians employed by the State Board of Health, who gave instructions as to the work to be performed and saw that it was properly done. After a building was cleaned with the lye solution the physician in charge of the squad performing the work in said building would report the same to one of the physicians acting as inspector on the staff of Dr White, and he in turn would inspect said building and mark it ready for spraying. The building then would be taken in charge by the spraying squad, whose duty it was to spray the walls and ceilings with a bichloride of mercury solution, 1 to 800. After this character of work was completed the building was again inspected by the State Board of Health inspectors, and by them reported to the inspectors on the Federal staff, who in turn inspected the building and approved the work by marking upon each door of the rooms of the building "O. K." and "Bich," which meant that the rooms and building had been cleaned, fumigated, and disinfected to the satisfaction of the physician acting as inspector on the staff of Dr. White.

This character of work was carried on until all of the 1,185 buildings in the district were completed; in all 16,888 rooms were cleaned, disinfected, and fumigated, besides numerous hallways, stairways, sinks, yards, basements, sub-basements, water-closets, and roofs. Dirt and filth from these buildings were carried to the street and alleyways,

where it was covered with quicklime by a force of men employed by the State, after which it was carted off to the crematory and burned; in all, 1,511 loads of this garbage, or 4,533 cubic yards. The carting and burning of this material were done by the City Board of Health at the expense of the city.

All the dark rooms, alleyways, and stairways were subjected to a coat of whitewash by a squad of men working under instructions of our inspector and at the expense of the State Board. In conjunction with the above, a plumbing inspector was employed, who made a thorough investigation of all the plumbing in the buildings in the district, and where defective plumbing was found notice was served upon the owners or their representatives, and with few exceptions the necessary repairs were made to the satisfaction of our plumbing inspector.

At this point we desire to note that the following plumbing fixtures and materials were used to place the plumbing in a sanitary condition:

97 new water-closets were put in.
186 new galvanized sinks.
46 automatic flush tanks.
36 new porcelain urinals.
28 slop-hoppers.
37 new iron and lead traps.
1600 feet cast-iron sewer pipe.
27 feet galvanized vent pipe.
1200 feet galvanized water pipe.
137 water-closets were repaired.
48 sinks were repaired.
81 slop-hoppers were repaired.

During the work a request came from Dr. White asking that a squad of men be formed to be known as the "flying squadron." This squad was organized and put in charge of one of the State physicians The duty of this "flying squadron" was to clean and fumigate the buildings in which alleged cases of bubonic plague had existed; this squad cleaned in all some 34 buildings. The average number of men employed daily on all the work ranged from 135 to 150. The number of physicians employed as inspectors was 6.

A doubt having arisen in the minds of Dr. White and his staff as to the number of sick Chinese reported in the Chinese quarters, a corps of five physicians was employed by the State Board to make a house-to-house canvass in the district known as Chinatown, and to ascertain the truth of this doubt. These physicians made a daily report of the work performed by them, and also a report of the Chinese whom they found sick, giving a history of the case and their diagnosis of the disease These reports were made in duplicate, one being placed on file in this office, and the duplicate sent to the office of Dr. White. Each block in the district was covered by our physicians eight different times, and in all of the seventeen blocks only 307 sick cases were reported to this office. Few cases of acute sickness were found, most of the cases being of a chronic character, the majority of whom were suffering from pulmonary tuberculosis

Herewith is a statement of the deaths among the Chinese and Japanese of this city since 1897, as tabulated by the statistician of the City Board of Health:

| Fiscal Year. | Estimated Population | Male. | Female. | Total |
|---|---|---|---|---|
| 1897–98 | 18,000 | 397 | 57 | 454 |
| 1898–99 | 18,000 | 453 | 53 | 506 |
| 1899–1900 | 18,000 | 454 | 72 | 526 |
| July, 1900, to Dec., 1900, inclusive | 18,000 | | | 214 |
| Jan., 1901, to April 30, 1901, inclusive | | | | 151 |

A census, taken by the State Board of Health, as to the number living in the district known as Chinatown, amounted to 14,281 men, women, and children.

A morgue was established by the Marine Hospital people at 638 Merchant street, in the quarters formerly used as the City Morgue. Any Chinese man, woman, or child dying in the City and County of San Francisco was, by the order of Dr. White and his associates, immediately removed to this morgue and treated as a case of bubonic plague until the autopsy proved the contrary. The morgue and laboratory of the Federal authorities were conducted by Drs. Flint, M. White, and Ryfkogle. Dr. Flint performed all autopsies, and under an order issued by the City Board of Health of San Francisco, no Chinese person dying in the City and County of San Francisco could be buried until a certificate of death was countersigned by one of the above-named gentlemen, showing that the case was not one of bubonic plague. The morgue and laboratory at the present time are under the direct charge of Drs. Blue, White, and Currie. At all the autopsies the State has been represented by one or more physicians, and no autopsy has been held without a representative from this Board. Specimens were removed from the bodies of those autopsied for the purpose of making bacteriological investigations. The State has as its bacteriologist Dr S. M Mouser, who conducts a very thorough and complete investigation in all cases which are considered in any way suspicious.

The hours for holding the autopsies were arranged for 10 A. M and 3 P. M. daily. From April 8th to August 19th, 98 autopsies have been performed. Many of these cases were looked upon as very suspicious by the physicians employed by the Marine Hospital Service; but at all times the State Board, through its representatives, has never found

a case which could be pronounced as one of bubonic plague, and the report of the State Board's bacteriologist shows the result of a complete investigation.

The following cases have been selected as the ones which were looked upon as suspicious by the physicians in the employ of the Marine Hospital Service:

Woo Poy Wing, 822 Clay street, male, 32 years old, laborer, died at above number on the 7th of April. This case was seen by Dr. Lawlor on the 17th of March, and he obtained a history of pulmonary tuberculosis of over one year's standing. Autopsy made by Dr. Flint revealed the following facts: Glandular system, submaxillary (anterior and posterior), cervica, supra clavicular, right axillary, all negative. Left axillary, found one gland enlarged to the size of almond. The right inguinal glands just felt. The left inguinal just felt. The peritoneal cavity was filled with a cloudy, straw-colored exudate, which contained numerous flocculi. A remark was made at this point that this was very characteristic in plague, and that it was hardly necessary to go on further with the autopsy. At the suggestion of the State's representative, the autopsy was completed, with these findings, viz.: Anatomical diagnosis: Pulmonary tuberculosis, acute peritonitis, tumor of cæcum, intestinal perforation, and arterio sclerosis. Bacteriological diagnosis, negative. Had it not been for the demand on the part of the State's representative at the autopsy this would probably have been reported as a case of plague.

Mark Owau Wing, alias Mae Quon, 735 Jackson street, male, 35 years old, laborer, died April 27th. This case was seen two days before death, and the cause of illness was given as spitting of blood. From a history of the case, a diagnosis of pulmonary tuberculosis was made. Anatomical diagnosis: Pulmonary tuberculosis; chololithiasis; acute parenchymatous degeneration of the kidneys. Bacteriological diagnosis: By the Federal people, distinctly bipolar-stained bacilli; by the State authorities, the bacteriological examination showed a negative result.

This was the case which they endeavored to make out as one of plague and had it not been for the firm stand taken by our physicians there is no question but that this would have terminated as a pronounced case of bubonic plague At the autopsy Dr. Flint made no statement concerning plague until he removed one enlarged gland from the right axilla. The right lung was removed and found to be tubercular. Dr. Flint then endeavored to remove the left lung, but found it so firmly adhered and diseased that it was impossible to remove it through the abdominal opening, and he stated that he did not desire to mutilate the body by making an opening in the chest walls. He further stated that this was a case of pulmonary tuberculosis, and with this diagnosis the State's representative felt satisfied and left the morgue Later on in the afternoon Dr Flint was found going through Chinatown in company with a police officer to the building in which the deceased Chinaman had resided at 735 Jackson Street. The room which he occupied was sealed and locked, but no quarantine was placed on the building. Dr. White immediately made a request that the room be fumigated, which was complied with. That evening the State's representatives demanded that the order given by the Federal people to quicklime the body for burial be countermanded, and a further and more complete autopsy be performed. Our request to non-quicklime the body was granted, as well as postponement of time of burial. The following morning Dr. Flint was interviewed and requested to explain his position in this case. He stated that he desired to await the result of a bacteriological investigation before giving an anatomical diagnosis. He said that if the State desired to make a more complete autopsy they could do so, he would not, but finally admitted that both lungs were completely destroyed by tuberculosis, and the left lung to such an extent that it was impossible to remove it. No further autopsy was insisted on after this admission We learned that they had inoculated a guinea-pig, but the guinea refused to succumb to their bacilli The result was that they finally admitted that no evidence of plague had developed from their bacteriological examination, although they were positive in the beginning that they had found bipolar-stained bacilli. The bacteriological investigation made by the State's physicians on the above case gave a negative result.

Mrs Augusta Feller, white, female, died at the City and County Hospital on April 24th. Anatomical diagnosis: General acute peritonitis, hypostatic congestion of the lungs; cloudy swelling of the liver, kidneys. and heart; chronic fibroid myocarditis. Bacteriological diagnosis: By the Federal people, bipolar-stained bacilli, plague; by the State's authorities, pneumococci.

This was, in the opinion of Dr. Flint, a typical case of plague. This woman resided with her family at 140 Berlin street, and was taken sick on April 15th, while nursing her husband, who was suffering from traumatic pneumonia, the cause of which was a fractured rib produced by the kick of a cow; and on April 19th, on account of the distressed financial circumstances of the family, she was removed to the City and County Hospital and placed under the care of Dr. Charles Rosenthal until the time of her death, and was attended by Dr. Alfred McLaughlin before her removal to the hospital. From Dr Rosenthal the State received the information that this was a case of acute peritonitis, with double lobular pneumonia, and he signed the death certificate, giving the above-named diseases as the cause of death. Dr. Pillsbury, who made the autopsy in this case, could not verify the statement of Drs. Flint, Ryfkogle, Kellogg, and others, who claimed that they found plague bacilli. Drs. B. F. Williams and Doddsworth, internes at the City and County Hospital, were present at the autopsy. On the findings of Drs. Flint and others the ward at the hospital in which the woman died was quarantined pending a more complete bacteriological examination on the part of Dr. Flint and his associates. These physicians were so positive regarding their diagnosis in this case that they went out to the residence of the deceased woman with the intention of taking some of the blood of the sick husband for examination and to Haffkine the children. Upon their arrival at the house, and after getting a history of the husband's

illness and injuries, they failed to carry on any further investigation, or to Haffkine the children. They inoculated a guinea-pig with specimens removed from the body of the deceased woman, but the result proved negative. After holding off a bacteriological examination for a week or more, they finally admitted that they had been mistaken, and countersigned the certificate of death, giving as a cause of death acute peritonitis with lobular pneumonia, and ordered the quarantine raised on the ward. The State's representatives had informed the Federal people and their associates that they could give them a complete history of this woman's case from the date of her very recent confinement when she gave birth to a child, up to and including the time of her death, and that they were positive as to their position that this was not a case of bubonic plague. The Federal people and their associates ordered this body quicklimed for burial, yet they permitted a public funeral from an undertaking establishment in the Mission, and published the date and hour of the funeral in the daily papers.

Lee Yick Wau, 622 Jackson street, male, laundryman, 42 years old, suddenly died April 27th. This case was not seen before death, but an investigation before the autopsy was performed revealed the fact that the man had died from the effects of an overdose of Chinese medicine. Dr. Flint stated, before the autopsy began, that this certainly was one of the supposed hidden cases of plague, so often mentioned. At the request of the State's representatives, a complete autopsy was made of the stomach and intestines, and when no cause was found to account for the acute pathological changes in the stomach and intestines, the State's representatives gave the cause as above mentioned, and thus another case was proven to be based on fallacy. Anatomical diagnosis: Acute gastro-enteritis; phthisis; cholelithiasis; chronic pleurisy and chronic interstitial nephritis. Bacteriological diagnosis, negative.

Wong Do Gap, 828 Sacramento street, male, age 40, died May 13th at the Oriental Dispensary. This case was seen many times clinically for more than one month, and a diagnosis of tubercular adenitis was made. Anatomical diagnosis: Acute hemorrhagic gastro-intero colitis, caused by chewing and swallowing Dr. Flint's clinical thermometer; chronic nephritis; edema of the lungs; cervical tubercular adenitis of the glands of the left axilla. Bacteriological diagnosis: Federal people found bipolar-stained bacilli, and inoculated a guinea-pig, result proved negative.

Lei Lum or Gee Mon Sui, 625 Dupont street, age 43, laundryman. Autopsied at Public Morgue, July 7th. Spleen examined by Federal doctors on same day, and pronounced suspicious of plague. This case was reported July 1st, and seen clinically. A diagnosis of pulmonary tuberculosis and stenosis of trachea made. Obstruction in trachea was due to a cicatrix, resulting from a cut in throat with suicidal intent. Patient committed suicide on the 6th, and was examined as above stated. Cultures and inoculations proved bipolar-stained bacilli to be diplococci.

Mon Lung, 4 Clay avenue, child, age four months. This case was treated at the Presbyterian Mission by Dr. Minnie Worley for more than two weeks for pneumonia. Autopsy revealed bipolar-stained organisms in smears from spleen. These appeared to State's representative to be streptococci, not bacilli, as claimed by Federal doctors. Cultures and inoculations proved organisms to be streptococci and the cause of pneumonia.

"*To the Honorable Board of Health of the State of California*

"The undersigned begs to report that on July 6, 1901, he was present at an autopsy of a Chinaman named Lee Ah Wa (?) made by employés of the U. S. Marine Hospital Service, and has since made cultures and inoculations with tissues from the body of said Chinaman, making the usual bacteriological investigations, which led him to the conclusion that said Chinaman died of septicemia hemorrhagica, and not of bubonic plague.

"Respectfully submitted,

"S. M. MOUSER.

"San Francisco, July 16. 1901."

Case 64, known as "Saina," a Japanese diva, of 845 Washington street. This was the second body autopsied on July 9th; the first being that of "Moiyo," also from the same place. This case was reported by Dr. Blue at 10 P. M on July 8th as very suspicious of bubonic plague. Drs. Lawlor and Stone visited the case about midnight on the same day, and found the patient suffering with a fever ranging from 101° to 102°, moderately rapid pulse and breathing, and enlarged inguinal femoral glands on both sides The glands were about the size of an almond not hulled, surrounded by a slight periglandular edema, and tender upon pressure. The skin over glands on right side showed a well-defined puncture mark, which had been made by Dr Ryfkogel for the said purpose of withdrawing blood from glands for bacteriological examination. The history of the case previous to visit of Drs. Lawlor and Stone is this: The patient became sick the latter part of June. Dr. M. Regensberger was called in to treat the case. He made the diagnosis of typhoid fever and gave treatment for same, but since the patient did not show signs of improvement under this treatment Drs Carpenter and Evans were called in consultation. Both of these doctors heard murmurs over area of heart, but were not satisfied as to their diagnosis, and therefore a third consultation in the form of a bacteriologist, Dr. Ryfkogel, was called in, who at once pronounced the case bubonic plague, and then made the puncture above-mentioned to confirm his diagnosis. The post mortem showed the following: A chancre on the right side of vulva, the inguinal femoral groups of glands enlarged and surrounded by a non-hemorrhagic periglandular edema. Some of the glands ready to break down by fibrinous necrosis. Smears made from the glands showed the bipolar-stained organism only to be present in set of glands on right side where the puncture had been made. The smears made from glands on left side were negative. From the cut surfaces of

tumefaction about glands a serous exudate flowed, or rather oozed. The peritoneum, intestines, mesentery and its glands, stomach, and kidneys were found to be normal, not even injected nor hemorrhagic. The spleen was about double its size, soft, pulp structureless, and upon capsule being cut flowed out. Smears made of spleen did not show bipolar-stained organisms. The heart did not show any lesions, nor even thickening of valves, although a few atheromatous plagues faintly showed in aorta, this proving that the consulting doctors who heard murmurs as stated above were mistaken. The lower lobes of both lungs were greatly congested, and upon being cut a serous, sanguinous, frothy exudate flowed from same It should be added here that smears were made from this exudate of lungs, from the heart's blood, and from the mesenteric glands, but none of these smears showed bipolar-stained organisms; this proving clearly that the organisms found in the right group inguinal femoral glands were not found in blood of subject. This is in direct contradiction to findings of bacilli in suspected plague cases elsewhere; the spleen being the organ where the bacilli are found most abundantly, and if at all present, are found in this organ. This is in accordance with the ideas of the Federal doctors, because frequently no other organ in a case is examined.

Cases 63 and 68 were similar in every respect to above cases.

*"To the Honorable State Board of Health of the State of California*

"The undersigned begs to report that at the request of your Honorable Board he has made a thorough bacteriological investigation of three Japanese woman who died at 845 Washington street and has arrived at the conclusion hereinafter stated:

"These women were named, respectively, Miss Moiyo (No. 63 of autopsies made since April 4th by medical men connected with the U. S. Marine Hospital Service), Miss Saina (No 64), and Miss M Kawamura (No 68). These women were all inmates of a house of prostitution, and were similarly situated as to their habits and mode of life. The post mortem appearances were in many respects similar, except that in case 68 there were marked evidence of syphilis, copper-colored spots appearing on the skin of nearly all parts of the body. There was in each case some enlargement of the inguinofemoral glands, but in no case was the gland broken down or in a state of suppuration. There was no marked changes in the axillary or cervical glands.

"In cases 64 and 68 there was a little enlargement of some of the mesenteric glands. In each case the spleen was somewhat enlarged and friable In all three cases were found short, rather thick micro-organisms, staining more deeply at the ends than in the middle. Guinea-pigs inoculated with portions of tissue from these dead bodies invariably died in a few days with every evidence of septicemia hemorrhagica. In all these cases the organisms were obtained in pure culture and inoculated into half-grown guinea-pigs, not one of which died nor showed evidence of disease. While the organism found in these cases resembles somewhat that of plague, it equally resembles so many other bacteria that we should hesitate to pronounce on it from its morphology alone. For instance, chicken cholera, swine plague, the plague of deer and other wild animals, septicemia hemorrhagica, etc.

"Where the greatest bacteriologists in the world differ in opinion on the identity of the organisms above-named, should we not hesitate to pronounce hastily and positively by the morphology alone without taking into consideration the clinical aspect of these cases and all other evidence that can be obtained? Returning to the morphology of the organism found in the cases, it will be proper for the writer to state that he has, while investigating these cases, found an organism identical with the one found in the dead subject in every particular Not only in its morphology, but the culture and reactions are the same throughout. This was obtained in some water from a small lake which was being examined Since, in examining some urine, he found what is morphologically its prototype From this last it was convenient to obtain cultures

"Clinically we have no evidence of the existence of plague. In the first place, there has been no unusual amount of sickness in the Chinese quarter or in the city. Secondly, with the exception of the three cases under consideration, and perhaps two others, there have not been two cases of suspects found in one house, nor in the immediate vicinity. This has not been the case in other places where plague has prevailed.

"In view of all the facts he has been able to gather he does not hesitate to say he is satisfied that the above mentioned were all cases of septicemia hemorrhagica, and not bubonic plague.

"Case 69, a Chinese girl, fifty days old, was submitted to the undersigned for investigation, but as the micro-organism above described was not found, no further investigation was made.

"Respectfully submitted,

"S M. MOUSER, M.D.

"San Francisco, August, 1901."

Wong Chou, 24 Waverly Place, age 32; occupation, Chinese doctor. Autopsied August 20, 1901. This case was not seen clinically by the State's representatives before death. Dr. M White, of the Marine Hospital Service, was notified of the sickness of the above Chinaman by Wong Chung, the interpreter for the Marine Hospital physicians, whereupon Dr White made a visit to the above place and saw the case clinically one-half hour before death After visiting the case, he immediately notified the physicians representing the State that he had a very suspicious case and one which showed clinically all the evidences and symptoms of a true case of bubonic plague. He was so positive of proving his clinical diagnosis to the satisfaction of the other physicians, that when the case was visited by Drs. Blue and Currie, of the Marine Hospital Service, and Drs. Lawlor, Stone, and Bothe, representing the State Board of Health, with Dr. White, the said Dr. White carried with him to the residence of the said Chinese a quantity of Yersin serum for the purpose of using it on the sick Chinaman. Upon arriving,

at the residence of the Chinaman, much to the surprise of Dr. White and his associates, they found that the said Wong Chou had departed to the "Great Unknown." The case was immediately removed to the morgue, where an autopsy was made by Dr. White in the presence of the above-named physicians and representatives from the City Board of Health. The autopsy revealed the following facts: The peritoneum was not injected and the abdominal cavity contained no fluid. Mesentery glands were not enlarged. The spleen was enlarged to more than double its size, of a dark chocolate color. The stomach was normal, but contained about one pint of Chinese medicine, which had an odor of chloral. The lower lobes of the lungs were congested, but contained no tubercles. The heart contained a large ante-mortem clot. The glands in the left inguinal region were slightly enlarged, and over this region the Chinaman had a large plaster of Chinese ointment. On making an incision over the course of the spermatic cord a large quantity of pus exuded; upon further examination a large abscess on the left testicle was found. This no doubt was the cause of the swelling in the region of the left inguinal gland. Smears from the pus showed the infecting organism to be streptococcus. The smears taken from other organs of the body showed that they contained the same organism. Death was due to the streptococci infection, with an acute splenic tumor, and to an overdose of Chinese medicine. Dr White and his associates seemed to be very much disappointed in a failure to prove their clinical diagnosis of bubonic plague.

TO SUMMARIZE.

The State has scrubbed an area equal to 525 acres, and in addition thereto, fumigated about 30,000,000 cubic feet of dwelling apartments.

Have seen 307 sick cases and autopsied 103 cases.

Total cost to date, $37,518.

Number of days cleansing Chinatown and visiting the sick, 142.

During all of which time we have not observed a single case of bubonic plague.

OFFICE OF CALIFORNIA STATE BOARD OF HEALTH,
SACRAMENTO.

*To His Excellency* HON. HENRY T. GAGE, *Governor of California*

SIR: On March 31st, 1901, as executive officer of the State Board of Health, I was authorized and directed by you to incur the necessary expense to render the Chinese quarter of San Francisco thoroughly sanitary and, incidentally, to eradicate any contagious disease found to exist there. The report of the operations entered upon and carried out by virtue of this order is hereby submitted. At the beginning of this work the Federal authorities who co-operated with us were of the opinion, based upon reports of others more or less trustworthy, that bubonic plague was prevalent among the Chinese of that city, and that it would be readily found as soon as proper investigation was had. During this period of fumigation, disinfecting, and cleansing no effort was omitted on our part nor on the part of the Marine Hospital representatives to locate and identify the presence of plague.

At the conclusion of the work, as thorough and searching as it could possibly be made, no case of bubonic plague was found, nor was any indication of its having been there discovered. If plague had existed in San Francisco just prior to this sanitary investigation, it would have been there during the months of April, May, and June, because no efforts had been made to suppress it and no precautions taken to prevent its spread.

It is safe, therefore, to say that the evil reports of the presence of that disease in San Francisco were based upon error in diagnosis upon the part of incompetent investigators. We take great pleasure in assuring you that plague does not exist in San Francisco, and that it never has had lodgment there, nor elsewhere in California.

CALIFORNIA STATE BOARD OF HEALTH.
By W. P. Mathews, Secretary.

APPENDIX "B."

## LIST OF PARDONS, COMMUTATIONS, AND REPRIEVES FROM JANUARY 7, 1901, THE DATE OF THE FIRST BIENNIAL MESSAGE, TO PRESENT DATE

### I.

PARDONS AND COMMUTATIONS OF SENTENCE FROM STATE PRISON.

1.

| Name of Prisoner. | County. | Crime. | Sentenced. |
|---|---|---|---|
| Oliver Emerson | Tuolumne | Murder, first degree | July, 1899 |

DECISION.—Whereas, in the month of July, A. D. 1899, at a regular session of the Superior Court, held in and for the County of Tuolumne in said State, Oliver Emerson was tried and convicted of the crime of murder, first degree, and sentenced to be hanged

on the 8th day of March, 1901; and whereas, the said Oliver Emerson thereafter appealed to the Supreme Court of California from said judgment; and whereas, said Supreme Court, through Chief Justice Beatty, in affirming the judgment of the lower court, in part said:

"Upon this evidence a jury has found—and the finding has been approved by the trial judge—that the defendant is guilty of murder in the highest grade, and that he deserves to suffer the extreme penalty of the law. We are asked to say as a matter of law, that this verdict is so entirely without support in the evidence that it can not stand. But after the most careful consideration of the case we do not feel ourselves justified in setting aside the verdict upon this ground. Certainly the showing against the defendant was not a strong one, as to the question of deliberation, such as characterizes murder of the first degree. He did not seek or provoke the quarrel which was the immediate cause of the killing. He did not show himself at all aggressive in the course of the altercation, and all the evidence shows that he had turned to leave the scene of the trouble, and would have done so but for the conduct of Rodgers and his wife in following him up and angrily demanding to know where he had seen her before. All this is inconsistent with an intention on the part of the defendant to seek the life of Rodgers at that time, and strongly corroborates his claim that he was only induced to fire by the belief that he was in danger of fatal or serious injury from the threatened attack of Rodgers, armed as he was with a stone, which, in the hands of a strong and determined man at close quarters, is always a dangerous and often a deadly weapon. But on the other hand, the long-standing quarrel and bitter hostility of the parties, the preparation for trouble evidenced by the constant carrying of a loaded pistol, and the threat to put Rodgers 'where the dogs would not bark at him,' were items of evidence from which the jury might infer a premeditated design to kill; and the fact that the fatal wound was inflicted after the deceased had dropped his weapon and had turned, or was in the act of turning, to run, was evidence which certainly tended to show that defendant was not acting solely with a view of defending himself from death or serious bodily injury. True, none of these circumstances is at all conclusive, nor are all together. Judging by so much as is disclosed by this record, the quarrel between the parties was not exclusively of defendant's seeking, nor was he particularly active in promoting it. On the contrary, the deceased seems to have been the aggressor The act of defendant in arming himself may well have been prompted, as he claims it was, solely by fear of violence, of which he had been warned. His threat to put Rodgers 'where the dogs would not bark at him' may have been idle and meaningless. His second and fatal shot, fired after Rodgers had dropped his weapon and turned to run, may have been caused by a failure to observe, under the excitement of the moment, that his adversary was endeavoring to avoid further conflict. But all these matters and their full significance were for the jury to weigh and determine; and their verdict, having substantial evidence to support it, can not be disturbed unless it is vitiated by some erroneous ruling of the court."

And whereas, verbal recommendations for Executive clemency in this case having been made to me by the Chief Justice of the Supreme Court of the State;

And whereas, from an examination of the application for commutation of sentence and from the records and papers on file in this department relating to said case, it appears that the evidence was not sufficient to justify the conviction of the defendant of the crime of murder in the first degree;

February 28, 1901, sentence commuted to imprisonment in the State Prison at San Quentin for the term of fifteen years.

2.

| Name of Prisoner | County | Crime | Sentenced | Term. |
|---|---|---|---|---|
| Donati C. Probasco.. | Siskiyou ..... | Murder, second degree.. | December, 1893.. | .....21 years. |

DECISION.—Whereas, in the month of December, A. D. 1893, at a regular session of the Superior Court, held in and for the County of Siskiyou, in said State, Donati C. Probasco was, after due trial and conviction of the crime of murder in the second degree, sentenced and condemned to undergo an imprisonment in the State Prison at San Quentin for the term of twenty-one years;

And whereas, the said prisoner has been imprisoned in said State Prison since December 1, 1893, and his term of imprisonment would, with deductions for good behavior, end November 1, 1906;

And whereas, said prisoner during his said term has not only shown exemplary conduct and strictly obeyed prison rules and regulations, but rendered great service to the prison authorities, resulting in the saving of the life of one of the guards in the following particulars, as appears by the following words of a report from the Warden of said prison to the State Board of Prison Directors, dated December 6, 1899, to wit:

"This prisoner has shown himself as deserving of some recognition at your hands for his conduct on May 17, 1899, when Guard McDonald was murderously assaulted in the jute mill by convict Oppenheimer. While the said guard was apparently at the mercy

of such would-be assassin, no other guard being in the immediate vicinity to render assistance, the above-named prisoner, No. 15,688, D. C. Probasco, the only person who saw the assault, ran to the nearest guard, S. R. Yoho, and notified him that his brother guard was about being killed by a prisoner, and led him to the scene of the occurrence. This enabled Guard Yoho to render such assistance as to prevent the killing and overpower the assassin It is beyond doubt that had it not been for the timely warning given by the prisoner Probasco to Mr. Yoho, Mr. McDonald would surely have been stabbed to death."

And whereas, after a full examination of the said facts by the State Board of Prison Directors, the said report of the Warden was fully verified, and the conduct of the prisoner found to be at all times exemplary, and said board after such examination caused its report, under date December 11, 1899, to be submitted to me, wherein they duly recommend that said Donati C. Probasco was deserving of full pardon;

And whereas, it appears to me that, in view of the meritorious conduct of said prisoner, considering the time during which he has been imprisoned in expiation of his crime, this is a proper case for the exercise of Executive clemency, and that the granting of a pardon in this case in recognition of the services of said Probasco will be an example to other convicts that may result in the improvement of their conduct and encourage them to scrupulously obey the prison rules and regulations;

Pardoned May 3, 1901.

3.

| Name of Prisoner | County. | Crime | Sentenced | Term. |
|---|---|---|---|---|
| Patrick Brick | Colusa | Murder, first degree | July, 1885 | Life. |

DECISION.—Whereas, in the month of July, A. D. 1885, at a regular session of the Superior Court, held in and for the County of Colusa, in this State, Patrick Brick was tried and convicted of the crime of murder in the first degree, and sentenced to be hanged, which judgment and sentence was thereafter affirmed on appeal by the Supreme Court of this State;

And whereas, thereafter in the month of April, 1886, Governor Stoneman commuted the sentence to imprisonment for life on the petitions of numerous persons presented to him from different portions of the United States, among whom were the then Speaker of the House of Representatives, three United States Senators, including Hon Leland Stanford, the Governor and ex-Governor of the State of Kentucky, besides many citizens of Louisville and St Louis, where said Patrick Brick formerly lived, and many citizens of Colusa County, where said homicide was committed, all testifying to his uniform good character while a resident of those places; and after a careful inspection and reading of the testimony in the case, said Governor Stoneman found that the crime was committed in the heat of passion, and that it lacked the elements of malice and premeditation necessary to make it murder in the first degree;

And whereas, petitions have been received by me from many citizens requesting a re-examination of the case and a full pardon;

And whereas, it appears from the records before me that the said Patrick Brick has been actually confined in the State Prison at Folsom for the period of fifteen years, which term of imprisonment, if he had been sentenced to a term less than life, and had been entitled to credits, would be equivalent to a term of imprisonment of about twenty years and seven months;

And whereas, it appears from the records of the officers of the prison that during his long period of imprisonment his conduct has been most exemplary, and that by his expert work on the roofs of the prison he has been of most valuable assistance to the officers, and saved much money to the State;

And whereas, the Judge who tried the cause has joined in the application for clemency, as appears from a letter on file among said records;

And whereas, upon an examination of the facts of the case, I find that the prisoner was convicted of the crime during a period of great popular excitement, due to the previous murder of Dr Glenn, committed in the same locality, some few months prior to the killing of Jones by said Patrick Brick, and prejudice was engendered thereby against said Brick. And it further conclusively appears to me that the killing of Jones by said Patrick Brick was in a sudden quarrel and heat of passion, and immediately after being violently assaulted and knocked down by said deceased, so that the highest crime for which said Patrick Brick should have been lawfully convicted, if proper to convict him at all, was manslaughter;

And whereas, the highest punishment prescribed for manslaughter was then and still is ten years' imprisonment;

And whereas, said Patrick Brick has actually served a term of fifteen years confinement in the State Prison at Folsom;

And whereas, in view of the facts and the good character of said Patrick Brick, both before and after his imprisonment, it appears that justice and clemency require in this case a full and unconditional pardon;

Pardoned May 29, 1901.

4.

| Name of Prisoner. | County. | Crime. | Sentenced |
|---|---|---|---|
| Thomas P. Owens | Sonoma | Murder, first degree | July, 1900 |

DECISION.—Whereas, in the month of July, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Thomas P. Owens was tried and convicted of the crime of murder in the first degree, and was thereafter duly sentenced to be hanged in the State Prison of California, at San Quentin, on the 25th day of October, A. D. 1901;

And whereas, a petition signed by many persons, and several letters from divers persons have been presented to me wherein it is alleged that the said Thomas P. Owens was, at the time of the commission of the crime of which he was convicted, irresponsible and insane, and is still insane;

And whereas, upon the said petition and letters I did appoint Dr. F. W. Hatch, General Superintendent of State Hospitals, to visit the said Thomas P. Owens at the State Prison at San Quentin;

And whereas, the said Dr. F. W. Hatch visited said convict Thomas P. Owens, and on the 15th day of October, 1901, made to me a written report as follows:

"CALIFORNIA STATE PRISON,
"SAN QUENTIN, October 15, 1901.

"HON. HENRY T. GAGE, *Governor State of California*:

"DEAR SIR: In accordance with your instructions to visit and examine into the mental condition of convict Thomas P. Owens, under sentence of death at the State Prison at San Quentin, I have this day made a careful examination of the said Thomas P. Owens and beg to report as follows:

"First—That there is sufficient evidence of present insanity to justify a more prolonged investigation than can be had in the limited time intervening between now and the day set for his execution.

"Second—I respectfully request that you grant such reprieve as will enable me to make further investigation before expressing my positive conclusions as to the existing mental condition.

"Respectfully yours,

"F. W. HATCH, M. D.,
"Gen'l Supt. State Hospitals."

And whereas, a doubt having arisen as to the sanity of said Thomas P. Owens, and request having been made by said Dr. F. W. Hatch for a reprieve of sentence, and it appearing to me that a reprieve of sentence for a reasonable time would be consonant with justice in order to allow a full investigation and determination of the prisoner's mental condition;

And whereas, pursuant to said recommendation of Dr. F. W. Hatch, on the 19th day of October, A. D. 1901, I reprieved the sentence of death until Friday, December 20, 1901, and authorized said Dr. F. W. Hatch to employ such assistant physicians as he might select in making further investigation;

And whereas, on the 11th day of December, A. D. 1901, said Dr. F. W. Hatch and Doctors J. A. Crane and J. D. Young, his assistants, returned to me the following report and recommendation, to wit:

"December 11, 1901.

"HON. HENRY T. GAGE, *Governor of California*:

"DEAR SIR: Having been asked to inquire into the mental condition of Thomas P. Owens, now under reprieve of sentence of death in the California State Prison at San Quentin, we beg leave to report that, after a careful review of the history of the man and his family—which history clearly reveals an inherited tendency to brain disease and insanity—together with a close study of his appearance, manner, and conversation, we believe him to be insane at the present time.

"And while it may be exceeding our instructions in the case, we also venture it as our opinion that the said Owens was of unsound mind prior to and upon the occasion of the crime for which he stands condemned, and that the action of alcohol upon a brain predisposed to disease, by reason of these inherited tendencies, was largely the occasion of this mental unsoundness and the resulting crime.

"The above being the conclusions arrived at by us, there is no alternative offered but to suggest to your Excellency that we believe that the demands of justice will be fully subserved by a commutation of the death penalty to that of imprisonment for life; this course also affording the public immunity from further acts of violence upon the part of the condemned man.

"And finally, as this case may require further observation and study, we recommend that for the present he be detained in San Quentin, leaving the place of his final and permanent detention open for future consideration.

"Very respectfully,

"J. D. YOUNG, M. D.
"J. A. CRANE, M. D
"F. W. HATCH, M. D."

And whereas, it appearing to me from said report that the recommendation of a commutation of sentence to life imprisonment is right and proper in the premises and is consonant with justice;

December 12, 1901, sentence commuted to life imprisonment.

5.

| Name of Prisoner. | County. | Crime | Sentenced. | Term |
|---|---|---|---|---|
| Marion Miranda | Sonoma | Murder, second degree | June, 1898 | 12 years. |

DECISION.—Whereas, in the month of June, A. D. 1898, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Marion Miranda was tried and convicted of the crime of murder in the second degree, and condemned to undergo an imprisonment in the State Prison at San Quentin for the term of twelve years;

And whereas, application for the pardon of said Marion Miranda has been made by several reputable citizens representing that said Miranda was innocent of the crime of which he was convicted, and it appears from the facts and documentary evidence submitted to me that said Marion Miranda was jointly charged with one Pete Bill in the Superior Court of the County of Sonoma, State of California, of the crime of murdering one Bernardo, and both were found guilty of murder in the second degree. And it appears that the evidence against said Miranda was mainly circumstantial, and that after the sentence of said Miranda and Pete Bill, to wit, on October 3, A. D. 1898, said Pete Bill, being on his deathbed, freely and voluntarily acknowledged the killing of said Bernardo, and exonerated said Marion Miranda from all complicity in said crime, and then and there freely and voluntarily made and subscribed to the following affidavit:

"In the Superior Court of the County of Santa Rosa (*sic*), in the State of California.

"The People of the State of California, plaintiff, vs. Pete Bill and Marion Miranda, defendants.

"State of California, County of Marin--ss.

"I, Pete Bill, one of the above-named co-defendants in the above-entitled action, wherein said defendants were charged with and convicted of the unlawful killing of one Bernardo (whose first name is at present unknown to deponent), of the County of Santa Rosa" (*sic*), "State of California, on or about the 28th day of May, 1898, being first duly sworn, doth depose and say: That said Marion Miranda and his wife and said Bernardo and deponent and deponent's wife were all together about nine o'clock at night on the above-named date. That about this said time said Marion Miranda and his wife separated themselves from the company of said Bernardo and deponent and deponent's wife, and were not present at the time of the said killing of the said Bernardo. That after the said Marion Miranda and his wife had separated themselves from the company of the said Bernardo and deponent and deponent's wife, as aforesaid, the said Bernardo attempted with force and arms to commit the crime of rape upon the person of the wife of deponent, and declared that he was going to take deponent's wife to his house to live with him. That deponent thereupon resisted the said force of the said Bernardo, and that the said Bernardo did then and there assault deponent with a knife, whereupon deponent pulled a picket off of a fence near by and struck the said Bernardo over the head with the said picket, which said blow killed said Bernardo. That this affidavit is given voluntarily and under no duress and without any inducement from any one or from any source whatsoever, but wholly with the desire to tell the truth; and that this affidavit is the truth, the whole truth, and nothing but the truth, any statement, declaration, affidavit, admission or confession to the contrary notwithstanding.

"PETE BILL.

"D. J. Quaid, Jas. F. Shields, Suisun, Witnesses.

"Subscribed and sworn to before me, this 3d day of October, A. D. 1898.

CHAS. E. ALDEN,

[SEAL.] Notary Public in and for the County of Marin, State of California."

And whereas, it appears from letters received from Hon. Albert G. Burnett, the judge who tried the cause, and from Hon. Emmett Seawell, the district attorney who prosecuted said cause, that said Marion Miranda was innocent of said crime, and the said Judge has written to me the following frank expression of his opinion:

"SANTA ROSA, CAL., March 21, 1902.

"HON. HENRY T. GAGE, *Governor of the State of California:*

"DEAR SIR: In reference to one Miranda convicted in my court of murder in the second degree about whom I have written you before, I desire to state that from infor-

mation received since his conviction, I am of the opinion that he was innocent of any connection with the crime and that he ought to be pardoned.

"Yours very truly,

"ALBERT G. BURNETT."

Pardoned, March 26, 1902.

6.

| Name of Prisoner. | County. | Crime. | Sentenced. |
|---|---|---|---|
| Frank R. Donlan | Tulare | Murder, first degree | October, 1900 |

DECISION.—Whereas, in the month of October, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Tulare, in said State, Frank R. Donlan was tried and convicted of the crime of murder in the first degree, and sentenced to be executed at the State Prison in San Quentin on January 4, 1901;

And whereas, an appeal from said judgment of the said Superior Court was taken to the Supreme Court of California, and, said judgment having been afterward affirmed, the said Frank R. Donlan was on March 21, 1902, in the said Superior Court in and for Tulare County, sentenced to be executed on April 11, 1902, in said State Prison at San Quentin;

And whereas, it was afterward represented to me by several representative citizens of the State that the said Frank R. Donlan at the time of the commission of said crime was irresponsible and that he is now an irresponsible and insane person;

And whereas, in view of said representations, on the 31st day of March, 1902, I appointed Dr. F. W. Hatch, the General Superintendent of State Hospitals, to investigate the case and to make a thorough investigation of the mental condition of said Frank R. Donlan and report to me thereon, and thereupon I granted a reprieve of sentence until Friday, May 9, 1902;

And whereas, I have this day received from Dr. F. W. Hatch a report concerning the said Frank R Donlan, in which said report Dr J. D. Young of the Napa State Asylum has joined, which said report is as follows, to wit:

"STOCKTON, CAL., May 1, 1902.

"HON. HENRY T. GAGE, *Governor of California:*

DEAR SIR: Having been directed by you to inquire into the mental condition of Frank Donlan, under sentence of death, we beg to report that a careful examination of the life history of the condemned shows a marked inheritance to insanity and epilepsy on the father's side According to the sworn statements of the mother and three brothers of the condemned, he has been subject to epileptic attacks since early childhood. This testimony is corroborated in part by the sworn statement of Dr. F. F. Lord, a practicing physician, that he has seen him in an epileptic seizure, and also by the statement of one Ochoa, a criminal under sentence of death and the cell-mate of Donlan, that he has seen him in convulsions on three separate occasions. Examination shows that he is defective mentally, the defect being due to long-continued epileptic attacks. He committed the crime when under the influence of liquor. The morning after the commission of the crime—according to the physicians who examined him—he was a nervous wreck and 'verging on tremens.' Probably no case of epilepsy exists in which there is not more or less mental impairment. We do not assume that the presence of epilepsy in an individual necessarily renders that individual irresponsible for a crime committed, yet when there is epilepsy of years' duration with resultant mental weakness, as in this case, that fact should weigh in determining the measure of punishment in some way proportionate to the degree of moral resistance which can be opposed to crime.

"Taking all of these facts into consideration, and it being established that the condemned is mentally defective and a sufferer from epilepsy, we therefore recommend that the death sentence of Donlan be commuted to imprisonment for life.

"F. W. HATCH, M. D
"J. D. YOUNG, M. D"

And whereas, from said report it appears that the said Frank R. Donlan was and is an irresponsible person, and that the ends of justice will be subserved in complying with the recommendations of said physicians;

May 5, 1902, sentence commuted to life imprisonment.

7.

| Name of Prisoner. | County. | Crime | Sentenced. | Term. |
|---|---|---|---|---|
| John Barbeau | Mariposa | Murder, first degree | May, 1895 | Life |

DECISION.—Whereas, in the month of May, A. D. 1895, at a regular session of the Superior Court, held in and for the County of Mariposa, in said State, John Barbeau

was tried and convicted of the crime of murder in the first degree, and condemned to undergo an imprisonment in the State Prison for the term of his natural life;

And whereas, numerous representative citizens have petitioned for his pardon, and from the facts represented to me it clearly appears that said John Barbeau committed the said homicide under circumstances strongly indicating sufficient provocation and grounds of self-defense, and that under the strongest facts presented against him the crime committed was not above the grade of manslaughter,

And whereas, it appears that the said John Barbeau is an old and infirm man, being about 66 years, and is a veteran of the Civil War, having served gallantly in said war and having been honorably discharged;

And whereas, he has been imprisoned in the State Prison at Folsom for said homicide since June 27, 1895, and has been more than sufficiently punished for the offense shown by the actual facts;

And whereas, the facts and records in the matter of said Barbeau's application for pardon were duly submitted to the Board of State Prison Directors on May 24, 1902, and the said board adopted and referred to me their findings and recommendation as follows, to wit:

"Convict No. 3489, John Barbeau (convicted of the crime of murder, first degree, committed to the State Prison at Folsom to serve a life term by the honorable the Superior Court of Mariposa County, received June 7, 1895), having made application to the Governor of California for Executive clemency, and his Excellency Henry T. Gage, Governor, having submitted the application to this Board for its consideration and recommendation, the Board finds and recommends as follows:

"It appears from the evidence submitted for consideration that the application for a pardon is signed and urged by citizens of weight and high standing in this community;

"That the crime was committed under great provocation, and, considering the quarrelsome temperament of the man killed, and his prior attempt upon the life of the petitioner (Barbeau), the killing could almost be said to have been done in self-defense;

"It appears that the petitioner is of an inoffensive, mild, and harmless disposition, of a somewhat simple and over-confiding nature, not over strong mentally, and that his life, prior to and since his committing this offense, has been praiseworthy and irreproachable;

"It appears that he is an old volunteer soldier, who fought to protect his country in the war of the Rebellion for over five years, and that he now has an opportunity offered to spend the few remaining years of his old age in a National Home for Disabled Volunteer Soldiers;

"It appears that Mr. Geo. M. Mott and Mr. T. W. Sheehan, responsible and reputable men, have obtained a legal permit from the Soldiers' Home in Ohio for the admission of the petitioner (Barbeau), and for his proper care and keeping in that institution, and have guaranteed that all transportation expenses will be furnished by them in event that a pardon be granted;

"Therefore, this Board does most respectfully recommend to his Excellency Henry T. Gage, Governor of California, that he do pardon the said convict No. 3489, John Barbeau; provided the said Barbeau be placed in some soldiers' home outside the limits of this State, to be properly provided and cared for during the remainder of his life, without further expense to the State of California."

Pardoned June 2, 1902, upon express condition that said John Barbeau be placed in some soldiers' home outside the State, and that he be not permitted to return to this State.

8.

| Name of Prisoner | County | Crime. | Sentenced. |
|---|---|---|---|
| Gertrudes Almendares | San Diego | Murder, first degree | July, 1901 |

DECISION.—Whereas, in the month of July, A. D. 1901, at a regular session of the Superior Court, held in and for the County of San Diego, in said State, Gertrudes Almendares was tried and convicted of the crime of murder in the first degree, and sentenced to death at San Quentin Prison, State aforesaid; that thereafter such proceedings were had that on the first day of August, A. D. 1902, by an order made and given in said Superior Court of the County of San Diego, the Warden of said State Prison at San Quentin was directed to execute the judgment of death on Friday, the 19th day of September, A. D. 1902, between the hours of sunrise and sunset on said day within the walls of said State Prison;

And whereas, it was thereafter represented to me and made to appear that the said Gertrudes Almendares was insane, and upon such representation I appointed two competent physicians to inquire into the matter of said insanity, to wit, Dr. F. W. Hatch, General Superintendent of State Hospitals of this State, and Dr. J. D. Young, Medical Superintendent of the State Hospital at Stockton, State aforesaid;

And whereas, said physicians on the 10th day of September, A. D. 1902, presented to me their written report and findings wherein they find and represent that the said Gertrudes Almendares is now insane, and recommend a commutation of sentence to life imprisonment, which said report is in words and figures following, to wit:

"HON. HENRY T. GAGE, *Governor State of California*

"DEAR SIR: In accordance with your instructions to inquire into the mental condition of convict Gertrudes Almendares, sentenced to be executed at San Quentin State Prison, we beg to inform you that we have made a careful examination of the condemned and herewith submit our conclusions.

"Examination of Almendares brings to light a depressed injury of the skull, about four inches in length, on the left parietal bone. The injury was received about five years ago in Mexico The depression of the skull is well marked, and Almendares' story that it resulted from a saber cut is, to some extent, substantiated by the general character of the resulting scar.

"With this highly probable physical basis as a cause of disturbance of the brain, Almendares presents the following symptoms of a diseased mind: He has continually, for over two years, labored under the insane idea that fire was being placed upon him by parties unknown to him but who kept up this form of persecution. His actions in the efforts made to rid himself of the sensation of the application of fire have been consistent with this belief. He has apparently no thought of the death penalty; his only concern being to get away from those who throw fire upon him. He is quarrelsome, has assaulted the Warden, has set fire to his bedding in his cell, and is recognized by the prison authorities as too vicious and dangerous a man with his persecutory beliefs to be placed in a cell with others.

"In our opinion Almendares is insane and a proper subject for Executive clemency.

"We therefore recommend the commutation of his sentence to life imprisonment.

"F. W. HATCH, M. D.
"Sacramento, Sept. 10, 1902. "J. D. YOUNG, M. D."

And whereas, it appears to me that the said Gertrudes Almendares is now insane, and that the ends of justice will be subserved by commuting the sentence of said Gertrudes Almendares to life imprisonment in accordance with the recommendation of the said physicians;

September 18, 1902, sentence commuted to life imprisonment.

II.

LIST OF PARDONS AND COMMUTATIONS OF SENTENCE FROM COUNTY JAILS.

9.

| Name of Prisoner. | County. | Crime | Sentenced. | Term |
|---|---|---|---|---|
| Frank Dunphy..... Thomas Harvey. | Solano..... | Resisting an officer..... | June, 1901..... | ... Six months' imprisonment and $20 fine. |

DECISION.—Whereas, in the the month of June, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Solano, in said State, Frank Dunphy and Thomas Harvey were tried and convicted of the crime of resisting an officer and were respectively condemned to undergo an imprisonment in the county jail of said County of Solano for the term of six months and to pay a fine of twenty dollars;

And whereas, it appears from several petitions of public officers of the County of Solano and of the City of Vallejo that said Frank Dunphy and Thomas Harvey are each young men of good character, and have heretofore sustained an excellent reputation for peace, quietness, truth, honesty, and integrity, and that this is the first offense charged against them, and that said Frank Dunphy is the sole support of a wife and babe, and that said Thomas Harvey has a widowed mother dependent upon him for support, and after an examination of the transcript of the evidence, for the foregoing, among other reasons, it appears that the law has been fully vindicated, and that the circumstances of the case call for the exercise of Executive clemency;

Pardoned August 17, 1901.

10.

| Name of Prisoner | County. | Crime. | Sentenced. | Term |
|---|---|---|---|---|
| Eunice Hobbs..... | Napa ..... | Assault..... | October, 1901.... | ... Six months |

DECISION.—Whereas, in the month of October, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Napa, in said State, Eunice Hobbs was tried and convicted of the crime of assault, and sentenced to undergo an imprisonment in the county jail for a term of six months;

And whereas, it appears from the certificates of two reputable physicians that said Eunice Hobbs was, prior to her incarceration, suffering from severe uterine hemorrhage, and that since her incarceration her infirmity has been aggravated, that her

infirmity is devitalizing in the extreme, and that it is impossible, on account of her incarceration, to render her the medical and surgical aid necessary, and that her health is being permanently endangered;

And whereas, it further appears from a petition signed by the Mayor and other officers of the City of Napa, and by several representative citizens of Napa County, that the confinement of said Eunice Hobbs in said jail is seriously endangering her life, and that she is ill and physically unable to undergo the punishment;

And whereas, the crime of which said Eunice Hobbs is convicted is only a misdemeanor, and the law does not intend that punishment endangering the life of a person should be inflicted;

And whereas, it appears that the ends of justice will be promoted by a commutation of said sentence, the said Eunice Hobbs having already been incarcerated for two months, or thereabouts;

December 21, 1901, sentence commuted to expire on December 23, 1901.

11.

| Name of Prisoner | County. | Crime | Sentenced. | Term. |
|---|---|---|---|---|
| Fred H. Scott | Alameda | Assault with deadly weapon | November, 1901 | 2 years. |

DECISION.—Whereas, in the month of November, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Alameda, in said State, Fred H. Scott was tried and convicted of the crime of assault with a deadly weapon and condemned to undergo an imprisonment in the county jail of Alameda for the term of two years;

And whereas, many applications, signed by numerous representative citizens of Alameda County and elsewhere in this State, have been received by me for the pardon of said Fred H. Scott, wherein it is represented and it clearly appears to me that the facts constituting the crime for which said Fred H. Scott was convicted and sentenced show that the said Scott shot at one Harry Wilson, who had attempted to commit rape upon the sister of said Scott, and the said Wilson had circulated false and scandalous stories concerning the reputation of said Scott's sister;

And whereas, it further appears that the said Fred H. Scott had previously borne an unblemished reputation, and was a peaceful and law-abiding citizen;

And whereas, it is further represented, and it appears from the representations of reputable physicians that the said Scott is suffering from hypertrophy of the left ventricle of the heart, which renders his continued confinement dangerous to life;

And whereas, it appears that the said Scott has been continually confined in the said county jail of Alameda since November 14, 1901, and in my opinion the law has been sufficiently vindicated and the ends of justice will be subserved by his immediate pardon;

Pardoned September 20, 1902.

III.

LIST OF REPRIEVES.

| Name of Prisoner. | County. | Crime. | Sentenced. |
|---|---|---|---|
| Thomas P. Owens | Sonoma | Murder, first degree | July, 1900 |

DECISION.—Whereas, in the month of July, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Thomas P. Owens was tried and convicted of the crime of murder in the first degree, and was thereafter duly sentenced to be hanged in the State Prison of California at San Quentin on the 25th day of October, A. D. 1901;

And whereas, a petition signed by many persons, and several letters from divers persons have been presented to me wherein it is alleged that the said Thomas P. Owens was, at the time of the commission of the crime of which he was convicted, irresponsible and insane, and is still insane;

And whereas, upon the said petition and letters I did appoint Dr. F. W. Hatch, General Superintendent of State Hospitals, to visit the said Thomas P. Owens at the State Prison at San Quentin,

And whereas, the said Dr F. W. Hatch visited said convict Thomas P. Owens, and on the 15th day of October, 1901, made to me a written report as follows:

"CALIFORNIA STATE PRISON,
"SAN QUENTIN, Oct. 15, 1901.

"HON. HENRY T. GAGE, *Governor State of California:*

"DEAR SIR. In accordance with your instructions to visit and examine into the

mental condition of convict Thomas P. Owens, under sentence of death at the State Prison at San Quentin, I have this day made a careful examination of the said Thomas P. Owens, and beg to report as follows:

"First—That there is sufficient evidence of present insanity to justify a more prolonged investigation than can be had in the limited time intervening between now and the day set for his execution.

"Second—I respectfully request that you grant such reprieve as will enable me to make further investigation before expressing my positive conclusions as to the existing mental condition

"Respectfully yours,

"F. W. HATCH, M D.,
"Gen'l Supt. State Hospitals."

And whereas, a doubt having arisen as to the sanity of said Thomas P. Owens, and request having been made by said Dr. F. W. Hatch for a reprieve of sentence, and it appearing to me that a reprieve of sentence for a reasonable time would be consonant with justice in order to allow a full investigation and determination of the prisoner's mental condition,

October 19, 1901, sentence reprieved until December 20, 1901, and subsequently commuted. (See list of Pardons and Commutations, *supra*)

| Name of Prisoner. | County. | Crime | Sentenced. |
|---|---|---|---|
| Frank R. Donlan | Tulare | Murder, first degree | October, 1900 |

DECISION.—Whereas, in the month of October, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Tulare, in said State, Frank R. Donlan was tried and convicted of the crime of murder in the first degree, and afterward duly sentenced to be hanged in the State Prison at San Quentin, this State, on April 11, 1902;

And whereas, it has been represented to me by several representative citizens that at the time of the homicide for which said defendant, Frank R. Donlan, has been convicted and sentenced to be executed, the said Frank R Donlan was insane and irresponsible, and that he is now an insane and irresponsible person;

And whereas, Dr. F W. Hatch, General Superintendent of State Hospitals, has been appointed by me to investigate the facts connected with said homicide and to make a thorough investigation of the mental condition of said Frank R. Donlan,

March 31, 1902, sentence reprieved until May 9, 1902, and subsequently commuted. (See list of Pardons and Commutations, *supra*)

| Name of Prisoner. | County. | Crime. | Sentenced |
|---|---|---|---|
| Bert Ross | San Luis Obispo | Murder, first degree | November, 1901 |

DECISION.—Whereas, in the month of November, A. D. 1901, at a regular session of the Superior Court, held in and for the County of San Luis Obispo, in said State, Bert Ross was tried and convicted of the crime of murder, and sentenced to be hanged until dead in the State Prison at San Quentin, California, on Friday, January 10, 1902,

And whereas, an appeal has been duly taken by said Bert Ross to the Supreme Court of the United States of America, and a citation to show cause has been issued out of the Circuit Court of the United States, Ninth Circuit, directed to the Warden of the State Prison at San Quentin, requiring him to appear and show cause on January 27, 1902, why the alleged sentence of death should not be reviewed and alleged errors corrected;

And whereas, on January 8, 1902, because of the pendency of said appeal, I reprieved the sentence of said Bert Ross until February 15, 1902;

And whereas, on Friday, February 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until May 17, 1902;

And whereas, on Wednesday, May 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until August 18, 1902;

And whereas, on Thursday, August 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until Monday, November 17, 1902;

And whereas, the said appeal is still pending and undetermined;

And whereas, pending said hearing and determination of the United States Court, it is proper that a further reprieve of the sentence of said Bert Ross should be granted, and to avoid the necessity of having the said defendant, Bert Ross, again brought before the Superior Court of San Luis Obispo County for the purpose of resentence;

November 13, 1902, sentence reprieved until February 16, 1903.

RESOLUTIONS.

By Mr. Stanton:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 5th day of January, 1903; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

| | | Per Diem. |
|---|---|---|
| Albert Lewald | Assistant Sergeant-at-Arms | $5 00 |
| George Sharp | Clerk Sergeant-at-Arms | 5 00 |
| W. B Reynolds | Assistant Minute Clerk | 6 00 |
| Clarke Howard | Assistant Minute Clerk | 6 00 |
| R. L Dempsey | Journal Clerk | 6 00 |
| E. J Dwyer | Clerk of Committee on Judiciary | 6 00 |
| George McWilliams | Assistant Journal Clerk | 5 00 |
| Jesse A. Galland | Engrossing and Enrolling Clerk | 6 00 |
| S. P. Moorhead | Assistant Engrossing and Enrolling Clerk | 5 00 |
| W. F. Eschbacher | Assistant Engrossing and Enrolling Clerk | 5 00 |
| | File Clerk | |
| M. D. Hopkins | Bill Filer | 4 00 |
| J. F. Silver | Bill Filer | 4 00 |
| J. T. Lynch | Bill Filer | 4 00 |
| Charles Kelly | Bill Filer | 4 00 |
| Ida Thomas | Postmistress | 4 00 |
| Alice Burns | Assistant Postmistress | 4 00 |
| Willie Wright | Mail Carrier | 3 00 |
| George Berry | Page | 2 50 |
| Ed Roeder | Page | 2 50 |
| Wesley Smith | Page | 2 50 |
| Pierce Cromwell | Page | 2 50 |
| —— Whelan | Page | 2 50 |
| Lewis Knight | Page | 2 50 |
| Henry Wesser | Gatekeeper | 3 00 |
| E O. Kincaid | Gatekeeper | 3 00 |
| J. H. Blodgett | Gatekeeper | 3 00 |
| H C. Hinkle | Doorkeeper | 3 00 |
| W. L Phillips | Gallery Doorkeeper | 3 00 |
| J. K. Vail | Messenger to Printer | 3 00 |
| Bert Swan | History Clerk | 6 00 |
| S. G Tyler | Bill Clerk | 4 00 |
| J F. R Arellanes | Assistant Bill Clerk | 4 00 |
| W. A Smith | Assistant Bill Clerk | 4 00 |
| W. R Johnson | Assistant Bill Clerk | 4 00 |
| Steven Walsh | Assistant Bill Clerk | 4 00 |
| John Milliken | Committee Clerk | 4 00 |
| A. L Banks | Committee Clerk | 4 00 |
| G. H Campbell | Committee Clerk | 4 00 |
| Miss Irma McCarty | Committee Clerk | 4 00 |
| W. M. Scott | Committee Clerk | 4 00 |
| W H Wright | Committee Clerk | 4 00 |
| F. P Mouser | Committee Clerk | 4 00 |
| Fred Schneider | Committee Clerk | 4 00 |
| R. B. Goodsell | Committee Clerk | 4 00 |
| H. H Rose | Committee Clerk | 4 00 |
| F. P. Barnes | Committee Clerk | 4 00 |
| F. E. McMartin | Committee Clerk | 4 00 |
| G. H McKeny | Committee Clerk | 4 00 |
| H. La Baree | Committee Clerk | 4 00 |
| Paul Ussher | Committee Clerk | 4 00 |
| C. W Bates | Committee Clerk | 4 00 |
| L. J Stellman | Committee Clerk | 4 00 |
| L Devine | Committee Clerk | 4 00 |
| E. T. Wallcott | Committee Clerk | 4 00 |
| Mabel E. Waste | Committee Clerk | 4 00 |
| W. R. Leeds | Committee Clerk | 4 00 |
| Chas. A. Whitmore | Committee Clerk | 4 00 |
| W. A. Brown | Committee Clerk | 4 00 |
| Lottie D. Burgess | Committee Clerk | 4 00 |
| J. W. Crosland | Committee Clerk | 4 00 |
| Frank Storer | Committee Clerk | 4 00 |
| Fred G. Moesch | Committee Clerk | 4 00 |

| | | Per Diem. |
|---|---|---|
| W. H. Pyburn | Committee Clerk | $4 00 |
| Miss Jessie Baistoes | Committee Clerk | 4 00 |
| Mrs. Frances S. Jordan | Committee Clerk | 4 00 |
| Arthur Helfrich | Stenographer | 5 00 |
| N. A. Stanton | Stenographer | 5 00 |
| D. R. Frazer | Stenographer | 5 00 |
| Alice M. Birdsall | Stenographer | 5 00 |
| E. Washburn | Stenographer | 5 00 |
| Wesley Carroll | Porter | 3 00 |
| Thomas Castro | Porter | 3 00 |
| J. W. Butler | Porter | 3 00 |
| George H. Poole | Porter | 3 00 |
| H. H. Squire | Porter | 3 00 |
| C. E. Daley | Watchman | 4 00 |
| Jas. Cooney | Watchman | 3 00 |
| E. C. Cotter | Watchman | 3 00 |
| Frank Sweeney | Sergeant-at-Arms to Judiciary Committee | 3 00 |
| G. A. Butler | Sergeant-at-Arms to Ways and Means Com... | 3 00 |
| | Fireman | ---- |
| | Engineer | ---- |

Resolution read and adopted.

By Mr. Higgins:

*Resolved*, That the Sergeant-at-Arms be empowered, and he is hereby authorized to purchase such additional furniture and supplies as may be needed in the Assembly and Committee-rooms, the bills for the same to be approved by the Ways and Means Committee and by the Assembly, before any liability shall attach to the State.

Resolution read and adopted.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Greer, the Assembly adjourned until twelve o'clock and forty-five minutes P. M., Wednesday, January 7, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 7, 1903.

The Assembly met at twelve o'clock and forty-five minutes P. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. John, the further reading of the Journal was dispensed with.

At one o'clock P. M., the Sergeant-at-Arms announced that the joint Inaugural Committee of the Senate and the Assembly was at the bar of the House.

The Speaker notified the Sergeant-at-Arms of the Senate who appeared before the bar of the House, that the Assembly is prepared to receive that honorable body in joint convention.

## IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Wednesday, January 7, 1903.

Pursuant to adjournment on yesterday, the Senate and Assembly of the State of California met in Joint Convention on this day, Wednesday, January 7, 1903, at one o'clock P. M., for the purposes set forth in the following resolution adopted in Joint Convention yesterday:

*Resolved*, That the hour of one o'clock P. M. of Wednesday, January 7, 1903, be appointed the time when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature in Joint Convention assembled, as required in and by Section 905 of the Political Code; that the Joint Committee on Inauguration already appointed be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action; and that when this Joint Convention adjourns, it adjourn to meet at the hour and place aforesaid.

Hon. Jacob H. Neff, Lieutenant-Governor and President of the Senate, and Hon. Arthur G. Fisk, Speaker of the Assembly, presiding.

ROLL CALLS.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—38.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

ORDER OF BUSINESS.

The following was the order of business followed:

1. Call to order by President of the Senate.
2. Roll call of the Senate.
3. Roll call of the Assembly.
4. Chairman of Joint Committee on Inauguration announces the presence of Governor and Governor-elect.
5. Governor and Governor-elect to proceed to Speaker's desk.
6. Prayer by the Chaplain.
7. Administration of oath of office.
8. Music—"Hail to the Chief."
9. Salute.
10. Introduction by Speaker of Assembly of retiring Governor.
11. Address by Governor Pardee
12. Reading of minutes of Joint Convention by Secretary of Senate.
13. Approval of minutes.
14. Adjournment of Joint Convention.

REPORT OF JOINT COMMITTEE.

Senator Lukens, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House, and announced to the Speaker of the Assembly the presence of His Excellency Governor Henry T. Gage and Hon. George C. Pardee, Governor-elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. C. L. Miel.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. W. H. Beatty, Chief Justice of the Supreme Court of the State of California, administered the oath of office to Governor-elect George C. Pardee, as follows:

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

PRESENTATION BY RETIRING GOVERNOR.

Retiring Governor Henry T. Gage introduced to the Joint Convention His Excellency George C. Pardee, now Governor of the State of California, who thereupon addressed the convention.

ADMINISTRATION OF OATH TO LIEUTENANT-GOVERNOR.

The Hon. W. H. Beatty, Chief Justice of the Supreme Court of the State of California, administered the oath of office to Lieutenant-Governor-elect, Alden Anderson, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor according to the best of my ability.

PRESENTATION BY RETIRING LIEUTENANT-GOVERNOR.

Retiring Lieutenant-Governor Hon. Jacob H. Neff introduced to the Joint Convention the Hon. Alden Anderson, now Lieutenant-Governor of the State of California, who thereupon addressed the convention.

READING AND APPROVAL OF MINUTES.

Minutes of the Joint Convention were read and approved.

ADJOURNMENT.

At one o'clock and fifty-five minutes P. M. the President of the Senate adjourned the Joint Convention without day.

## IN ASSEMBLY.

The Assembly reassembled at two o'clock and two minutes P. M. Speaker Fisk in the chair.

ADJOURNMENT.

At two o'clock and four minutes P. M., on motion of Mr. Amerige, the Assembly adjourned until ten o'clock A. M., Thursday, January 8, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 8, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—76.

Quorum present.

LEAVES OF ABSENCE.

Messrs. McNeil and Murphy were granted leave of absence for the day.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Johnson, the further reading of the Journal was dispensed with.

ANNOUNCEMENT OF COMMITTEE.

The Speaker appointed as Committee on Contingent Expenses and Mileage, Messrs. Walker, King, and Lumley.

## REPORT OF COMMITTEE ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following as the Standing Rules of the Assembly.

H. W. BROWN, Chairman.
G. L. JOHNSON.
W. W. ALLEN, JR.
JO V. SNYDER, and
MR. SPEAKER.

## STANDING RULES OF ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 5, 1903, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

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. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

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

4. *Messages from the Governor and Senate.*

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

5. *Petitions to be Presented, with a brief Statement of Contents.*

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

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action

8 *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee;

*provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred. and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. *Referring With Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the general file, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading; and precedence shall be given in the consideration of bills in the following order: third-reading file and second-reading file, unless otherwise ordered by a two-thirds vote of the House The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the general file, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. *Order Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the special file, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws, and constitutional amendments, in the order named and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the general file be substituted for any bill thereon.

15. *Taking Up Bills Out of Order.*

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, and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall 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.

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be by such committee reported back to the House, with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18. *To Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem , shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the

absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a chairman shall be elected from among the members to preside

19. *To Preserve Order, to Decide Points of Order; and May Speak to Same.*

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 member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *To Have Direction of the Hall. May Call Any Member to the Chair.*

He shall have 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.

21. *To Sign Resolutions, Etc., Attested by the Clerk.*

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.

22. *May Order the Galleries and Lobby Cleared.*

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.

DUTIES OF THE SERGEANT-AT-ARMS.

23. *To attend Sittings of House, Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker 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. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24 *Fees of Sergeant-at-Arms*

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, ten 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.

25. *Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of five members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Claims, to consist of seven members
5. A Committee on Commerce and Navigation, to consist of nine members
6. A Committee on Commissions and Public Expenditures, to consist of seven members.
7. A Committee on Constitutional Amendments, to consist of seven members.
8. A Committee on Contested Elections, to consist of seven members.
9. A Committee on Corporations, to consist of nine members.
10. A Committee on Counties and County Boundaries, to consist of five members.
11. A Committee on County and Township Governments, to consist of thirteen members.
12. A Committee on Dairies and Dairy Products, to consist of nine members.
13. A Committee on Election Laws, to consist of seven members.
14. A Committee on Education, to consist of nine members.
15. A Committee on Engrossment and Enrollment, to consist of seven members.
16. A Committee on Fruit and Vine Interests, to consist of seven members
17. A Committee on Fish and Game, to consist of eleven members
18. A Committee on Federal Relations, to consist of five members.

19. A Committee on Immigration, to consist of nine members.
20. A Committee on Irrigation, to consist of nine members.
21. A Committee on Judiciary, to consist of nineteen members.
22. A Committee on Labor and Capital, to consist of nine members.
23. A Committee on Manufactures and Internal Improvements, to consist of seven members.
24. A Committee on Mileage, to consist of five members.
25. A Committee on Military Affairs, to consist of seven members.
26. A Committee on Mines and Mining Interests, to consist of nine members.
27. A Committee on Municipal Corporations, to consist of seven members.
28. A Committee on Public Buildings and Grounds, to consist of eleven members
29. A Committee on Public Health and Quarantine, to consist of seven members
30. A Committee on Public Lands and Forestry, to consist of seven members
31. A Committee on Public Morals, to consist of nine members
32. A Committee on Public Printing, to consist of seven members.
33. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
34. A Committee on Revision and Reform of Laws, to consist of eleven members.
35. A Committee on Roads and Highways, to consist of eleven members.
36. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
37. A Committee on State Hospitals and Asylums, to consist of eleven members.
38. A Committee on State Library, to consist of five members
39. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
40. A Committee on Swamp and Overflowed Lands and River Improvements, to consist of nine members.
41. A Committee on Universities, to consist of seven members.
42. A Committee on Ways and Means, to consist of eleven members.

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House

28. *On Contested Elections.*

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

29. *On Ways and Means.*

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. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means, and said committee shall consider them and report thereon the amount of appropriation required, but such bill shall retain its place on the file pending its consideration by said Committee on Ways and Means.

The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending

30. *On Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs, to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued, to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee

31. *On Engrossment.*

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 such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed

32. *On Revision and Reform of the Law.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

33. *Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. *Committee of the Whole House.*

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 Assembly by the chairman. After report to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committee of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36 *Motion to Rise Decided Without Debate.*

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

37. *Reference of Bills.*

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.

38. *Calling Members to Order When Transgressing Rules.*

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

39. *Speaker to Decide Who is Entitled to the Floor.*

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

40. *Order in Speaking to Questions.*

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, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution or mover of a question. No member shall be allowed to speak more than thirty minutes upon any question, except by leave of the House.

41. *Called to Order for Offensive Words in Debate.*

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.

42. *Personal Explanation.*

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.

43 *Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.*

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.

44. *Motions to Adjourn.*

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and the tax levy.

45. *Precedence of Motions during Debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, and if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

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.

47. *Questions of Order After Previous Question is Ordered.*

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, *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

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

49. *Question Indefinitely Postponed*

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

50. *Division of Questions.*

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 a motion to add to nor a motion to strike out and insert

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

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

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc.*

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 consent of the House.

55. *Printing of Maps.*

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

56. *Filling Blanks.*

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

57. *Priority of Business.*

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

58. *Reading of Papers.*

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.

59. *Notice of Reconsideration.*

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.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House.*

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

61 *Calling Ayes and Noes.*

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, 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.

62. *Members at Clerk's desk.*

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.

63. *Voting on Question When Interested.*

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

64. *Division and Count of House.*

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

65. *Explaining or Changing Vote.*

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.

66. *Call of the House.*

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficent 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. In the absence of a quorum, a majority of the members present may order a call of the House, and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. *Suspending and Changing Rules.*

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; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor

2. Bills affecting county and township governments, or roads and highways.

3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.

4. Amending election laws.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves.*

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.

69. *Persons Admitted to Floor.*

No persons, except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior 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 any or all such persons. The Speaker is charged with the enforcing of this rule.

70. *Smoking in Hall.*

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

71. *Parliamentary Rules.*

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.

72. *Use of Hall.*

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

73 *Fees for Witnesses*

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony

74. *Protest of Members.*

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.

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills after Fiftieth Day*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

When a motion for leave to introduce a bill fails to receive the requisite two-thirds vote required by the Constitution, such bill shall not be again offered.

Report read.

On motion of Mr. Brown, the report of Committee on Rules and Regulations was made special order for to-morrow, immediately after reading of the Journal.

RESOLUTION.

By Mr. Transue:

*Resolved*, That the Chief Clerk be and he is hereby instructed to rent twelve typewriting machines for the use of the Stenographers of the Assembly; and the Controller of State is authorized to draw his warrant for the amount of the rentals, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Read, and referred to Committee on Ways and Means, when appointed.

REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 8, 1903.

MR. SPEAKER: Your special committee, appointed pursuant to Assembly Concurrent Resolution No 2, to confer with a like committee from the Senate and the Inaugural Ball Committee, beg leave to report that they have conferred with such committees and recommend that the various halls, corridors, and unoccupied chambers in and about the State Capitol be placed at the disposal of the committee having in charge the inaugural ball and banquet from Saturday, January 10, 1903, at twelve o'clock M., to the hour of ten o'clock A M., Tuesday, January 13, 1903.

HOUSER, Chairman.

Report adopted.

CONCURRENT RESOLUTION.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

*Resolved by the Assembly, the Senate concurring*, That the Secretary of State be requested to place at the disposal of the committees having in charge the inaugural ball and banquet, the various halls, corridors, and unoccupied chambers in and about the State Capitol, from and after the adjournment of the Legislature on Saturday, January 10, 1903, to the hour of ten o'clock A. M. Tuesday, January 13, 1903.

Resolution read, and on motion of Mr. Houser, adopted.

RESOLUTIONS.

By Mr. Dunlap:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to hire a box at the Sacramento postoffice for the use of the Assembly, the rent for which shall be payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read, and, on motion of Mr. Johnson, the rules were suspended, and the same adopted.

Also:

*Resolved*, That the Sergeant-at-Arms be instructed to contract for telephones for the use of the members of the Assembly and the Chief Clerk; and that the expense be paid out of the Contingent Fund of the Assembly, and that the Controller be directed to draw his warrant for the same.

Resolution read, and, on motion of Mr. Johnson, the rules were suspended, and the same adopted.

By Mr. Rolley:

*Resolved*, That the Secretary of State be requested to have the dome of the State Capitol building lighted on the evening of January 12, 1903, and to have the Assembly Chamber and Capitol building placed in readiness on the occasion of the inaugural ball, to be held on that evening, and that the sum of five hundred dollars be and is hereby appropriated out of the Contingent Fund of the Assembly to pay the expenses thereof.

Resolution read, and, on motion of Mr. Johnson, the rules were suspended, and the same adopted.

By Mr. Barnes:

*Resolved*, That the following-named person be and is hereby appointed and employed for the position at the per diem set opposite his name, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointment to date from and include the 5th of January, 1903. And the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same: E. C. Hinkle, to be Assistant Bill Clerk, at $4, and that his name shall be stricken from the resolution as adopted January 6, 1903, for the position of Gatekeeper.

Resolution read and adopted.

By Mr. Duryea:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to furnish to each regularly accredited representative of the press, having a seat on the floor of this House, copies of all bills, resolutions, and other documents, the same as they are furnished the members of the Assembly.

Resolution read and adopted.

COMMUNICATION.

SACRAMENTO, January 7, 1903.

*To the Speaker of the Assembly:*

I hereby tender my resignation as Bookkeeper to the Sergeant-at-Arms of the Assembly.

I. WERTHEIMER.

On motion of Mr. Johnson, resignation was accepted.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That the name of Jno. Welsh be substituted as Assistant Sergeant-at-Arms, at a per diem of $5, in place of Al Lewald, and that Al Lewald's name be substituted in the place of I. Wertheimer, Bookkeeper to the Sergeant-at-Arms, I Wertheimer having resigned.

Resolution read and adopted.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Mr. Johnson, a recess was taken until two o'clock P. M.

REASSEMBLED.

The Assembly reassembled at two o'clock P. M.

Speaker Fisk in the chair.

ANNOUNCEMENT BY SPEAKER.

The Speaker announced that the roll call on the resolution of Mr. Stanton, as published in the Journal of January 6th, had been misplaced and therefore a new roll call was necessary.

Thereupon, Mr. Stanton re-introduced the following resolution, and moved its adoption:

RESOLUTIONS.

By Mr. Stanton:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said

per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 5th day of January, 1903; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

| | | |
|---|---|---|
| Albert Lewald | Assistant Sergeant-at-Arms | $5 00 |
| George Sharp | Clerk Sergeant-at-Arms | 5 00 |
| W. B. Reynolds | Assistant Minute Clerk | 6 00 |
| Clarke Howard | Assistant Minute Clerk | 6 00 |
| R. L. Dempsey | Journal Clerk | 6 00 |
| E. J. Dwyer | Clerk of Committee on Judiciary | 6 00 |
| George McWilliams | Assistant Journal Clerk | 5 00 |
| Jesse A. Galland | Engrossing and Enrolling Clerk | 6 00 |
| S. P. Moorhead | Assistant Engrossing and Enrolling Clerk | 5 00 |
| W. F. Eschbacher | Assistant Engrossing and Enrolling Clerk | 5 00 |
| ——— ——— | File Clerk | ——— |
| M. D. Hopkins | Bill Filer | 4 00 |
| J. F. Silver | Bill Filer | 4 00 |
| J. T. Lynch | Bill Filer | 4 00 |
| Charles Kelly | Bill Filer | 4 00 |
| Ida Thomas | Postmistress | 4 00 |
| Alice Burns | Assistant Postmistress | 4 00 |
| Willie Wright | Mail Carrier | 3 00 |
| George Berry | Page | 2 50 |
| Ed Roeder | Page | 2 50 |
| Wesley Smith | Page | 2 50 |
| Pierce Cromwell | Page | 2 50 |
| —— Whelan | Page | 2 50 |
| Lewis Knight | Page | 2 50 |
| Henry Wesser | Gatekeeper | 3 00 |
| E. O. Kincaid | Gatekeeper | 3 00 |
| J. H. Blodgett | Gatekeeper | 3 00 |
| H. C. Hinkle | Doorkeeper | 3 00 |
| W. L. Phillips | Gallery Doorkeeper | 3 00 |
| J. K. Vail | Messenger to Printer | 3 00 |
| Bert Swan | History Clerk | 6 00 |
| S. G. Tyler | Bill Clerk | 4 00 |
| J. F. R. Arellanes | Assistant Bill Clerk | 4 00 |
| W. A. Smith | Assistant Bill Clerk | 4 00 |
| W. R. Johnson | Assistant Bill Clerk | 4 00 |
| Steven Walsh | Assistant Bill Clerk | 4 00 |
| John Milliken | Committee Clerk | 4 00 |
| A. L. Banks | Committee Clerk | 4 00 |
| G. H. Campbell | Committee Clerk | 4 00 |
| Miss Irma McCarty | Committee Clerk | 4 00 |
| W. M. Scott | Committee Clerk | 4 00 |
| W. H. Wright | Committee Clerk | 4 00 |
| F. P. Mouser | Committee Clerk | 4 00 |
| Fred Schneider | Committee Clerk | 4 00 |
| R. B. Goodsell | Committee Clerk | 4 00 |
| H. H. Rose | Committee Clerk | 4 00 |
| F. P. Barnes | Committee Clerk | 4 00 |
| F. E. McMartin | Committee Clerk | 4 00 |
| G. H. McKenney | Committee Clerk | 4 00 |
| H. La Baree | Committee Clerk | 4 00 |
| Paul Ussher | Committee Clerk | 4 00 |
| C. W. Bates | Committee Clerk | 4 00 |
| L. J. Stellman | Committee Clerk | 4 00 |
| L. Devine | Committee Clerk | 4 00 |
| E. T. Wallcott | Committee Clerk | 4 00 |
| Mabel E. Waste | Committee Clerk | 4 00 |
| W. R. Leeds | Committee Clerk | 4 00 |
| Chas. A. Whitmore | Committee Clerk | 4 00 |
| W. A. Brown | Committee Clerk | 4 00 |
| Lottie D. Burgess | Committee Clerk | 4 00 |
| J. W. Crosland | Committee Clerk | 4 00 |
| Frank Storer | Committee Clerk | 4 00 |
| Fred G. Moesch | Committee Clerk | 4 00 |
| W. H. Pyburn | Committee Clerk | 4 00 |
| Miss Jessie Baistoes | Committee Clerk | 4 00 |
| Mrs. Frances S. Jordan | Committee Clerk | 4 00 |
| Arthur Helfrich | Stenographer | 5 00 |
| N. A. Stanton | Stenographer | 5 00 |
| D. K. Frazer | Stenographer | 5 00 |

| | | |
|---|---|---|
| Alice M. Birdsall | Stenographer | $5 00 |
| E Washburn | Stenographer | 5 00 |
| Wesley Carroll | Porter | 3 00 |
| Thomas Castro | Porter | 3 00 |
| J. W. Butler | Porter | 3 00 |
| George H. Poole | Porter | 3 00 |
| H. H. Squire | Porter | 3 00 |
| C. E. Daley | Watchman | 4 00 |
| James Cooney | Watchman | 3 00 |
| E. C. Cotter | Watchman | 3 00 |
| Frank Sweeney | Sergeant-at-Arms to Judiciary Committee | 3 00 |
| G. A. Butler | Sergeant-at-Arms to Ways and Means Committee | 3 00 |
| —— —— | Fireman | —— |
| —— —— | Engineer | —— |

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—69.

NOES—None.

By Mr. Johnson:

*Resolved*, That the following named persons be and they are hereby elected as attachés of the Assembly, to serve during the thirty-fifth session, to draw pay from January 5, 1903. Said attachés shall serve in the capacities indicated, and receive the per diem named for each position, which shall be paid out of the fund provided for contingent expenses of the Assembly, payment to be made in the same manner as the statutory officers of the Assembly are paid:

| | | |
|---|---|---|
| W. C. Guirey | File Clerk | $6 00 |
| C. L Pardee | Assistant Engrossing and Enrolling Clerk | 5 00 |
| C. A. Wright | Assistant Engrossing and Enrolling Clerk | 5 00 |
| T. W. Wilson | Assistant Engrossing and Enrolling Clerk | 5 00 |
| Ed Gill | Assistant Minute Clerk | 5 00 |
| Geo. Wells | Assistant Journal Clerk | 5 00 |
| W. B. Parker | Assistant Sergeant-at-Arms | 5 00 |
| R E. Greer | Assistant Sergeant-at-Arms | 5 00 |
| J J. McCarthy | Assistant Sergeant-at-Arms | 5 00 |
| William Dale | Assistant Sergeant-at-Arms | 5 00 |
| J J. Connell | Assistant Sergeant-at-Arms | 5 00 |
| Ben Cohn | Assistant Sergeant-at-Arms | 5 00 |
| J. Lozano | Stenographer | 5 00 |
| Ethel Thomas | Stenographer | 5 00 |
| Tena Bazo | Stenographer | 5 00 |
| Agnes M. Purnell | Stenographer | 5 00 |
| Ed Owens | Committee Clerk | 4 00 |
| J. R Laws | Committee Clerk | 4 00 |
| Mrs S. Brown | Committee Clerk | 4 00 |
| L S. Clemans | Committee Clerk | 4 00 |
| F R. Thompson | Committee Clerk | 4 00 |
| Julia Gleason | Committee Clerk | 4 00 |
| Dan McPartland | Committee Clerk | 4 00 |
| Thomas Finlayson | Committee Clerk | 4 00 |
| E. W Lawrence | Committee Clerk | 4 00 |
| Jos Dias | Committee Clerk | 4 00 |
| A. W. Davidson | Committee Clerk | 4 00 |
| Mrs. Ida Herbert | Assistant Committee Clerk | 4 00 |
| Miss B. Erwin | Assistant Committee Clerk | 4 00 |
| C. V Pedlar | Assistant Committee Clerk | 4 00 |
| Anna McNealy | Assistant Committee Clerk | 4 00 |
| Nate Yocum | Assistant Committee Clerk | 4 00 |
| E C. Soward | Assistant Committee Clerk | 4 00 |
| H. C. Ainsworth | Assistant Committee Clerk | 4 00 |
| M. I Walker | Assistant Committee Clerk | 4 00 |
| H. H. McDonald | Assistant Committee Clerk | 4 00 |
| Mrs C A Wise | Assistant Committee Clerk | 4 00 |
| H. F. Bridges | Clerk to Committee on Ways and Means | 6 00 |
| E. B. Johnson | Assistant Sergeant-at-Arms to Com. on W. and M | 3 00 |

| | | |
|---|---|---|
| H. A. Pierce | Assistant Sergeant-at-Arms | $5 00 |
| T. A. Eisfeld | Assistant Sergeant-at-Arms to Committee | 4 00 |
| Sam Brunswick | Assistant Sergeant-at-Arms to Committee | 4 00 |
| Wm. Douthitt | Assistant Sergeant-at-Arms to Committee | 4 00 |
| Elwood Ralston | Assistant Sergeant-at-Arms to Committee | 4 00 |
| A. M. Jonson | Assistant Sergeant-at-Arms to Committee | 4 00 |
| John Johnson, Jr. | Assistant Sergeant-at-Arms to Committee | 4 00 |
| T. J. Holland | Assistant Sergeant-at-Arms to Committee | 4 00 |
| Hugh Murphy | Assistant Sergeant-at-Arms to Committee | 4 00 |
| S. O Richardson | Assistant Sergeant-at-Arms to Committee | 4 00 |
| Percy Hayselden | Assistant Bill Clerk | 4 00 |
| William Tryce | Assistant Bill Clerk | 4 00 |
| E. A. Tibbetts | Assistant Bill Clerk | 4 00 |
| A B. Cadman | Porter to Gallery | 3 00 |
| W B. Price | Porter | 3 00 |
| J. R. Hudson | Porter | 3 00 |
| F. S. Baker | Porter | 3 00 |
| W. H. Blake | Porter | 3 00 |
| J. D. Shay | Porter | 3 00 |
| J. C. Crawford | Porter | 3 00 |
| Walter Leitch | Porter | 3 00 |
| John Palms | Porter | 3 00 |
| J. Lachlin | Watchman | 3 00 |
| Fred Bauer | Watchman | 3 00 |
| W. Dunleavy | Watchman | 3 00 |
| W. J. Ford | Watchman | 3 00 |
| Tracy I. Storer | Page | 2 50 |
| Joseph Imsand | Page | 2 50 |
| F. Rodgers | Page | 2 50 |
| Willie Saunders | Page | 2 50 |
| Harold Doherty | Page | 2 50 |
| E. Neidlein | Page | 2 50 |
| Chas. Fisk | Assistant Electrician | 3 00 |
| Thos. Smith | Assistant Mail Carrier | 3 00 |
| G. W. B Yocom | Assistant Gatekeeper | 3 00 |
| A. P. Brown | Assistant Gatekeeper | 3 00 |
| Ira A. Lee | Assistant Gatekeeper | 3 00 |
| Lloyd Childs | Assistant Gatekeeper | 3 00 |
| W. H. Gallagher | Assistant Gatekeeper | 3 00 |
| A J. Blaikie | Assistant Gatekeeper | 3 00 |
| Peter Faber, Jr. | Assistant Gatekeeper | 3 00 |
| Elmer Hallahan | Assistant Gatekeeper | 3 00 |
| H S. Rhinehart | Assistant Bill Filer | 4 00 |
| J P. Norton | Assistant Bill Filer | 4 00 |
| W. M. Casterson | Assistant Bill Filer | 4 00 |
| Jos. Dring | Assistant Bill Filer | 4 00 |
| J. S. Chambers | Assistant Bill Filer | 4 00 |
| F. M. Ensign | Assistant Bill Filer | 4 00 |
| Austin Langford | Assistant Bill Filer | 4 00 |
| E. E Maxwell | Assistant Bill Filer | 4 00 |
| J. McCormack | Assistant Bill Filer | 4 00 |
| W. S. Hickman | Assistant Bill Filer | 4 00 |
| Harry Dunlap | Assistant Bill Filer | 4 00 |
| Herbert Baker | Assistant Bill Filer | 4 00 |
| William Slade | Assistant Bill Filer | 4 00 |
| Howard Raines | Assistant Bill Filer | 4 00 |
| Abe Friedlander | Assistant Bill Filer | 4 00 |
| Agnes Kelly | Assistant Postmistress | 4 00 |
| Pauline Smith | Assistant Postmistress | 4 00 |
| Ben Peckham | Assistant History Clerk | 4 00 |
| Wm. H. Gale | Coatroom Attendant | 5 00 |
| H H. Massy | Assistant Coatroom Attendant | 4 00 |
| Thomas Rae | Elevator Attendant | 4 00 |
| Chas. Ashurst | Elevator Attendant | 4 00 |
| J V Dolan | Engineer | 4 00 |
| John Daley | Assistant Engineer | 4 00 |
| Miss L. Harris | Ladies' Cloakroom Attendant | 3 00 |
| Mrs C R Johnson | Assistant Ladies' Cloakroom Attendant | 3 00 |
| Mrs. Nora Carroll | Assistant Ladies' Cloakroom Attendant | 3 00 |
| Miss E. R Houghton | Stenographer to Democratic Minority | 5 00 |
| George W. Lewis | Clerk to Democratic Minority | 5 00 |
| Dennis Murray | Clerk to Union Labor Minority | 4 00 |
| Jesse Speegle | Stenographer to Union Labor Minority | 5 00 |

Resolution read.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—69.

NOES—None.

PRIVILEGES OF THE FLOOR OF THE HOUSE.

Mr. Cromwell moved that Mr. Radcliff, an ex-member of the Assembly, be extended the privileges of the floor.

So ordered.

COMMUNICATION.

*To the Assembly of the State of California:*

I hereby nominate J P. Greeley, Charles Thompson, F. W. Heatherly, J. H. Harney as Assistant Clerks, and ask you to elect the same.

CLIO LLOYD, Chief Clerk.

Communication read.

The roll was called, and the nominations confirmed by the following vote:

AYES—Messrs Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—67.

NOES—None.

RESOLUTION.

By Mr. Moore:

*Resolved*, That the following named person be and he is hereby appointed and employed for the position and at the per diem set opposite his respective name, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said appointment to date from and include the 5th day of January, 1903. And the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

H Scott to be substituted for the name of C. H. Campbell, and name of C. H. Campbell be stricken from the roll

The per diem of H. Scott to be $4.

Resolution read.

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

AYES—Messrs Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duffey, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—None.

MOTION.

Mr. Bliss moved to take up messages from the Governor.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 8, 1903

*To the Assembly of the State of California:*

I have the honor to inform you that I have appointed A. B. Nye, of Oakland, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

GEO. C. PARDEE,
Governor of the State of California.

RESOLUTION.

By Mr. McConnell:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to subscribe for and furnish each Assemblyman five copies of daily papers during the session of the Legislature; and the Controller of State is authorized to draw his warrant for the amount of such subscription, and the Treasurer is directed to pay the same out of the fund for contingent expenses of the Assembly.

Read, and referred to Committee on Ways and Means, when appointed.

MOTION.

Mr. Amerige moved to take up messages from the Senate.

So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1—Relative to opening and publishing the returns of the election of Governor and Lieutenant-Governor.

Also: Assembly Concurrent Resolution No. 2—Relative to appointment of Committee on Inaugural Ball—and in accordance therewith Senators Smith, Knowland, and Sanford were appointed to act with a like committee of your honorable body.

Also: Senate Concurrent Resolution No. 2—Relative to death of Hon J. H Seawell, an ex-member of either house—and in accordance with said resolution Senators Sanford, Belshaw, and Flint were appointed as a committee to act with a like committee from your honorable body.

F. J. BRANDON, Secretary of Senate.
By FRED L. THOMAS, Assistant Secretary.

SENATE CONCURRENT RESOLUTION NO. 2.

Relative to the death of Hon. J. H. Seawell.

*Resolved by the Senate of the State of California, the Assembly concurring*, That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly for adoption a resolution of respect to the memory of the late Honorable John Henry Seawell of Mendocino County, ex-member of either house.

Resolution read and adopted.

The Speaker appointed as such committee Messrs. Dunlap, John, and Snyder.

Also:

SENATE CHAMBER, SACRAMENTO, January 7, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3—Relative to inaugural ball.

Also: Senate Concurrent Resolution No. 3—Relative to death of Hon. Lawrence J. Dwyer, ex-member of either house—and in accordance therewith appointed Senators Welch, Selvage, and Plunkett to act with a like committee from your honorable body.

F. J. BRANDON, Secretary of Senate.
By FRED L. THOMAS, Assistant Secretary.

SENATE CONCURRENT RESOLUTION NO. 3.

*Resolved by the Senate of the State of California, the Assembly concurring*, That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare

and present to the Senate and Assembly for adoption, a resolution of respect to the memory of the late Honorable Lawrence J. Dwyer of San Francisco, ex-member of either house.

Resolution read and adopted.

The Speaker appointed as such committee Messrs. Amerige, John, and Siskron.

RESOLUTION.

By Mr. Camp:

*Resolved*, That the name of Kate Bentley be substituted in the place of the name of Miss E. Washburn, heretofore appointed to the position of Stenographer.

That the name of Chas. Craig be substituted for W M Scott, as Committee Clerk.

That W. B Parker be made an Assistant Sergeant-at-Arms to Committee, at a per diem of $4 instead of an assistant at $5 per day.

That R. L. Barr be appointed Assistant Gatekeeper, at $3 per day.

Resolution read.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—67.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1903.

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

*Resolved*, That the State Controller be and is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same.

| Name. | Residence. | Miles | Amount. |
|---|---|---|---|
| Allen, W. W., Jr. | San Francisco | 168 | $16 80 |
| Amerige, E R. | Fullerton | 1,026 | 102 60 |
| Bangs, V. E. | Modesto | 154 | 15 40 |
| Barber, P. S. | San Francisco | 168 | 16 80 |
| Barnes, F. W. | Pacific Beach | 1,152 | 115 20 |
| Bates, J. Clem | Alameda | 192 | 19 20 |
| Baxter, E. N | Wawona | 364 | 36 40 |
| Black, Marshall | Palo Alto | 296 | 29 60 |
| Bliss, John A. | Oakland | 182 | 18 20 |
| Boisson, George G. | San Francisco | 168 | 16 80 |
| Brown, H. W. | Colma | 248 | 24 80 |
| Burgess, John G | El Cajon | 1,162 | 116 20 |
| Camp, Edgar W. | Sierra Madre | 990 | 99 00 |
| Carter, Henry E. | Los Angeles | 956 | 95 60 |
| Copus, J. N. | San Francisco | 168 | 16 80 |
| Covert, John G. | Hanford | 478 | 47 80 |
| Cromwell, F. A. | Petaluma | 314 | 31 40 |
| Dorsey, J. R. | Bakersfield | 556 | 55 60 |
| Dougherty, W. J. | San Juan | 350 | 35 00 |
| Drew, A. M. | Fresno | 338 | 33 80 |
| Duffey, A. D. | Ben Lomond | 400 | 40 00 |
| Dunbar, Charles O. | Santa Rosa | 282 | 28 20 |
| Dunlap, F. E. | Stockton | 96 | 9 60 |
| Duryea, F. A. | Lincoln | 104 | 10 40 |
| Ells, Harry | Stege | 170 | 17 00 |
| Finn, Thomas F. | San Francisco | 168 | 16 80 |
| Fisk, Arthur G. | San Francisco | 168 | 16 80 |
| Foster, Dr N. K. | Oakland | 182 | 18 20 |
| Gleason, William H. | San Francisco | 168 | 16 80 |
| Goodrich, John A. | Pasadena | 966 | 96 60 |
| Greer, W. W. | Oak Park | 10 | 1 00 |
| Grotefend, George A. | Redding | 354 | 35 40 |
| Hart, James D. | San Francisco | 168 | 16 80 |
| Higgins, J. M. | Sacramento | --- | ----- |

| Name. | Residence | Miles | Amount. |
|---|---|---|---|
| Houser, Fred W. | Los Angeles | 956 | $95 60 |
| Howard, B. F. | Colusa | 160 | 16 00 |
| John, Warren M. | San Luis Obispo | 586 | 58 60 |
| Johnson, Grove L. | Sacramento | --- | --- |
| Johnstone, W. A. | San Dimas | 1,024 | 102 40 |
| Kelso, W. H. | Inglewood | 984 | 98 40 |
| Kerrigan, M. J. | San Francisco | 168 | 16 80 |
| Killingsworth, W. S. | Vacaville | 80 | 8 00 |
| King, P. S. | Napa | 122 | 12 20 |
| Knight, Edward D. | San Francisco | 168 | 16 80 |
| Leminger, C. W. | Weaverville | 434 | 43 40 |
| Lewis, Frank D. | Riverside | 1,206 | 120 60 |
| Lewis, Marcus | San Francisco | 168 | 16 80 |
| Lumley, A. M. | Porterville | 482 | 48 20 |
| Lux, Frederick | San Francisco | 168 | 16 80 |
| Mahany, A. M. | San Francisco | 168 | 16 80 |
| Mattos, John G., Jr. | Centerville | 236 | 23 60 |
| McCartney, H. S. G. | Los Angeles | 956 | 95 60 |
| McConnell, J. I. | Woodland | 40 | 4 00 |
| McKenney, C. H. | Ione | 142 | 14 20 |
| McLaughlin, A. C. | Yuba City | 104 | 10 40 |
| McMahon, Abner | San Francisco | 168 | 16 80 |
| McMartin, Wm. H. R. | San Francisco | 168 | 16 80 |
| McNeil, B. H. | Rohnerville | 672 | 67 20 |
| Moore, J. W. | Undine | 110 | 11 00 |
| Mott, John W. | Oakland | 182 | 18 20 |
| Murphy, John M. | San Francisco | 168 | 16 80 |
| Olmsted, S. H. | San Rafael | 192 | 19 20 |
| Pann, Chris P. | Santa Paula | 816 | 81 60 |
| Prescott, Frank C. | Redlands | 1,216 | 121 60 |
| Pyle, E. M. | Santa Barbara | 738 | 73 80 |
| Rolley, George T. | Eureka | 624 | 62 40 |
| Siskron, Charles A. | San Francisco | 168 | 16 80 |
| Snyder, Jo V. | Nevada City | 142 | 14 20 |
| Soward, F. D. | Downieville | 238 | 23 80 |
| Stansell, Fred R. | Nelson | 176 | 17 60 |
| Stanton, Phil A. | Los Angeles | 956 | 95 60 |
| Steadman, M. B. | Monterey | 442 | 44 20 |
| Susman, Leo H. | San Francisco | 168 | 16 80 |
| Traber, J. O. | Fresno | 338 | 33 80 |
| Transue, J. P. | Los Angeles | 956 | 95 60 |
| Walker, G. S | Los Gatos | 272 | 27 20 |
| Walsh, Philip M. | Oakland | 182 | 18 20 |
| Waste, William H. | Berkeley | 194 | 19 40 |
| Weger, F. M. | Ukiah | 410 | 41 00 |
| Wright, Eli | San José | 256 | 25 60 |
| Lloyd, Clio | Santa Barbara | 738 | 73 80 |
| Wickham, R. Q. | Los Angeles | 956 | 95 60 |
| Banks, W. O. | San Francisco | 168 | 16 80 |

WALKER,
LUMLEY,
KING,
Committee.

Report read, ordered printed in Journal, and made special order for to-morrow morning, immediately after reading of the Journal.

ADJOURNMENT.

At three o'clock P. M., on motion of Mr. Duryea, the Assembly adjourned until ten o'clock A. M. of Friday, January 9, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 9, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleason, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

## LEAVES OF ABSENCE.

Leave of absence until Tuesday January 13, 1903, was granted to Messrs. Allen, Amerige, Barber, Bates, Baxter, Bliss, Boisson, Carter, Copus, Dunbar, Duryea, Greer, Grotefend, Howard, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mattos, McConnell, McLaughlin, Moore, Rolley, Siskron, Stanton, Susman, and Transue.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Carter, the further reading of the Journal was dispensed with.

## SPECIAL ORDER—REPORT OF COMMITTEE ON RULES AND REGULATIONS.

On motion of Mr. Brown, the Standing Rules were adopted.

## SPECIAL ORDER—REPORT OF COMMITTEE ON MILEAGE.

Mr. Walker moved to amend report by changing Mr. Black's mileage from 246 to 296 and amount from $24.60 to $29.60.

Also, by changing Mr. Pann's mileage from 816 to 966 and amount from $81.60 to $96.60.

Also, by changing Mr. Steadman's mileage from 432 to 442 and amount from $43.20 to $44.20.

So ordered.

Report of Committee on Mileage, as amended, adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside,

Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—None.

RESOLUTIONS.

By Mr. Johnson:

*Resolved*, That the Controller be and is hereby authorized to draw his warrant for the sum of one hundred and twenty-three dollars ($123 00) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, and the Treasurer is hereby instructed to pay the same from the Contingent Fund of the Assembly. The same being for expenses incurred by him during the temporary organization of the House.

Resolution read.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr Speaker—68.

NOES—None

By Mr. Brown:

*Resolved*, That the State Printer be instructed to print five hundred copies of the Standing Rules of the House in pamphlet form.

Resolution read, and on motion of Mr. Brown adopted, and made rush order to print.

By Committee on Attachés:

*Resolved*, That the following-named persons be and are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said appointments to date from the fifth day of January, 1903, and the State Controller is hereby authorized and directed to draw his warrant upon the same fund in favor of the following persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

| | |
|---|---|
| The name of E T. Walcott, heretofore appointed as a Committee Clerk, shall be stricken from the roll, and the said E. T. Walcott be made Clerk of the Ways and Means Committee | $6 00 |
| Strike from the roll the name of John Daley, heretofore appointed as Assistant Engineer, and place instead of said John Daley, Wm. Daly as Bill Filer | 4 00 |
| Miss L Hanley, Ladies' Waiting-room Attendant | 4 00 |
| J. E. Cuddy, Assistant Engrossing and Enrolling Clerk | 5 00 |
| Mrs L. G. Toon, Stenographer | 5 00 |
| That the name of W. A. Carpenter be substituted as Assistant Bill Filer in the place of and instead of the name of F. H. Ensign | 4 00 |
| That C. W. Curtis be placed on the roll as Bill Filer | 4 00 |
| W. W Benchley, Page | 2 50 |
| E. J Eden, Gatekeeper | 3 00 |
| Lillian Herzog, Stenographer | 5 00 |
| J. J. Murry, Bill Filer | 4 00 |
| Substitute the name of E. J. Talbot for J R. Laws as Committee Clerk | 4 00 |
| Substitute the name of Miss S. Desmond for the name of Mrs. S. Brown, Committee Clerk | 4 00 |
| W. R. Leeds to be Assistant Journal Clerk | 5 00 |
| Strike out name of W. R. Leeds as Committee Clerk. | |

Mr. Dunlap moved the adoption of the resolution.

Resolution read.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Duryea,

Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr Speaker—66.

NOES—None

By Mr. Johnson:

*Resolved*, That for and by reason of services rendered the Assembly by H. S. Wanzer and L. A. Hilborn from January 5, 1903, to January 11, 1903, both inclusive as assistants to the Chief Clerk of the Assembly in effecting the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said H. S. Wanzer and L. A. Hilborn in the sum of fifty-six dollars each, and the State Treasurer is hereby directed to pay the said warrant immediately, out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss' Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—69.

NOES—None.

By Mr. Waste:

*Resolved*, That for and by reason of services rendered the Assembly in its organization by Ed J. Smith as an Assistant Clerk at the desk at the request of the Chief Clerk, he, the said Ed J. Smith, is hereby allowed the same per diem as is paid the Assistant Clerks at the desk, said per diem to be for the term of seven days ending January 11, 1903, and payable out of the appropriation for the contingent expenses of the Assembly. The Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same

Resolution read.

Mr. Waste moved the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr Speaker—68.

NOES—None.

MOTION.

Mr. Carter moved that the Journal Clerk be authorized to make corrections in names and initials of attachés.

So ordered.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Saturday, January 10, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 10, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Bangs, Barnes, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Lewis of Riverside, Lumley, McCartney, McMartin, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Walker, Waste, Weger, Wright, and Mr. Speaker—41.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Johnson, the further reading of the Journal was dispensed with.

## MOTION.

Mr. Johnson moved to correct the Journal of January 9, 1903, as follows: In the resolution providing for the payment of H. S. Wanzer and L. A. Hilborn for services in assisting in the organization of the Assembly, strike out the words "as assistants to the Chief Clerk of the Assembly."

So ordered.

## RESOLUTION.

By Mr. Johnson:

*Resolved*, That the Secretary of State is hereby directed to close the contingent expense accounts of the members of the Assembly and to forthwith transmit a statement of the same to the State Controller; and the State Controller is hereby directed to draw his warrant in favor of each member of the Assembly for the amount remaining to his credit in his account, and the State Treasurer is hereby directed to pay said warrants

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

## ADJOURNMENT.

At ten o'clock and fifty minutes A. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Tuesday, January 13, 1903.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 13, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

### PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

### READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

### READING AND APPROVAL OF JOURNALS.

The Journal of Monday, January 5th, Tuesday, January 6th, Wednesday, January 7th, and Thursday, January 8th, were read, corrected, and approved.

### RECESS.

At eleven o'clock and four minutes A. M. Mr. Johnson moved that the Assembly take a recess until eleven o'clock and fifty-five minutes A. M. So ordered.

### REASSEMBLED.

The Assembly reconvened at eleven o'clock and fifty-five minutes A. M. Speaker Fisk in the chair

### ANNOUNCEMENTS.

The Speaker announced the receipt of papers in contested election matter, Wanzer vs. Duffey.

At twelve o'clock M. the Speaker announced that, in pursuance of law, the Assembly would proceed to the election of a United States Senator to succeed the Hon. George C. Perkins.

### RESOLUTION.

By Mr. Johnson:

WHEREAS, The term of the Honorable George C. Perkins, United States Senator in Congress from the State of California, elected on January 13, 1897, will expire on the 4th day of March, 1903; and

WHEREAS, His successor, whose term shall commence on the said 4th day of March, 1903, must now be chosen; therefore, be it

*Resolved*, That the Assembly do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California for the term of six years, commenc-

ing March 4, 1903, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Resolution read and adopted.

ELECTION OF UNITED STATES SENATOR.

The Assembly, at twelve o'clock M., proceeded to the election of one United States Senator, in accordance with the following Act of Congress:

Title II, Chapter I, Revised Statutes United States—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 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 received a majority of the whole number of votes cast 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 seal of the State, to the President of the Senate of the United States.

The Speaker declared in order nominations for one United States Senator, to succeed Hon. George C. Perkins.

NOMINATIONS.

Mr. Walsh nominated the Hon. George C. Perkins of Alameda.
Mr. Leininger seconded the nomination of the Hon. George C. Perkins.
Mr. Carter seconded the nomination of the Hon. George C. Perkins.
Mr. Waste seconded the nomination of the Hon. George C. Perkins.
Mr. Killingsworth nominated the Hon. Franklin K. Lane.
Mr. Dougherty seconded the nomination of the Hon. Franklin K. Lane.
Mr. Snyder seconded the nomination of the Hon. Franklin K. Lane.
Mr. Bangs seconded the nomination of the Hon. Franklin K. Lane.

MOTION.

At twelve o'clock and twenty-nine minutes P. M. Mr. Bliss moved to extend the time for recess until business in hand is disposed of.

So ordered.

NOMINATIONS—(RESUMED).

Mr. Siskron of San Francisco nominated the Hon. Eugene E. Schmitz of San Francisco.

Mr. Murphy seconded the nomination of the Hon. Eugene E. Schmitz.

On motion of Mr. Pann, the nominations were declared closed.

The roll was thereupon called, with the following result:

*For George C. Perkins*—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Fisk, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Wright—58.

*For Franklin K Lane*—Messrs. Bangs, Baxter, Covert, Dougherty, Duffey, Dunbar, Howard, Killingsworth, Lumley, McConnell, Snyder, and Weger—12.

*For Eugene E. Schmitz*—Messrs. Copus, Finn, Kerrigan, McMahon, Murphy, and Siskron—6

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|---|---|
| Whole number of votes cast | 76 |
| Necessary to a choice | 39 |
| George C. Perkins received | 58 votes. |
| Franklin K. Lane received | 12 votes. |
| Eugene E Schmitz received | 6 votes. |

The Speaker announced the result, and declared that the roll call disclosed that the Hon. George C. Perkins had received a majority of all the votes cast.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That a message be sent to the Senate, informing the Senate of the vote for United States Senator in this House taken this day, and requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 14, 1903, at twelve o'clock noon, in Joint Assembly, for the purpose of electing, or declaring the election, of 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 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Resolution read and adopted.

ANNOUNCEMENT OF COMMITTEES.

The Speaker announced the appointment of the following standing committees:

STANDING COMMITTEES OF THE ASSEMBLY.

Agriculture—Messrs. McNeil of Rohnerville (chairman), Mattos of Centerville, Walker of Los Gatos, Steadman of Monterey, Kelso of Inglewood, Lumley of Porterville, and Weger of Ukiah.

Attachés and Employés—Messrs. Black of Palo Alto (chairman), Dunlap of Stockton, Stanton of Los Angeles, Bliss of Alameda, and McMahon of San Francisco.

Banks and Banking—Messrs. Bliss of Oakland (chairman), Bates of Alameda, Pyle of Santa Barbara, Barnes of Pacific Beach, and Duffey of Ben Lomond

Claims—Messrs. Dorsey of Bakersfield (chairman), Bliss of Alameda, Higgins of Sacramento, Knight of San Francisco, Transue of Los Angeles, Covert of Hanford, and Mahany of San Francisco.

Commerce and Navigation—Messrs Boisson of San Francisco (chairman), Rolley of Eureka, Stansell of Nelson, Traber of Fresno, Amerige of Fullerton, Greer of Sacramento, Houser of Los Angeles, Duffey of Ben Lomond, and Copus of San Francisco

Commissions and Public Expenditures—Messrs. Transue of Los Angeles (chairman), Amerige of Fullerton, McMartin of San Francisco, Barnes of Pacific Beach, Lux of San Francisco, Grotefend of Redding, and Siskron of San Francisco

Constitutional Amendments—Messrs. McCartney of Los Angeles (chairman), Wright of San José, Camp of Los Angeles, King of Napa, Knight of San Francisco, Howard of Colusa, and Mahany of San Francisco.

Contested Elections—Messrs. Wright of San José (chairman), Camp of Los Angeles, Mattos of Alameda, Leininger of Weaverville, Ellis of Stege, Dunbar of Sonoma, and Finn of San Francisco.

Corporations—Messrs. Allen of San Francisco (chairman), Stanton of Los Angeles, Bates of Alameda, McCartney of Los Angeles, Rolley of Eureka, Knight of San Francisco, Wright of San José, Baxter of Wawona, and Dunbar of Santa Rosa.

Counties and County Boundaries—Messrs Stansell of Nelson (chairman), Dorsey of Bakersfield, Transue of Los Angeles Rolley of Eureka, and Covert of Hanford

County and Township Governments—Messrs. Walsh of Oakland (chairman), Carter of Los Angeles, Brown of Colma, McKenney of Ione, Dorsey of Bakersfield, Higgins of Sacramento, Leininger of Weaverville, Rolley of Eureka, Burgess of El Cajon, Moore of Undine, McConnell of Woodland, Baxter of Wawona, and Dougherty of San Juan

Dairies and Dairy Products—Messrs Steadman of Monterey (chairman), Olmsted of San Rafael, Brown of Colma, John of San Luis Obispo, McNeil of Rohnerville, Bliss of Oakland, Moore of Undine, Dougherty of San Juan, and Weger of Ukiah.

Election Laws—Messrs Stanton of Los Angeles (chairman), Bliss of Oakland, Susman of San Francisco, Soward of Downieville, Carter of Los Angeles, McConnell of Woodland, and McMahon of San Francisco.

Education—Messrs. Mattos of Centerville (chairman), Higgins of Sacramento, Walker of Los Gatos, Drew of Fresno Lewis of Riverside, Stansell of Nelson, Pann of Santa Paula, Bangs of Modesto, and Copus of San Francisco

Engrossment and Enrollment—Messrs Amerige of Fullerton (chairman), McMartin of San Francisco, Mott of Oakland, Hart of San Francisco, Gleason of San Francisco, Baxter of Wawona, and Murphy of San Francisco.

Fruit and Vine Interests—Messrs. Traber of Fresno (chairman), Kelso of Inglewood, Johnstone of San Dimas, Mattos of Centerville, Cromwell of Petaluma, Killingsworth of Vacaville, and Covert of Hanford.

Fish and Game—Messrs. Leininger of Weaverville (chairman), McNeil of Rohnerville, Foster of Oakland, Olmsted of San Rafael, Ellis of Stege, Black of Palo Alto, Drew of Fresno, Transue of Los Angeles, Baxter of Wawona, Grotefend of Redding, and Murphy of San Francisco.

Federal Relations—Messrs Goodrich of Pasadena (chairman), Gleason of San Francisco, Lewis of Riverside, Amerige of Fullerton, and Grotefend of Redding

Immigration—Messrs McKenney of Ione (chairman), Gleason of San Francisco, Johnstone of San Dimas, Hart of San Francisco, Pann of Santa Paula, Boisson of San Francisco, Lewis of San Francisco, Finn of San Francisco, and Bangs of Modesto

Irrigation—Messrs. Walker of Los Gatos (chairman), Drew of Fresno, Amerige of Fullerton, Johnstone of San Dimas, Duryea of Lincoln, Moore of Undine, Pyle of Santa Barbara, Bangs of Modesto, and Lumley of Porterville.

Judiciary—Messrs. Johnson of Sacramento (chairman), Dunlap of Stockton, Allen of San Francisco, Camp of Los Angeles, Brown of Colma, Carter of Los Angeles, Cromwell of Petaluma, Drew of Fresno, Duryea of Lincoln, King of Napa, Mattos of Centerville, Prescott of Redlands, McLaughlin of Yuba City, Soward of Downieville, Walsh of Oakland, McCartney of Los Angeles, Houser of Los Angeles, Howard of Colusa, and Covert of Hanford.

Labor and Capital—Messrs. Pyle of Santa Barbara (chairman), Waste of Berkeley, Gleason of San Francisco, Duryea of Lincoln, Camp of Los Angeles, Lewis of San Francisco, Burgess of El Cajon, Kerrigan of San Francisco, and Finn of San Francisco

Manufactures and Internal Improvements—Messrs Ellis of Stege (chairman), Boisson of San Francisco, Susman of San Francisco, Lux of San Francisco, Greer of Sacramento, Lumley of Porterville, and Kerrigan of San Francisco

Mileage—Messrs. Bates of Alameda (chairman), Goodrich of Pasadena, Lux of San Francisco, Burgess of El Cajon, and Copus of San Francisco.

Military Affairs—Messrs King of Napa (chairman), Prescott of Redlands, Greer of Sacramento, Drew of Fresno, Steadman of Monterey, Snyder of Nevada City, and Finn of San Francisco

Mines and Mining Interests—Messrs Duryea of Lincoln (chairman), McKenney of Ione, Soward of Downieville, Dorsey of Bakersfield, Ellis of Stege, Leininger of Weaverville, Traber of Fresno, Snyder of Nevada City, and Grotefend of Redding.

Municipal Corporations—Messrs McLaughlin of Yuba City (chairman), Allen of San Francisco, Walsh of Oakland, Stanton of Los Angeles, Higgins of Sacramento, Dunbar of Santa Rosa, and Mahany of San Francisco.

Public Buildings and Grounds—Messrs. Barnes of Pacific Beach (chairman), Pyle of Santa Barbara, McCartney of Los Angeles, Walker of Santa Clara, John of San Luis Obispo, McNeil of Rohnerville, Bates of Alameda, Steadman of Monterey, Transue of Los Angeles, Dougherty of San Juan, and Snyder of Nevada City

Public Health and Quarantine—Messrs Foster of Oakland (chairman), Lewis of San Francisco, Barber of San Francisco, Cromwell of Petaluma, Hart of San Francisco, Bangs of Modesto, and Siskron of San Francisco.

Public Lands and Forestry—Messrs. John of San Luis Obispo (chairman), Goodrich of Pasadena, McLaughlin of Yuba City, Johnson of Sacramento, Traber of Fresno, Baxter of Wawona, and Duffey of Ben Lomond.

Public Morals—Messrs. Barber of San Francisco (chairman), King of Napa, Johnson of Sacramento, Carter of Los Angeles, Allen of San Francisco, Steadman of Monterey, Black of Palo Alto, Duffey of Ben Lomond, and Dunbar of Santa Rosa

Public Printing—Messrs. Higgins of Sacramento (chairman), Bates of Alameda, Mott of Oakland, Boisson of San Francisco, Barnes of Pacific Beach, Dunbar of Santa Rosa, and McMahon of San Francisco.

Public Works, State Capitol, and Parks—Messrs. Rolley of Eureka (chairman), Olmsted of San Rafael, Mott of Oakland, Lewis of San Francisco, Pann of Santa Paula, Killingsworth of Vacaville, and Kerrigan of San Francisco

Revision and Reform of Laws—Messrs. Houser of Los Angeles (chairman), Knight of San Francisco, Soward of Downieville, McMartin of San Francisco, Wright of San José, Waste of Berkeley, Cromwell of Petaluma, Susman of San Francisco, Dorsey of Bakersfield, Howard of Colusa, and Covert of Hanford.

Roads and Highways—Messrs Greer of Sacramento (chairman), Johnstone of San Dimas, Ells of Stege, Kelso of Inglewood, Lewis of Riverside, Traber of Fresno, Olmsted of San Rafael, John of San Luis Obispo, Dougherty of San Juan, Duffey of Ben Lomond, and Weger of Ukiah.

Rules and Regulations—Messrs Brown of Colma (chairman), Allen of San Francisco, Johnson of Sacramento, Snyder of Nevada City, and Mr. Speaker.

State Hospitals and Asylums—Messrs Cromwell of Petaluma (chairman), Foster of Oakland, McLaughlin of Yuba City, King of Napa, Prescott of Redlands, Duryea of Lincoln, Leininger of Weaverville, Wright of San José, Moore of Undine, Weger of Ukiah, and Kerrigan of San Francisco.

State Library—Messrs Prescott of Redlands (chairman), Mott of Oakland, Burgess of El Cajon, Kelso of Inglewood, and Siskron of San Francisco.

State Prisons and Reformatory Institutions—Messrs. Olmsted of San Rafael (chairman), Carter of Los Angeles, Brown of Colma, Walsh of Oakland, McKenney of Ione, Barber of San Francisco, Bliss of Oakland, McConnell of Woodland, and Murphy of San Francisco.

Swamp and Overflowed Lands and River Improvements—Messrs Moore of Undine (chairman), Greer of Sacramento, McLaughlin of Yuba City, Black of Palo Alto, McMartin of San Francisco, Stansell of Nelson, Lewis of San Francisco, Killingsworth of Vacaville, and Howard of Colusa.

Universities—Messrs Waste of Berkeley (chairman), Black of Palo Alto, Foster of Oakland, Lux of San Francisco, Houser of Los Angeles, Lumley of Porterville, and Copus of San Francisco.

Ways and Means—Messrs. Dunlap of Stockton (chairman), Stansell of Nelson, Prescott of Redlands, Johnson of Sacramento, Barber of San Francisco, McCartney of Los Angeles, John of San Luis Obispo, Walsh of Oakland, Goodrich of Pasadena, Killingsworth of Vacaville, and McConnell of Woodland.

RECESS.

At one o'clock P. M., on motion of Mr. Johnson, the Assembly took a recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M. Speaker Fisk in the chair.

RESOLUTIONS.

By Mr. Stanton:

*Resolved*, That for and by reason of services rendered the Assembly by R. Q. Wickham, from January 6th to January 16th, both inclusive, in effecting the organization of the Assembly, the Controller is hereby directed to draw his warrant in favor of said R. Q. Wickham in the sum of sixty dollars ($60), and the State Treasurer is hereby directed to pay the said warrant immediately out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Grotefend, Hart, Higgins, Houser, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos,

McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—65.
NOES—None.

By Mr. Bates:

*Resolved*, That the State Printer be instructed to print one thousand (1,000) copies of all Assembly bills, files, histories, journals, constitutional amendments, and joint resolutions for the use of the Assembly.

Resolution read, and referred to Committee on Ways and Means.

By Mr. Carter:

*Resolved*, That a special committee of five be appointed by the Speaker, to whom shall be referred the message of ex-Governor Gage, with directions to assign the various portions thereof to the proper committees, and to report as soon as possible.

Resolution read and adopted.

By Mr. Goodrich:

*Resolved*, That from and after the 13th day of January, 1903, no additional attachés shall be employed; that if any additional service shall be required it shall be performed by some person whose service is already engaged; that every person in the employ of this House who shall be absent for the space of one day without leave or valid excuse, shall be at once dropped from the roll, and that the Sergeant-at-Arms be required to report all cases of such absence from duty to the Chief Clerk daily.

Resolution read.

Mr. Brown moved to refer the resolution to Committee on Attachés and Employés.

So ordered.

By Mr. Mattos:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant for the sum of fifteen dollars, payable out of the Contingent Fund of the Assembly, to be used as a revolving fund for the purchase of stamps and wrappers at the Assembly postoffice.

Resolution read.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—68.
NOES—Mr. Houser—1.

INTRODUCTION AND REFERENCE OF BILLS.

The following bills were introduced, read first time, and referred to committees as follows:

By Mr. Barnes: Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 2—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus the State of California, defendant, numbered 11,873, which judgment was entered and recorded, on May 2, 1902, in Judgment Book No. 19, of Department One of said Superior Court, at page 392.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus the State of California, defendant, numbered 11,875, which judgment was entered and recorded, on May 2, 1902, in Judgment Book No. 19, of Department One of said Superior Court, at page 393.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902. in an action entitled M. D. Corey, plaintiff, versus the State of California, defendant, numbered 11,874, which judgment was entered and recorded, on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 6—An Act changing the names of John Geottfried Hoeh and Anna Hoeh and Emil Otto Hoeh and William Fredric Hoeh to John Geottfried Hay and Anna Rose Hay and Emil Otto Hay and William Fredric Hay.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 7—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Moore: Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

Also: Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission,

to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Duryea: Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 15—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 148 thereof, relating to the committing of offenses against public officers.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 16—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1402 thereof, relating to the disposition of, and succession to, community property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 17—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 1401 thereof, relating to community property.

Read first time, and referred to Committee on Judiciary.

By Mr. Brown: Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections; prescribing its duties and powers, and appropriating money therefor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 19—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read first time, and referred to Committee on Judiciary.

By Mr. Killingsworth: Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the

boards of supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Cromwell: Assembly Bill No. 22—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Read first time, and referred to Committee on Agriculture.

By Mr. Foster: Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections of school trustees.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II, thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Read first time, and referred to Committee on Public Morals.

By Mr. Murphy: Assembly Constitutional Amendment No. 1—To propose to the people of the State of California an amendment to Article XIII, Section 12 of the Constitution, to exempt voters from payment of poll tax.

Referred to Committee on Constitutional Amendments.

By Mr. Snyder: Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Stansell: Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School

at Chico, California, to furnish the same, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States, all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read first time, and referred to Committee on Federal Relations.

By Mr. McCartney: Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto to be numbered 131 and 132 to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 34—An Act to amend the Civil Code by adding a new section thereto to be numbered 133, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 35—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 36—An Act to amend Sections 3, 4, 6 and 7 of an Act entitled "An Act to create a Fireman's Relief, Health, and Life Insurance and Pension Fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Drew: Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, providing a royalty fund, authorizing the

payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books, granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 39—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, relative to qualifications of shorthand reporters, and the appointment of a commission for such purpose.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 2 — Resolution to amend the Constitution of the State of California by adding a new section to be known as Section 7½ of Article XI of the Constitution.

Referred to Committee on Constitutional Amendments.

By Mr. Prescott: Assembly Bill No. 41—An Act to provide for the building of fences and construction of ditches and reservoirs, and other improvements, at the Southern California State Hospital, and to make an appropriation for the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 42—An Act to provide for the building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 45—An Act to prohibit the misuse of cocaine, opium, or morphine.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 46—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Constitutional Amendment No. 3—A resolution proposing to the people of the State of California amendments to the Constitution of the State amending Section 2 of Article VI, changing the number of Justices of the Supreme Court from six to nine and the number of departments from two to three; providing that the concurrence of six justices shall be necessary to pronounce a judgment in bank; abolishing the office of Supreme Court Commissioner, and providing that the Governor shall appoint three additional justices, to hold until their successors are elected and qualified, and that the Legislature may, whenever in its opinion the public welfare will so warrant, reduce the number of associate justices to six and the number of departments of Supreme Court to two.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Pann: Assembly Bill No. 48—An Act to amend Section 128 of the Civil Code of the State of California, relating to divorce.

Read first time, and referred to Committee on Judiciary.

By Mr. Soward: Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 50—An Act to provide for summary prosecution, without a jury, for the violation of such ordinances of municipal corporations as make criminal certain acts or omissions not already made criminal by the general criminal laws of the State.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 51—An Act to amend Section 55 of an Act

entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 52—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justice's Court.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 53—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 141½, relating to the appointment, qualifications, duties, and fees to be collected for the county for services rendered by the official reporter of each Superior Court of each county of this State.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by public administrators.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 56—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 57—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 59—An Act to divide the State of California into fish and game districts, and for the protection and preservation of fish and game in each of such respective districts, and in the State of California at large.

Read first time, and referred to Committee on Fish and Game.

By Mr. Dunbar: Assembly Bill No. 60—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative

bodies of any incorporated city and county, city, town, or other municipality, to obtain the necessary information from any corporation, company or person, supplying such municipality with gas, electricity or other illuminating light, used either for lighting, power or fuel, and to enable them to regulate the charges therefor and providing for regulating the charges therefor by such municipal authorities.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 61—An Act to add a new section to the Political Code, to be numbered 3158, relating to estrays and to provide for taking up and posting animals trespassing or being found upon premises of others.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 62—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 63—An Act to regulate transmission of electricity and electric power over highways and public roads.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Johnson: Assembly Bill No. 64—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Constitutional Amendment No. 4—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article XIII, so as to abolish poll taxes in the State of California.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 66—An Act to pay the claim of Tyra Stanley, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 67—An Act to pay the claim of Isaac H. Stanley, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 68—An Act to amend Section 1693 of the Code of Civil Procedure, relating to personal property and money in the hands of an agent appointed by the court for absent or non-resident heirs of a deceased person.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and

Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damages sustained by the breakage of Fremont Street Wharf in the City and County of San Francisco.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 71—An Act to regulate the classification of matriculants in the chartered California colleges of dentistry.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 73—An Act to amend Section 22 of an Act entitled "An Act to define, regulate, and govern the State prisons of California."

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 74—An Act to add a new section to the Political Code of the State of California, to be renumbered ——, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by tax collectors and the Surveyor-General in relation thereto and for proclamation of the Governor withdrawing and reserving such lands.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a board of water and forest commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Read first time, and referred to Committee on Federal Relations.

Also: Assembly Bill No. 76—An Act to pay the claim of John M. Bird, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 77—An Act to amend Sections 1203 and 1205 of the Political Code, pertaining to elections.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 78—An Act making an appropriation to pay expenses incurred by the Commissioners for the Revision and Reform of the Law.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 79—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, etc.," approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 80—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also author-

izing and directing him and them to perform certain duties relative to drainage and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels and to do all necessary work in connection therewith.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

Also: Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents ($1,856.78), on bond of the State of California, No. 592, issued July 9, 1858.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 82—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 83—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recorded in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment

recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooker against the State of California upon a judgment recovered in an action entitled "W. S. Hooker vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 97—An Act to repeal an Act entitled "An Act to add a new section to the Political Code of the State of California, to be known as Section 3366, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax," approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. Dougherty: Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California in relation to revenue and taxation.

Referred to Committee on Constitutional Amendments.

By Mr. Lumley: Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read first time, and referred to Committee on Agriculture.

By Mr. McLaughlin: Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 102—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read first time, and referred to Committee on Agriculture.

By Mr. Olmsted: Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 105—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 106—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 107—An Act to amend Section 807 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 18, 1883, relating to powers of City Recorder.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Camp: Assembly Bill No. 108—An Act to regulate appointments, transfers, promotions, and removals in the Civil Service of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution, by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 110—An Act to regulate the employment of minors and women.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 112—An Act to amend Sections 245 and 246 of the Political Code, relating to the officers and employés of the Legislature.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 7—A resolution proposing to the people an amendment to Article VI of the Constitution, relative to the judiciary and establishing courts of appeal.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 113—An Act to provide for the election of justices of district courts of appeal, to take effect in case Assembly Constitutional Amendment No. — is ratified by the people.

Read first time, and referred to Committee on Judiciary.

By Mr. Higgins: Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Bliss: Assembly Bill No. 116—An Act making an appropriation for the erection of a workshop at the Home of the "Industrial Home for the Adult Blind."

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 117—An Act for the protection of the records of the several counties of the State of California, and regulating the business of abstracting in relation thereto.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 118—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and in relation to cruelty to animals, and the arrest, trial and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read first time, and referred to Committee on Public Morals.

By Mr. Black: Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636*a*, relating to voluntary withdrawals of stock from land and building corporations (also called building and loan associations).

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 121—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 122—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Walker: Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Allen: Assembly Bill No. 127—An Act defining and providing for the control, protection, and treatment of dependent and delinquent

children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jail or other institution; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read first time, and referred to Committee on Judiciary.

By Mr. McMartin: Assembly Bill No. 128—An Act to pay the claim of James M. Jackson against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 129—An Act to regulate the practice of medicine, surgery, midwifery, and to provide for the examination and registration of all persons desiring to practice medicine, surgery, midwifery, and all branches of the same, in the State of California, and for the appointment of a State board of medical examination and registration in said matter, and for the repeal of all Acts or parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Judiciary.

By Mr. Burgess: Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts; the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 131—An Act to establish and maintain an experimental sericulture station in the County of San Diego, State of California.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883, said first named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor."

Read first time, and referred to Committee on Agriculture.

By Mr. Johnstone: Assembly Bill No. 133—An Act to amend Subdivision 38 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Carter: Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School.

Read first time, and referred to Committee on Ways and Means.

By Mr. Greer: Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Dorsey: Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunlap: Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court, numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus the State of California, defendant.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 144—An Act to amend Section 1382 of the Penal Code, approved April 9, 1880, relating to the dismissal of criminal prosecutions.

Read first time, and referred to Committee on Judiciary.

By Mr. McMahon: Assembly Bill No. 145—An Act to amend Section 809 of the Penal Code, approved April 9, 1880, relating to the time of filing informations for criminal offenses.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunlap: Assembly Bill No. 146—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 147—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Read first time, and referred to Committee on Judiciary.

By Mr. Lewis of Riverside: Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 149—An Act to prohibit prize-fighting and for the control of sparring exhibitions and to prohibit betting or stakeholding upon any fight or sparring exhibition.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 150—An Act to repeal Section 1565 of the Political Code.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 151—An Act to repeal Section 1563 of the Political Code.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 152—An Act to repeal Section 1564 of the Political Code.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 153—An Act to repeal Section 1560 of the Political Code.

Read first time, and referred to Committee on Education.

By Mr. Weger: Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 156—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Goodrich: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Read first time, and referred to Committee on Judiciary.

By Mr. King: Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home, located at Yountville, Napa County, State of California, now in course of construction.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home, located at Yountville, Napa County, State of California.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bates: Assembly Bill No. 160—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 161—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 162—An Act appropriating the sum of $2,345.75, to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read first time, and referred to Committee on Claims.

By Mr. McConnell: Assembly Bill No. 163—An Act to establish the California state dairy school and experiment farm, and to appropriate money therefor.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Waste: Assembly Bill No. 164—An Act to amend Title 16 of Part 4 of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title 16, to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Bill No. 165—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors-at-law in the courts of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Howard: Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Read first time, and referred to Committee on Judiciary.

By Mr. Leininger: Assembly Bill No. 171—An Act to appropriate $2,519.88 to pay the claim of Mrs. S. T. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for $1,000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for $500 each and numbered respectively 57, 109, 176, and 185; bonds for $100 each and numbered, respectively, 10, 11, 77, 79, and 105.

Read first time, and referred to Committee on Claims.

By Mr. Wright: Assembly Bill No. 172—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the Free Public Market established by the Act approved March 29, 1897.

Read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 174—An Act to amend Sections 1539, 1547, and 1549 of the Code of Civil Procedure of the State of California, relating to sales of real property by executors or administrators.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 176—An Act making an appropriation to pay the claim of John A. Dollard against the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 177—An Act to establish a Department of Agriculture and to define its duties, and to provide for its support and

administration; said Department of Agriculture to take the place of and to perform some of the duties hereinafter designated of the State Board of Agriculture and the State Board of Horticulture.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the Reporters of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Mr. John: Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Brown: Assembly Bill No. 180—An Act to establish a uniform system of township governments, defining the powers and jurisdiction of the same and the authority, powers, and duties of the officers thereof, and providing for the election and appointment of the officers thereof, and also providing for submitting this Act to a vote of the people of the several counties of the State.

Read first time, and referred to Committee on County and Township Governments.

ANNOUNCEMENT.

The Speaker announced the receipt of papers in the contested election matter, Franklin vs. Murphy.

MEMORIAL.

SAN FRANCISCO, CAL., January 5, 1903.

*The Honorable Members of the Senate and Assembly, Thirty-fifth Legislature of California:*

GENTLEMEN. Your memorialists, a committee of one hundred representative citizens of California having in charge the arrangements for welcoming and entertaining the delegates and visitors to the National Encampment of the Grand Army of the Republic, which is to be held in the city of San Francisco some time during the summer or autumn of 1903, respectfully represent:

That this will doubtless be the last gathering in convention within the borders of our State of that great, patriotic organization;

That it is the desire of all classes of citizens that a generous welcome be extended to the survivors of the great Civil War, and it is fitting that our State should show to these patriots and to the whole country that California's loyalty and hospitality is not merely a term.

Your memorialists further represent that in order to meet the legitimate requirements of such reception and welcome a sum of money much greater than can be obtained by voluntary contribution will be required. Therefore, your memorialists pray that an appropriation of not less than twenty-five thousand dollars be made by the Legislature for the use of this committee in aid of the objects herein set forth.

Your memorialists respectfully call attention to the precedent for such action in the appropriation made by the Legislature in 1885, when twenty-five thousand dollars was appropriated to assist in defraying the expenses of the National Encampment of the Grand Army of the Republic held in San Francisco in 1886.

Our people well remember that upon that occasion there came to California a great number of veterans and visitors, amongst whom were many of the most distinguished citizens of the United States.

In conclusion, your memorialists pray that they may be given a hearing before the proper committees of your respective houses.

By direction of the committee of one hundred.

GEO. STONE, Chairman.

Read and referred to Committee on Ways and Means.

MOTION.

Mr. Higgins moved to take up Senate message.

So ordered.

SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, January 13, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

F. J. BRANDON, Secretary of Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read first time.

RESOLUTION—(OF URGENCY).

By Mr. Higgins:

*Resolved*, That Senate Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—70.

NOES—None

Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read second time.

MOTION.

Mr. Higgins moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 1.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 1 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—and do now report and recommend that the same do pass.

FISK, Chairman

Report read and adopted.

Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—72.

NOES—None.

Title read and approved.

INTRODUCTION OF BILLS—(RESUMED).

The following bills were introduced, read first time, and referred to committees as follows:

By Mr. McCartney: Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 182—An Act to amend Section 1211 of the Political Code, relating to defective and void ballots.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 183—An Act to amend Section 1215 of the Political Code, relating to general restrictions on election officers, voters, and others.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 184—An Act to amend Sections 1197 and 1205 of the Political Code as amended March 20, 1899, relating to election ballots and manner of voting.

Read first time, and referred to Committee on Election Laws.

By Mr. Fisk: Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Read first time, and referred to Committee on Ways and Means.

By Mr. Bangs: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the

entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read first time, and referred to Committee on Claims.

By Mr. Traber: Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of Justices' Courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Read first time, and referred to Committee on Judiciary.

By Mr. Knight: Assembly Bill No. 190—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among steam engineers in the State of California.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 191—An Act to appropriate the sum of $250 to pay the claim of William Saunders against the State of Cailfornia.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S.Beedy and John T.Pidwell against the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities or towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Referred to Committee on Constitutional Amendments.

By Mr. McMahon: Assembly Bill No. 197—An Act to amend Section 626 of the Penal Code, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 198—An Act to amend the Penal Code by adding a new section thereto, to be known as 626*n*, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Moore: Assembly Bill No. 200—An Act to appropriate $55,070 for the purchase of additional lands for the use of the Stockton State Hospital with the existing improvements thereon; for further improvements thereon, to purchase dairy cows, and hogs, and to purchase irrigating plant, all for the use of said hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Black moved that Assembly Bills Nos. 119 and 120 be recalled from Committee on Municipal Corporations and re-referred to Committee on Judiciary.

So ordered.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until Wednesday, January 14, 1903, at ten o'clock A. M.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 14, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Wisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Berige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Dwyea, Ellis, Finn, Foster, Gleason, Goodrich, Greer, Hart, Higgins, Houser, Howard, Hunn, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Stetman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNALS.

The Journals of Friday, January 9th, and Saturday, January 10, 1903, were read, corrected, and approved.

PETITION.

Presented by Mr. Walsh: From citizens of San Joaquin County, praying the enactment of a law establishing two new reclamation districts on Union Island, in said county.

Ordered that the petition be printed in the Journal.

*To the Honorable the Senate and Assembly of the State of California:*

The undersigned petitioners respectfully show:

1. That a bill for an Act to create and establish two new reclamation districts of this State, embracing within their respective territorial limits certain portions of Union Island, in San Joaquin County, to be known as Union Island Reclamation District No 1 and Union Island Reclamation District No. 2, and to dissolve all other districts in conflict therewith, has, at the instance of your petitioners, been presented, or is about to be presented, for legislative consideration. The bill has been carefully prepared, and for the reasons hereinafter generally set forth, and in accordance with the settled policy of the State in promoting the reclamation of such lands, your petitioners respectfully pray that it may be approved by both your honorable bodies, and be enacted into a statute as the same now stands.

2. The lands within the boundaries of the proposed districts are of the class known as swamp and overflowed lands, and are wholly covered, with the exception of a very small fraction thereof, by patents issued by the State, under which your petitioners derive their title. And your petitioners, in various capacities, represent the ownership of nearly the entire body of land in each of these proposed districts. Distinct reclamations have been made of the lands embraced within the boundaries of these proposed districts, by a continuous line of levees erected on the margin thereof—one known as the Old Reclamation and the other as the New Reclamation, the two being separated from each other by a cross levee. A portion of these levees was in part constructed under the auspices of Reclamation District No. 282, hereinafter mentioned, but was afterward greatly enlarged and improved by the owners of the land upon their own behalf and responsibility, and the other portion not included within the plan of reclamation adopted by that district was in like manner entirely constructed by such owners.

Under the present existing conditions there are no legal means by which an assessment can be levied, or its collection enforced, for the maintenance or repair of these levees, and their care and preservation, entailing a large and constant expense, are left wholly dependent upon the voluntary action, by mutual consent of the several owners. So long as the ownership of these lands remains in but few hands such concerted action is attainable, but changes in the ownership are not only likely to occur, as in fact are, in the vicissitudes of human affairs, inevitable, and the existing harmony of action must be greatly imperiled, and its cessation must be regarded as not only probable, but unavoidable.

These are very serious difficulties, and they can only be obviated by the creation and organization of regular reclamation districts embracing these lands, with boards of trustees to manage and conduct the affairs of the districts. This involves the dissolution of the effete districts within which these lands are situate, neither of which has any debts, and whose day of usefulness has long since passed away.

3. Under the provisions of an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March 28, 1868 (Laws of 1867-8, p. 507, Section 39), a reclamation district embracing a portion of the land included in the proposed District No. 1 was, on the 2d day of December, 1872, formed by the Board of Supervisors of said San Joaquin County, on the petition of John Petty, of date October 24, 1872, setting forth that he was then sole owner of all the land embraced in that district, to enable him to reclaim the same and manage the reclamation thereof, on his own responsibility, without the intervention of trustees. But prior to the formation of that district, to wit, on the 19th day of November, 1872, John Petty had conveyed this land to George W. Kidd, who conveyed the same November 13, 1876, to Thomas H. Williams, under whom several of your petitioners, respectively, derive title to the same. It is useless to inquire what became of this extraordinary creature of the law after these conveyances. It is sufficient to say, that for more than twenty years past this district, if it still continued to exist in the law, has exercised no function and served no useful purpose, and should be abolished. The owners of the land within its

territorial limits have during that time acted simply as owners, on their own responsibility, irrespective of its existence, and in complete independence thereof.

On or about August 10, 1876, another reclamation district, known as Reclamation District No. 282, was formed under the then existing provisions of the Political Code relating to the reclamation of swamp and overflowed lands, by the Supervisors of said San Joaquin County, embracing within its limits all the residue and by far the greater part of said island, and on August 16, 1876, Thomas H. Williams, George W. Kidd, and George D. Roberts were elected trustees of this district.

Kidd died September 22, 1878; Roberts resigned his office November 8, 1879, and has since died, and Williams died February 28, 1886. These were the only trustees this district ever had. No election was ever held to replace them, nor were the vacancies in its Board of Trustees ever filled by appointment or otherwise. For more than twenty years past there has been no user by this district of its corporate or other powers, nor any exercise by it of any of its functions, and the owners of the land within its boundaries have, in their work of reclamation, ignored its existence, and have suffered it to fall into a state of absolute desuetude, and so it remains to this day, without a governing body, its functions suspended, serving no purpose, and existing only as a legal entity, and it should also be abolished.

4. For cogent reasons, the detail of which would be tedious, the original scheme of reclamation adopted by said Reclamation District No. 282, which contemplated, in unison with the owners of the land in said other districts, the reclamation of said island as a whole under one system of levees, was abandoned, more than twenty years ago, and the owners of various separate bodies of land within the boundaries of said District No. 282 have since made several separate reclamations thereof distinct from each other, acting upon their own responsibility, and in pursuance of their own plans, regardless of the existence of said district. There are now some six of these reclamations upon said island. These reclamations have distinct levee systems controlled by the owners of the land included by them, and each has a different set of owners. And besides, a large portion of the island has been cut off from the rest thereof by a large, wide, navigable canal running through the island and forming a separate island, now known as Victoria Island, which has also its own separate system of levees, and a distinct ownership.

These various reclamations, although not organized under the provisions of law for the formation of reclamation districts, do, in point of fact, and practically, constitute in a certain sense so many separate reclamation districts.

Thus it is manifest that, in view of these conditions, the management and control of these diverse reclamations by means of District No 282 has become utterly impossible.

5 The reclamation of such lands as these is not a matter affecting merely the individual owners, but one which deeply concerns the public at large.

In accepting the grant of these swamp lands from the Federal Government, the State was bound to carry out in good faith the object for which it was made, which was the speedy reclamation of these lands and thus invite to them population and settlement, thereby opening new fields for industry and increasing the general prosperity. And it has been the settled policy of the State, from which it has never deviated, to steadily promote the reclamation of these lands and thus fulfill its obligation.

Kimbal vs. Reclamation Fund Commrs., 45 Cal. 360.

County of Kings vs. County of Tulare, 119 Cal. 515.

The chief mode adopted by the State in carrying out this policy has been the creation and organization of levee districts or reclamation districts.

These districts are not private corporations, nor are they municipal corporations as that term is used in the Constitution. They are now defined to be "public agencies," or special organizations formed to perform certain work which the policy of the State requires to be done, and to which the State has given a certain degree of discretion in making the improvement contemplated.

People vs. Reclamation District No. 551, 117 Cal. 121.

The whole scheme of reclamation originates with the State and is carried to a completion by agents of the State, to wit: These districts, in furtherance of public policy, and the property acquired by them, such as canals, drains, embankments, and other reclamation works, is deemed so far public property, acquired by the agents of the State for State purposes, as to be exempt from taxation.

Reclamation District No. 551 vs. County of Sacramento, 134 Cal 479.

In pursuance of this policy the Legislature has passed innumerable special Acts creating, organizing, and establishing reclamation districts, recognizing the existence of, and vitalizing, those whose organization was defective, and dissolving others, and also innumerable amendatory acts granting to them further privileges or powers, changing their boundaries and otherwise affecting them, during a period of thirty years or more down to and including the last session of the Legislature in 1901, which amended an Act relating to Levee District No. 1 (Stats. 1901, p. 629). No restrictions upon the action of the Legislature in respect to the creation, organization, dissolution, and control of these districts existed under the old Constitution, nor, as has been expressly decided by our Supreme Court, do any exist under the new Constitution.

See People vs. Levee District No. 9, 131 Cal. p. 3 1-4, and

People vs. Reclamation District No. 551, 117 Cal. p. 114.

The whole matter thus rests with the Legislature, which may create or abolish these districts as it may deem wise and expedient.

So there can be no objection, either for want of power, precedent or propriety, to the action of the Legislature in granting us the relief solicited, by the enactment into a law of the bill submitted by us to its consideration. Your petitioners do, therefore, pray that your honorable bodies pass the bill, and thus relieve your petitioners from the chaotic conditions in which they are now placed.

Respectfully submitted

(Signed:) David Bixler, Frank S. Johnson, guardian of the estate of Frank Hansford Johnson; John W. Ferris, trustee under the will of Thos. H. Williams, deceased; Thos. W. Williams; Old River Land and Rec. Co., John Heid, president; Jennie R. Williams, George E. Williams, by David Bixler, under their written authorization.

Dated, January 6, 1903.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 13, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following resolution:

*Resolved*, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, January 14, 1903, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing or declaring the election of 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 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

Pursuant to the above resolution, I hereby certify that the Senate has this day voted for a person for United States Senator in Congress from California, for the term of six years, commencing March 4, 1903, with the following result:

| | |
|---|---|
| Whole number of votes cast | 39 |
| Necessary to a choice | 20 |
| George C. Perkins received | 33 votes. |
| Franklin K. Lane received | 5 votes. |
| Eugene E. Schmitz received | 1 vote. |

F. J. BRANDON, Secretary of Senate.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. King: Assembly Bill No. 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Steadman: Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies and factories for the production of dairy products to improve the quality of dairy products of the State, and to appropriate money therefor.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Johnstone: Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold Farmers' Institutes, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Agriculture.

By Mr. Brown: Assembly Bill No. 20—An Act to permit and enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator at the general election in 1904.

Read first time, and referred to Committee on Election Laws.

By Mr. Howard: Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Susman: Assembly Bill No. 206—An Act to regulate the practice of chiropody, the registering and licensing of persons to carry on such practice, and to promote competency and skill among the practitioners of chiropody in the State of California.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Allen: Assembly Bill No. 207—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 208—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. McConnell: Assembly Bill No. 209—An Act relating to ferries crossing navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expenses thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Houser: Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Bill No. 211—An Act to amend Section 602 of the Penal Code of the State of California, relating to trespass.

Read first time, and referred to Committee on Judiciary.

By Mr. Walker: Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereto," approved March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Walsh: Assembly Bill No. 213—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an Act amendatory thereof, approved March 23, 1901, by adding a new section, to be called Section 234¼, declaring official reporters of the Superior Courts to be county

officers of the respective counties, fixing their terms of office, and providing for their compensation and the mode of payment thereof.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 214—An Act amending Section 1450 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 215—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District Number One and Union Island Reclamation District Number Two, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

Also: Assembly Bill No. 216—An Act to establish Police Courts in cities of the second class, to fix their jurisdiction, provide for officers of said court and fix the compensation of the officers thereof.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 217—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Read first time, and referred to Committee on County and Township Governments.

ANNOUNCEMENT OF COMMITTEE.

The Speaker announced the appointment of the following committee on ex-Governor Gage's message: Messrs. Burgess (chairman), McMartin, Drew, Lumley, and Siskron.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Olmsted moved that Assembly Bills Nos. 106 and 107 be recalled from Committee on Municipal Corporations and referred to Committee on Judiciary.

So ordered.

MOTION.

Mr. Mattos moved to amend the resolution presented by him yesterday and adopted by the Assembly relative to the Postoffice Stamp Fund, by directing the Controller to pay the money mentioned in said resolution to the order of the Sergeant-at-Arms of the Assembly.

So ordered.

ASSEMBLY JOINT RESOLUTION.

By Mr. Snyder: Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Referred to Committee on Mines and Mining.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That each committee be allowed stationery to the amount of $10, except the Committee on Ways and Means and the Committee on Judiciary, which said committees shall be allowed the amount of $25, the amount for each committee to be drawn only on the requisition of the chairman thereof.

Adopted.

REPORT OF COMMITTEE—(OUT OF ORDER).

Mr. Snyder moved that the report of the committee on the death of the Hon. J. H. Seawell be taken up out of order.

So ordered.

REPORT OF COMMITTEE.

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late J. H Seawell, beg leave to report as follows:

WHEREAS, We have learned with profound regret of the death of Hon. John Henry Seawell, recently a member of the Senate of the State of California from the Eighth District; and

WHEREAS, He was always true to his own convictions of duty, both in public and private life, and always rose to the demands of every occasion, and never failed to wield a powerful influence for what was honest, just, and right; and

WHEREAS, He was admired for his many talents, for his honesty, uprightness, and sterling qualities of superb manhood that brought reputation to himself and honor to the State; therefore, be it

*Resolved*, That the announcement of the death of the late ex-Senator J. H. Seawell, has been received by this body with profound sorrow and regret;

That by his death, California has lost a distinguished citizen, a diligent, faithful public servant whose unfaltering devotion and unswerving loyalty to her interests endeared him to the hearts of all;

*Resolved*, That the Senate and Assembly deeply sympathize with the bereaved family in the loss of a true and affectionate husband, and a kind and indulgent father;

That the Secretary of the Senate be and he is hereby directed to transmit to the family of the deceased an engrossed copy of these resolutions, duly attested;

*Resolved further*, That when we adjourn we do so as a mark of respect to his memory.

J. B. SANFORD,
THOS. FLINT, JR.,
C. M. BELSHAW,
F. E. DUNLAP,
JO V. SNYDER,
WARREN JOHN,
Committee.

Mr. Snyder moved the adoption of the report of the committee.

Report adopted.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Duffey: Assembly Concurrent Resolution No. 4—Relative to approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Referred to Committee on Municipal Corporations.

RECESS.

At ten o'clock and forty minutes A. M. Mr. Johnson moved that the Assembly take a recess until eleven o'clock and fifty-five minutes A. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at eleven o'clock and fifty-five minutes A. M. Speaker Fisk in the chair.

REPORT OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

The following assignments of committee clerks were announced:

| Committee. | Chairman. | Clerk. |
|---|---|---|
| Agriculture | McNeil | H. Scott. |
| Attachés and Employés | Black | F. Schneider. |
| Banks and Banking | Bliss | Percy Hayselden. |
| Claims | Dorsey | J. W. Crossland. |
| Commerce and Navigation | Boisson | Miss S. Desmond. |
| Commissions and Public Expenditures | Transue | F. E. McMartin. |
| Constitutional Amendments | McCartney | E. E Maxwell. |
| Contested Elections | Wright | Ed. Owens. |
| Corporations | Allen | L. Devine, Miss C. V. Pedlar, Assistant. |
| Counties and County Boundaries | Stansell | Fred G. Moesch, |
| County and Township Governments | Walsh | Miss Jessie Barstow, H. C. Ainsworth, Assistant. |
| Dairies and Dairy Products | Steadman | W. H. Pyburn. |
| Election Laws | Stanton | Frank Storer, Miss B. Irwin, Assistant. |
| Education | Mattos | Joseph Dias. |
| Engrossment and Enrollment | Amerige | ——— ——— |
| Fruit and Vine Interests | Traber | Mrs. Frances S. Jordan. |
| Fish and Game | Leininger | M. La Baree. |
| Federal Relations | Goodrich | L. J. Stellman. |
| Immigration | McKenney | Mrs. C. H. McKenney. |
| Irrigation | Walker | Charles A. Whitmore, M. I. Walker, Assistant. |
| Judiciary | Johnson | ——— ——— |
| Labor and Capital | Pyle | Lottie D. Burgess, Anna McNealy, Assistant |
| Manufactures and Internal Improvements | Ells | Miss Irma McCarty. |
| Mileage | Bates | C. W. Bates. |
| Military Affairs | King | Miss Ida Herbert. |
| Mines and Mining Interests | Duryea | W. A. Brown, E. C. Soward, Assistant |
| Municipal Corporations | McLaughlin | C. F. Craig. |
| Public Buildings and Grounds | Barnes | F. P. Monser. |
| Public Health and Quarantine | Foster | F. R. Thompson. |
| Public Lands and Forestry | John | E. W. Lawrence. |
| Public Morals | Barber | E. J. Talbot. |
| Public Printing | Higgins | Emmet Phillips. |
| Public Works, State Capitol and Parks | Rolley | Nate Yocum. |
| Revision and Reform of Laws | Houser | Paul Ussher. |
| Roads and Highways | Greer | John Milliken. |
| Rules and Regulations | Brown | A. L. Banks. |
| State Hospitals and Asylums | Cromwell | H. H. Rose. |
| State Library | Prescott | Mrs. C. A. Wise. |
| State Prisons and Reformatory Institutions | Olmsted | R. B. Goodsell. |
| Swamp and Overflowed Lands and River Improvements | Moore | A. W. Davidson. |
| Universities | Waste | Mabel E. Waste. H. H. McDonald, Assistant. |
| Ways and Means | Dunlap | ——— ——— |

BLACK, Chairman.

Ordered printed in the Journal.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Foster moved that Assembly Bill No. 28 be recalled from Committee on Public Morals, and be referred to Committee on Judiciary.

So ordered.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Lewis of Riverside: Assembly Bill No. 218—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the

United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony, and providing a penalty therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. Lumley: Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Traber: Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said Code, to be numbered, consecutively, 1233 and 1234, concerning the dissolution of private corporations.

Read first time, and referred to Committee on Corporations.

By Mr. McCartney: Assembly Bill No. 221—An Act requiring uniformity in the furnishing of water for sale or retail in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employés, from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate, or attempt or threaten to violate, the provisions of this Act.

Read first time, and referred to Committee on Irrigation.

RESOLUTION.

By Mr. Rolley:

*Resolved*, That the Secretary of State be requested to have the dome of the State Capitol building lighted on the evening of January 12, 1903, and to have the Assembly Chamber and Capitol building placed in readiness for the occasion of the inaugural ball, to be held on that evening, and that the sum of five hundred dollars be and is hereby appropriated out of the Contingent Fund of the Assembly to pay the expenses thereof, and the Controller is hereby directed to draw his warrant in favor of the Secretary of State for the above amount.

## IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 14, 1903.

The hour of twelve o'clock meridian having arrived, the 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 for holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the

provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873," approved January 22, 1874.

Hon. Alden Anderson, President of the Senate, in conjunction with the Hon. Arthur G. Fisk, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll of the Assembly was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress requiring both houses to meet in Joint Assembly this day.

The Secretary of the Senate read as follows:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

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 cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M 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 of 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 the 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 M. 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, by the direction of the President of the Senate, then read from the Journal of the Senate so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-fifth session, as relates to the election of a United States Senator to fill the term commencing March 4, 1903.

Whereby it appears that thirty-nine Senators were present and voted each for his choice, and that the

Hon. George C Perkins received.....33 votes.
Hon. Franklin K. Lane received..... 5 votes.
Hon. Eugene E. Schmitz received..... 1 vote.

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. George C. Perkins had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1903.

By direction of the Speaker of the Assembly, the Chief Clerk of the Assembly then read from the Journal of the Assembly so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-fifth session, as relates to the election of a United States Senator to fill the term commencing March 4, 1903.

Whereby it appears that seventy-six members of the Assembly were present and voted each for his choice, and that the

Hon George C. Perkins received.....58 votes.
Hon. Franklin K. Lane received.....12 votes.
Hon. Eugene E. Schmitz received..... 6 votes.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. George C. Perkins had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1903.

The President of the Senate, Hon. Alden Anderson, then declared as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. George C. Perkins has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. George C. Perkins duly elected United States Senator in the Congress of the United States from the State of California for the term beginning March 4, 1903.

RESOLUTION.

The following resolution was offered by Senator Flint, who moved its adoption:

*Resolved*, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of the Joint Assembly pertaining to the

election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1903, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Resolution read and adopted.

ANNOUNCEMENT.

The President of the Senate announced the receipt of a telegraphic communication from Hon. George C. Perkins, which was read and ordered printed in the Journal.

COMMUNICATION.

WASHINGTON, D. C., January 14, 1903.

HON. ALDEN ANDERSON, *Lieutenant-Governor and President Joint Senatorial Convention, Sacramento, Cal.*

Permit me to extend to you, and through you to the members of the Legislature and people of California, my grateful appreciation of the honor conferred in re-electing me for the third time one of your representatives in the Senate of the United States. I realize full well there are many in our State who could bring more talent to the position, but no one can work with more zeal or have greater devotion to our State, her varied and wonderful resources, than I, who owe so much to the good people of California, who have so often honored me with their preferment. I earnestly pray that I may ever prove worthy of their confidence. May we all unite in stimulating a revival of civic conscience and public sense of individual responsibility and the patriotic sentiment that official position is the field of public duty and honor. My watchword shall be patriotism, love of State, and the honor and dignity of American citizenship.

GEORGE C. PERKINS.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly, and, on motion of Senator Lukens, the same were approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALDEN ANDERSON,
President of Senate.
F. J. BRANDON,
Secretary of Senate.
ARTHUR G. FISK,
Speaker of Assembly.
CLIO LLOYD,
Chief Clerk of Assembly.

## IN ASSEMBLY.

REASSEMBLED.

The Assembly reconvened at twelve o'clock and thirty-one minutes P. M. Speaker Fisk in the chair.

ADJOURNMENT.

At twelve o'clock and thirty-two minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Thursday, January 15, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 15, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

## LEAVE OF ABSENCE.

On motion of Mr. Dunbar, leave of absence was granted Mr. Grotefend until January 23, 1903, on account of sickness.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, January 13, 1903, was read, corrected, and approved.

## PRIVILEGES OF THE HOUSE.

On motion of Mr. Bliss, the privileges of the floor were extended to Mr. Devoto and Mr. Miller, ex-members of the Assembly.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 14, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 1—Relative to House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands."

F. J. BRANDON, Secretary of Senate.
By FRED L. THOMAS, Assistant Secretary.

Mr. Duryea moved that the rules be suspended, and that Senate Joint Resolution No. 1 be now considered.

So ordered.

## SENATE JOINT RESOLUTION NO. 1.

Relative to House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands."

WHEREAS, A bill, introduced in the first session of the Fifty-seventh Congress, known as House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals of the District of Columbia, and transcripts on appeal in said court,

and to quiet title to public lands," did, on the 17th day of June, 1902, pass the House of Representatives, and was referred to the Judiciary Committee of the Senate of the United States; and

WHEREAS, Such bill, in our judgment, if enacted into law, would become a menace to the mineral industry of our State, particularly to the petroleum mining industry; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That our Congressmen be requested and our Senators instructed to use all honorable means to prevent the passage of said bill

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of this resolution, by telegraph, to our Senators and Representatives in Congress.

Resolution read.

The following amendment was submitted by Mr. Camp:

Amend Joint Resolution No. 1 by adding at end of line four, page two, the following: "or to amend the bill so that the same shall not be retroactive."

Mr. McConnell moved that Senate Joint Resolution No. 1 be referred to Committee on Judiciary.

Mr. Drew moved to amend by referring the same to Committee on Mines and Mining Interests.

Mr. Camp moved to amend the amendment by referring the same to Committee on Public Lands and Forestry.

Motion lost.

The question now recurring on the amendment offered by Mr. Drew.

Amendment lost.

The question now being upon the adoption of the motion of Mr. McConnell.

Motion lost.

The question being upon the adoption of the amendment to the resolution submitted by Mr. Camp.

Amendment lost.

The question being upon the adoption of Senate Joint Resolution No. 1 as read.

Resolution adopted.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Higgins: Assembly Bill No. 222—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Read first time, and referred to Committee on Public Printing.

By Mr. Dougherty: Assembly Bill No. 223—An Act to amend Sections 1197 and 1205 of the Political Code, relating to election tickets and ballots.

Read first time, and referred to Committee on Election Laws.

By Mr. Copus: Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Read first time, and referred to Committee on Education.

Also: Assembly Constitutional Amendment No. 9—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article II thereof, relating to the gain or loss of residence of voters.

Referred to Committee on Constitutional Amendments.

By Mr. McNeil: Assembly Bill No. 226—An Act to add a new section to the Political Code, to be numbered ——, and to provide for the cancellation of tax liens on certain State lands.

Read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 228—An Act to provide for the protection of the banks of Eel River against winter floods, and making an appropriation therefor.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Baxter: Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Fisk: Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 231—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 232—An Act to appropriate the sum of $2,000.00 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers to be used during the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

By Mr. Carter: Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities; to create, authorize, and empower a board of examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having sewer, water, or gas mains, to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections, to require ordinances by cities as to sewerage, water, and gas connections, and for permits authorizing such connections.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries and providing the manner of the payment of the same.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 235—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Concurrent Resolution No. 5—Approving thirteen amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles, at a special election held therein for that purpose on the first day of December, 1902.

Referred to Committee on Municipal Corporations.

By Mr. Dorsey: Assembly Bill No. 237—An Act to provide one additional judge of the Superior Court of the County of Kern.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D. Fish.

Read first time, and referred to Committee on Claims.

By Mr. Mott: Assembly Bill No. 239—An Act regulating the hours of service on regular duty, by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Mattos: Assembly Bill No. 240—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Read first time, and referred to Committee on Education.

By Mr. McKenney: Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 242—An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon.

Read first time, and referred to Committee on Claims.

By Mr. Finn: Assembly Bill No. 243—An Act relating to crimes and punishments.

Read first time, and referred to Committee on Judiciary.

By Mr. Lewis of Riverside: Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 245—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Olmsted: Assembly Bill No. 246—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 247—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State Prisons.

Read first time, and referred to Committee on State Prisons and Reformatories.

By Mr. Susman: Assembly Bill No. 248—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to prejudice and interest of judge in cause of action.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunbar: Assembly Concurrent Resolution No. 6—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Referred to Committee on Municipal Corporations.

By Mr. Goodrich: Assembly Bill No. 249—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 338 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 250—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 336 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 251—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 337 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 252—An Act to amend Section 171 of the Civil Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 253—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 339 thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 255—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. McConnell: Assembly Bill No. 256—An Act to establish the Northern California Polytechnic School in the Sacramento Valley, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Black: Assembly Bill No. 257—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 259—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Howard moved that Assembly Bills Nos. 168, 169, and 170 be recalled from the Committee on Judiciary and referred to Committee on Swamp and Overflowed Lands and River Improvements.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Walsh: Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a School of Forestry in the University of California, and providing for the payment of such appropriation.

Read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 263—An Act appropriating the sum of $6,000 annually for the support of and expense of the State Board of Pharmacy.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Snyder: Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 265—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, relating to the selection of grand jurors and trial jurors.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 266—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 339, relating to the statute of limitations as to the time of the commencement of action upon contracts, obligations, or liabilities not founded upon an instrument in writing, or founded upon an instrument of writing executed out of the State.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 267—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to an action upon any contract, obligation, or liability, founded upon an instrument in writing executed in this State.

Read first time, and referred to Committee on Judiciary.

By Mr. Knight: Assembly Bill No. 268—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, said section relating to game.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Read first time, and referred to Committee on Claims.

## WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Bates moved that Assembly Bill No. 160 be recalled from Committee on County and Township Governments and referred to Committee on Revision and Reform of Laws.

So ordered.

Mr. Johnstone moved that Assembly Bill No. 203 be recalled from Committee on Agriculture and referred to Committee on Universities.

So ordered.

## RESOLUTION.

By Mr. Stanton:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

Bertha Allen to be an Assistant Ladies' Cloakroom Attendant at a per diem of $3.00.

Strike out name of Dan McPartland as a Committee Clerk and insert therein the name of M. I. O'Donnell as Committee Clerk at a per diem of $4 00.

Lloyd Childs as Assistant Gatekeeper to be stricken from the roll.

Strike out name of E. T. Wolcott as Clerk to Ways and Means Committee and insert therein the name of E. T. Wolcott as Bookkeeper to Ways and Means Committee at per diem of $6 00

Thomas Rae to be an Assistant Bill Filer at a per diem of $4.00.

The name of Thomas Rae as Elevator Attendant to be stricken from the roll.

Strike out the name of L. S. Clemens as Committee Clerk and insert therein the name of E C. Stephens

Charles Ashurst to be an Assistant Bill Filer at a per diem of $4.00

The name of Charles Ashurst as an Elevator Attendant to be stricken from the roll

Strike out name of Peter Faber, Jr, as Assistant Gatekeeper, and insert therein the name of Fred E. Pierce as Assistant Gatekeeper at a per diem of $3 00.

Mrs A. Newman to be an Assistant Ladies' Cloakroom Attendant at a per diem of $3.00.

Strike out name of Ira A. Lee as Assistant Gatekeeper, and insert therein the name of W. B. Stewart as Assistant Gatekeeper at a per diem of $3.00.

The name of Mrs. C. R. Johnson as an Assistant Cloakroom Attendant to be stricken from the roll.

The name of F P. Barnes as a Committee Clerk to be stricken from the roll, and the name of Mrs. C. R. Johnson be substituted therefor at a per diem of $4 00.

Emmett Phillips to be Committee Clerk at a per diem of $4.00.

J D Brower to be Elevator Attendant at a per diem of $3 00.

George Gasper to be Engineer at a per diem of $4 00.

Thos F. Sheehan to be Fireman at a per diem of $3 00

Chas. Darrow to be Assistant Engineer at a per diem of $4.00.

MOTION.

Mr. Camp moved that the name of W. H. Wright be stricken from the roll.

So ordered.

Mr. Camp submitted the following amendment:

That R Q Wickham be and is hereby appointed Assistant File Clerk of the Assembly at a per diem of $6, to date from January 17, 1903, said amount payable out of the contingent expenses of the Assembly. The Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Mr. Stanton moved that the amendment be referred to the Committee on Attachés and Employés.

Motion lost.

Mr. Stanton moved that the resolution be referred to the Committee on Attachés and Employés.

Motion lost.

The question being upon the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Stansell, Susman, Traber, Transue, Walker, Waste, and Wright—53.

NOES—Messrs. Bangs, Baxter, Boisson, Copus, Covert, Dougherty, Duffey, Dunbar, Finn, Kerrigan, Mahany, McMahon, McNeil, Murphy, Pann, Rolley, Siskron, Snyder, Stanton, Walsh, and Weger—21.

Resolution adopted.

RESOLUTION.

By Mr. Brown:

*Resolved*, That when leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken viva voce, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and

without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

Mr. Brown moved that the resolution be referred to the Committee on Rules and Regulations.

So ordered.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Friday, January 16, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 16, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Covert, Dorsey, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Goodrich, Greer, Hart, Houser, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Weger, Wright, and Mr. Speaker—52.

Quorum present.

LEAVES OF ABSENCE.

Leave of absence was granted until Monday, January 19, 1903, to the following members: Messrs. Amerige, Bates, Black, Bliss, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Duffey, Duryea, Foster, Gleason, Higgins, John, Johnstone, Knight, Lewis of San Francisco, Lumley, Lux, Mattos, McMartin, McNeil, Olmsted, Pann, Rolley, Snyder, Stanton, Transue, Walsh, and Waste.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. McCartney, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, January 14, 1903, was read, corrected, and approved.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Johnson: Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the directors

of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Read first time, and referred to Committee on Ways and Means.

By Mr. Pann: Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 272—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing for the destruction and a mode of condemnation thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 273— An Act to add one (1) new section to the Political Code of California, to be known as section four hundred and sixteen and one half (416½), exempting mutual building and loan corporations, organized under the laws of this State, from paying fees to the Secretary of State for filing certificates of increase of capital stock.

Read first time, and referred to Committee on Corporations.

By Mr. Dunlap: Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. McLaughlin: Assembly Bill No. 276—An Act to amend Chapter III, Title III, Part II, of the Penal Code of California, relating to magistrates, by changing the title thereof, to "magistrates," and substituting new sections for Sections 806 and 809 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 277—An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819, and 827 of Chapter IV, Title III, Part II, of the Penal Code of California, relating to warrants of arrest.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 278—An Act to amend Sections 858, 861, 870, 871, 877 and 878, repealing Section 864 and adding 884 and 885, in Chapter VII, Title III, Part II, of the Penal Code of California, relating to preliminary examinations before magistrates.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 279—An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II, of the Penal Code of California, relating to pleadings on criminal actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 280—An Act to amend Section 1258 of the Penal Code of California, and to add thereto a new section to be known as Section 1256, both relating to appeals.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 281—An Act to amend Section 1404 of the Penal Code of California, relating to errors in pleadings and proceedings.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 282—An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution of a public offense.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 283—An Act to add a new section to the Penal Code of California, to be known as Section 1405, relating to estoppel in criminal actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 284—An Act to add two new sections to the Penal Code of California, namely, Sections 1132 and 1133, relating to variance.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 285—An Act to amend Section 1326 of the Penal Code of California, relating to subpœnas.

Read first time, and referred to Committee on Judiciary.

By Mr. Murphy: Assembly Bill No. 286—An Act authorizing the allowance of attorneys' fees in suits for wages.

Read first time, and referred to Committee on Judiciary.

By Mr. Steadman: Assembly Bill No. 287—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read first time, and referred to Committee on Judiciary.

By Mr. Stansell: Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Read first time, and referred to Committee on Education.

By Mr. Lewis of Riverside: Assembly Bill No. 289—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees and compensation of Recorders.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 290—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages.

Read first time, and referred to Committee on Judiciary.

RESOLUTION.

By Mr. Houser :

*Resolved*, That the Committee on Revision and Reform of Laws is requested to report as soon as may be the least number of hours within which the work of the Code Commission could be disposed of by the Assembly on first, second, and third reading of bills, stating separately the time required to dispose of the bills covering each of the four codes; and also report whether in the opinion of the committee it is practicable to undertake the entire work of the code revision at this session, or whether it is best to take up bills covering some one of the codes, and if so, which one.

Resolution read.

Mr. Houser moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Transue: Assembly Joint Resolution No. 2—Relative to the entertainment of President Roosevelt upon his visit to California, appointing a committee for the same, and making an appropriation therefor.

Referred to Committee on Ways and Means.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Traber moved that Assembly Bill No. 220 be re-called from Committee on Corporations, and referred to Committee on Judiciary.

So ordered.

RESOLUTION.

By Mr. Siskron:

*Resolved*, That five hundred extra copies of Assembly Constitutional Amendment No. 1 be printed.

Resolution read.

Mr. Siskron moved the adoption of the resolution.

Resolution adopted.

ADJOURNMENT.

At ten o'clock and twenty-three minutes A. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Monday, January 19, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 19, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted until Tuesday morning, January 20, 1903, to the following members: Messrs. Stanton, Amerige, John, Finn, and Allen.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, January 15, 1903, was read, corrected, and approved.

PETITIONS.

Mr. Steadman presented petitions from citizens of the County of Monterey and the congregation of the Presbyterian Church of Monterey, petitioning the Legislature to enact a Sunday law.

On motion of Mr. Steadman, it was ordered that said petitions be printed in the Journal.

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California:*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly or noisy amusements

The above was indorsed by vote by a mass meeting of citizens in the City of Salinas, State of California, on December 7, 1902, and the undersigned were authorized to so attest

(Signed:) Geo McCormick, presiding; W P. Andrews, M. R. Wolfe, and C. E. Pettis.

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and the Assembly of the State of California:*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly or noisy amusements

The above was indorsed by vote by a meeting of the Presbyterian congregation in the city (or town) of Monterey, State of California, on January 8, 1903, and the undersigned were authorized to so attest.

W. G. TROWER, presiding.

The best element in Monterey desire such a law and hope that this Legislature will give it to us.

REPORT OF STANDING COMMITTEE.

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution, by adding thereto a section to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

McCARTNEY, Chairman.

Assembly Constitutional Amendment No. 6 ordered to third-reading file.

INTRODUCTION AND REFERENCE OF BILLS, ETC.

By Mr. Goodrich: Assembly Bill No. 291—An Act to amend the Civil Code of the State of California, by adding a new section thereto, numbered 3443, providing the manner in which certain transfers of personal property shall be made.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 293—An Act to amend Section 383 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 294—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Walsh: Assembly Bill No. 295—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public work; imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Greer: Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircase and approaches thereto.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Also: Assembly Bill No. 298—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred at the request of the State Board of Examiners in certain suits against the Board of Examiners and the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Mattos: Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of the County Superintendents of Schools.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors in levying county school tax.

Read first time, and referred to Committee on Education.

By Mr. Pyle: Assembly Bill No. 302—An Act to amend Section 659 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 303—An Act to amend Section 939 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 304—An Act to amend Section 648 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 305—An Act to provide for the appointment by the Supreme Court of twelve commissioners to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 306—An Act to amend Subdivision 13 of Section 7, relating to compensation of the Surveyor and his deputies and draughtsmen in counties of the second class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Bangs: Assembly Bill No. 307—An Act to establish the fees that shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 308—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Read first time, and referred to Committee on Judiciary.

By Mr. Murphy: Assembly Bill No. 309—An Act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, hotel-keepers, boarding and lodging-house keepers, for personal property of their guests, intrusted to their care.

Read first time, and referred to Committee on Judiciary.

By Mr. Lumley: Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Barnes: Assembly Bill No. 311—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 312—An Act to add a section to "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Brown: Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct

the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 314—An Act to add a new section to Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance, after notice from a Health Officer or District Attorney to remove or abate the same, a misdemeanor.

Read first time, and referred to Committee on Judiciary.

By Mr. McCartney: Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Referred to Committee on Constitutional Amendments.

By Mr. Prescott: Assembly Bill No. 316—An Act authorizing the Regents of the State University to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

By Mr. Walker: Assembly Bill No. 317—An Act to add a new section to the Political Code of the State of California, to be known as Section 681, relating to the investment of State funds.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Read first time, and referred to Committee on Commissions and Public Expenditures.

Also: Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State of California, and appropriating money therefor.

Read first time, and referred to Committee on Claims.

By Mr. Wright: Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by repealing Section 12 of Article XIII of said Constitution, to abolish poll taxes in the State of California.

Referred to Committee on Constitutional Amendments.

By Mr. Walsh: Assembly Bill No. 323—An Act to add a new section to the Civil Code, to be known as Section 1972.

Read first time, and referred to Committee on Judiciary.

By Mr. Lewis of Riverside: Assembly Bill No. 324—An Act to repeal Section 1562 of the Political Code of the State of California, relating to education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 325—An Act to repeal Section 1502 of the Political Code of the State of California, relating to education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 326—An Act to repeal Section 1561 of the Political Code of the State of California, relating to education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 327—An Act to repeal Section 1543 of the Political Code of the State of California, relating to education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 328—An Act to repeal Section 1533 of the Political Code of the State of California, relating to education.

Read first time, and referred to Committee on Education.

By Mr. Fisk: Assembly Bill No. 329—An Act to amend Section 15 of an Act entitled "An Act to amend Sections 2, 6, 11, 15, 17, and 18 of an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds,' approved March 23, 1893," approved March 9, 1895.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 330—An Act to provide for the use, at the option of indicated local authorities, of automatic ballot machines for receiving and registering the vote in one or more precincts of any county or city and county, city or town, at any or all elections held therein.

Read first time, and referred to Committee on Election Laws.

By Mr. Susman: Assembly Bill No. 331—An Act to amend Section 1633 of the Code of Civil Procedure, relating to the giving of notice upon the settlement of the accounts of executors and administrators.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, relating to the salary of members of the Legislature and attachés thereof.

Referred to Committee on Constitutional Amendments.

By Mr. Siskron: Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article II of the Constitution of the State, by amending Section 6 thereof, relating to elections.

Referred to Committee on Constitutional Amendments.

By Mr. Mattos: Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Read first time, and referred to Committee on Education.

By Mr. Lewis of San Francisco: Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

Read first time, and referred to Committee on Labor and Capital.

RESOLUTIONS.

By Mr. Brown:

*Resolved*, That up to five o'clock of afternoons during which the Assembly is not in session three of the Pages be and hereby are required to be in attendance in and about the Assembly Chamber; the assignment of Pages for such duty to be made by the Sergeant-at-Arms

Mr. Brown moved the adoption of the resolution.

Resolution adopted.

Also:

*Resolved*, That a special committee of thirteen, consisting of three (3) members from the Committee on Ways and Means, three (3) members from the Committee on Public Buildings and Grounds, two (2) members from the Committee on Public Health and Quarantine, three (3) members from the Committee on State Hospitals and Asylums, and three (3) members from the Committee on State Prisons and Reformatory Institutions (the members from each committee, one of whom shall be a member of the minority, to be designated by the chairman) be empowered to visit the Whittier

State School, the Southern California State Hospital, Los Angeles State Normal School, the San Diego State Normal School, and the Quarantine Station at San Diego, for the purpose of inquiring thoroughly into the needs of said institutions in the way of appropriations or otherwise, and that they make on their return a written report, to the Assembly, of their observations and recommendations, and that they be allowed their actual expenses, which shall be evidenced by proper vouchers, and the members of said committee are hereby granted a leave of absence for one week for the purpose of visiting said institutions, to commence on the 24th instant.

On motion of Mr. Brown, ordered printed in the Journal and made a special order for Tuesday morning, January 20th, immediately after the reading of the Journal.

By Mr. Killingsworth:

*Resolved*, That for and by reason of services rendered the Assembly by H. S. Wanzer and L. A. Hilborn as Assistant Clerks at the desk at the request of the Speaker and the Chief Clerk, they, the said H. S. Wanzer and L. A. Hilborn, are each hereby allowed the same per diem as is paid the Assistant Clerks at the desk, said per diem to be for the term of eight days, ending January 19, 1903, and payable out of the contingent expenses of the Assembly. The Controller is hereby directed to immediately draw his warrants for said per diem, and the State Treasurer is hereby directed to pay the same.

Mr. Killingsworth moved the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—Mr Dougherty—1.

By Mr. Bliss:

*Resolved*, That for and by reason of services rendered the Assembly in its organization by Ed J. Smith as an Assistant Clerk at the desk at the request of the Chief Clerk, he, the said Ed J. Smith, is hereby allowed the same per diem as is paid the Assistant Clerks at the desk, said per diem to be for the term of eight days, ending January 19, 1903, and payable out of the appropriation for the contingent expenses of the Assembly. The Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same.

Mr. Bliss moved the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

By Mr. Greer:

*Resolved*, That the following-named person, Arthur H. McCurdy, be allowed the sum of fifty-five (55) dollars for services performed as stenographer to Sergeant-at-Arms of the Assembly during the temporary organization of the House, and the State Controller is hereby authorized and directed to draw his warrant upon the fund appropriated for the contingent expenses of the Assembly in favor of the said Arthur H. McCurdy for the said amount of fifty-five (55) dollars, and the State Treasurer is hereby authorized and directed to pay the same.

Mr. Greer moved the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell,

McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Waste, Wright, and Mr. Speaker—55.
NOES—Messrs. Dougherty, Johnstone, Kelso, Leininger, and Walker—5.

By Mr. Ells:

*Resolved*, That Controller of State be and he hereby is directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same out of said fund, in favor of Mrs. J. Stokes for eighteen (18) dollars for services rendered as Cloakroom Attendant.

Mr. Prescott moved that the resolution be referred to Committee on Attachés and Employés.

So ordered.

Also:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointments to date from and include the 12th day of January, 1903. And the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

William J Biggar, Jr., to be Assistant Journal Clerk ..... $5 00
P. F. Matthews to be Assistant File Clerk ..... 4 00

Mr. Brown moved that the resolution be referred to Committee on Attachés and Employés.

So ordered.

By Mr. Higgins:

*Resolved*, That John Palms be allowed three days' pay as Watchman at $3.00 per diem, and the State Controller is hereby authorized and directed to draw a warrant for the same, to be paid out of the contingent expenses of the Assembly.

Mr. Higgins moved the adoption of the resolution.

Mr. Carter moved to amend by referring the resolution to the Committee on Attachés and Employés.

Amendment adopted.

## INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Drew: Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read first time, and referred to Committee on Education.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés reports the following assignments of Committee Clerks:

That H. H. Rose, Clerk to Committee on State Hospitals and Asylums, be made Clerk to Committee on Corporations.

That Frank Storer, Clerk to Committee on Election Laws, be made Clerk to Committee on State Hospitals and Asylums

That L. Devine, Clerk to Committee on Corporations, be made Clerk to Committee on Election Laws

Also: Reports the following assignments of Assistant Sergeants-at-Arms·

T. A Eisfeld, to Committee on Corporations.

Sam Brunswick, to Committee on Contested Elections.

William Douthitt, to Committee on Irrigation.

Elwood Ralston, to Committee on State Hospitals and Asylums.

A. M. Johnson, to Committee on Swamp and Overflowed Lands and River Improvements.

John Johnson, Jr, to Committee on Municipal Corporations.
T. J. Holland, to Committee on Revision and Reform of Laws.
Hugh Murphy, to Committee on Counties and County Boundaries.
S. O. Richardson, to Committee on Election Laws.

BLACK, Chairman

On motion of Mr. Black, ordered that the report be printed in the Journal.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Tuesday, January 20, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 20, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleason, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence until Wednesday, January 21, 1903, was granted to Messrs. Duryea and Allen.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

SPECIAL ORDER POSTPONED.

The resolution of Mr. Brown, which was printed in the Journal and made special order immediately after the reading of the Journal of January 19, 1903, was, on motion of Mr. Brown, postponed until the special order of the day shall be reached.

ANNOUNCEMENT.

The Speaker announced that the papers in the contested election case of Seavey vs. Lewis had been received.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1903.

MR SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 6—An Act changing the names of John Geottfried Hoeh, and Anna Rose Hoeh, and Emil Otto Hoeh, and William Fredric Hoeh to John Geottfried Hay and Anna Rose Hay, and Emil Otto Hay, and William Fredric Hay—report the same back, and recommend that it do not pass because in violation of Subdivision 6 of Section 25 of Article IV of the Constitution of California

Also: Assembly Bill No 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property—and report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation—and report the same back, with two amendments, and recommend its passage as amended.

JOHNSON, Chairman.

### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1903

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Also: Assembly Bill No 43—An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No 47—An Act to appropriate $8,000 for the extension of the laundry building, and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Also: Assembly Bill No 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

CROMWELL, Chairman.

### ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1903.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolutions, namely:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed to purchase for the use of the Assembly eighty-five copies of Henning's pocket edition of James H. Deering's Codes of California and Bancroft's edition of the General Laws, latest publications, the same to be paid out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrants for the same in favor of J. T Stafford, Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same.

*Resolved*, That the Chief Clerk be and he hereby is instructed to purchase for the use of the members of the Assembly eighty-five copies of Henning s Annotated Constitution of California, the same to be paid for out of the Contingent Fund of the Assembly.

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to purchase for the use of the members of the Assembly eighty-five copies of Treadwell's pocket edition of the Constitution of California and Deering's California Codes (5 vols ) and Deering's edition of the General Laws, latest publication,

the same to be paid for out of the Contingent Fund of the Assembly The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay the same

Have had the same under consideration, and offer the following substitute resolution in lieu thereof:

*Resolved*, That the Chief Clerk of the Assembly purchase for the use of the Assembly eighty-five copies (Pony Editions) of the Code of Civil Procedure, Civil Code, Political Code, Penal Code, General Laws, Constitution (Treadwell's or Henning's) of the State of California, and that each member of the Assembly be allowed to select either Treadwell's or Henning's Constitution; and the Controller is authorized to draw his warrant for the same, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Your committee respectfully recommends that said substitute resolution be adopted.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the report.

Mr. Carter submitted the following amendment to the committee substitute:

Amend by striking out "Penal Code," and inserting after the words "General Laws," in the eighth line from the bottom of the page, the following: "Fairall's Criminal Law and Procedure and Penal Code."

Amendment adopted.

The question being upon the adoption of the report of the Committee on Ways and Means, as amended.

The roll was called, with the following result:

AYES—Messrs Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfe, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr Speaker—72.

NOES—Mr McConnell—1.

ON SWAMP AND OVERFLOWED LANDS, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1903

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, and River Improvements, to whom was referred Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, and be referred to Committee on Ways and Means.

MOORE, Chairman

REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1903.

MR. SPEAKER: Your committee appointed for the purpose of segregating the different portions of ex-Governor Gage's message and referring the subject-matter contained therein to the appropriate committee reports as follows:

The subject-matter embraced in the subdivisions "Governor's time to act on legislative bills should be extended," on page 10 of the Journal of January 6, 1903, be referred to Committee on Constitutional Amendments.

The subdivision "Careful revision of the election laws a necessity," on pages 10 and 11, be referred to Committee on Election Laws

The subdivision "Necessity for legislation regulating the drilling for oil and gas," on page 11, be referred to Committee on Mines and Mining

The subdivisions "Land frauds," pages 11 and 12; also "Water and forest legislation," pages 12 to 17, "California Redwood Park," pages 36 and 37, be referred to Committee on Public Lands and Forestry.

The subdivisions "Official champerty," page 12, "The crime of libel should be made a felony," pages 17 to 19. "Pardons, commutations, and reprieves," pages 19 and 20, "Grasshopper pest," pages 20 and 21, "Chinatown a menace," page 29, be referred to Committee on Revision and Reform of Laws.

The subdivision "Funds for the prevention and suppression of infectious and contagious diseases," page 29, and "False reports concerning the existence of bubonic plague in California," pages 21 to 29, be referred to Committee on Public Health and Quarantine.

The subdivisions "Civil War claims," pages 29 and 30, and "Unpaid judgments against the State," page 32, be referred to Committee on Claims

The subdivisions "Claims against the United States Government arising out of the Spanish-American War," on pages 30 and 31, and "Unpaid balance of State's money in the California State Bank of Sacramento," page 31, be referred to Committee on Judiciary.

The subdivisions "State Hospitals for the Insane," on page 33, and "Institution for the Education of Deaf and the Blind," page 34, and "Industrial Home of Mechanical Trades for the Adult Blind," page 34, be referred to Committee on State Hospitals and Asylums.

The subdivisions "The State Prisons," pages 33 and 34, and "The State Reform Schools," page 34, be referred to Committee on State Prisons and Reformatory Institutions.

The subdivision "The State Board of Fish Commissioners," pages 34 to 36, be referred to Committee on Fish and Game.

The subdivision "San Francisco Harbor Improvements," page 36, be referred to Committee on Commerce and Navigation.

The subdivision "University of California," pages 37 and 38, be referred to Committee on Universities.

The subdivision "California Polytechnic School," page 38, be referred to Committee on Public Buildings and Grounds

The subdivision "Bureau of Labor Statistics," pages 38 and 39, and "Arbitration of differences between employers and employés," page 39, be referred to Committee on Labor and Capital

The subdivision "Constitutional amendments and municipal charters," pages 39 to 41, be referred to Committee on Municipal Corporations.

BURGESS, Chairman.
LUMLEY.
DREW.
SISKRON.
McMARTIN.

Mr. Burgess moved that the report of the committee be printed in the Journal.

So ordered.

REPORT OF JOINT COMMITTEE.

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late L J Dwyer, beg leave to report as follows:

WHEREAS, By the death of the Honorable L. J. Dwyer, recently a member of the Senate of the State of California, from the Nineteenth District, this State has lost one of its foremost citizens—one who, as a legislator, devoted his entire time and every effort to intelligently, faithfully, and honestly perform the duties of his office, and

WHEREAS, The people of this State have benefited by his intelligent service and exemplary life, both as officer and private citizen; therefore, be it

*Resolved by the Senate of the State of California*, That we deplore the loss of our former esteemed colleague and extend to the bereaved family our sincere sympathy; that the Secretary of the Senate be instructed to transmit to the family of the deceased an engrossed copy of these resolutions, duly attested;

*Resolved further*, That when adjournment is taken this day it be a mark of respect to his memory.

RICHARD J. WELCH,
T. H. SELVAGE,
J. M. PLUNKETT,
E. R. AMERIGE,
WARREN M. JOHN,
CHAS A. SISKRON,
Committee.

Mr. Amerige moved the adoption of the report of committee.

Report of committee adopted.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. McMartin: Assembly Bill No. 335—An Act to amend Subdivision 10 of Section 690 of the Code of Civil Procedure, and to repeal all Acts and parts of Acts in conflict therewith.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 336—An Act to add a new section to the Code of Civil Procedure, to be numbered and known as Section 216, relating to grand jurors and trial jurors in courts of record in this State

and fixing compensation therefor, and repealing all Acts and parts of Acts in conflict therewith.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 337—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict therewith, and providing a penalty for the violation of the provisions thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Foster: Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Read first time, and referred to Committee on Military Affairs.

By Mr. Bliss: Assembly Bill No. 339—An Act to reimburse the Durham Fund for money borrowed from said fund by the Directors of the Deaf, Dumb, and Blind Asylum, and expended in erecting a hospital for the safety and comfort of pupils of said asylum.

Read first time, and referred to Committee on Ways and Means.

By Mr. Murphy: Assembly Bill No. 340—An Act to protect employés and guarantee their right to belong to labor organizations.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Boisson: Assembly Bill No. 341—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Read first time, and referred to Committee on Commerce and Navigation

By Mr. Ells: Assembly Bill No. 342—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company whether organized under the laws of this State or any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 343—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Fish and Game.

By Mr. Leininger: Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior

Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read first time, and referred to Committee on Claims.

By Mr. Traber: Assembly Bill No. 348—An Act to amend the Code of Civil Procedure of the State of California, by designating sections numbered 1726 to 1744, both inclusive, of Chapter XIII, Title XI, Part III, as Article I of said chapter of the Code of Civil Procedure, and adding to said chapter a new article composed of sections to be numbered 1745 and 1746, to be known and designated as Article II of said chapter, relative to the administration by the Public Administrator upon estates of deceased persons when such estates shall amount, in the aggregate, to only the sum of one hundred and twenty-five dollars or less.

Read first time, and referred to Committee on Judiciary.

By Mr. McNeil: Assembly Bill No. 349—An Act to amend Sections 628, 629, 632, 636, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district.

Read first time, and referred to Committee on Agriculture.

By Mr. Mahany: Assembly Bill No. 351—An Act to amend Section 1143 of the Penal Code of the State of California, relating to the fees of jurors serving in criminal cases in the Superior Court of the State of California, and providing a limitation on the amount of money that each juror may draw in any one year.

Read first time, and referred to Committee on Judiciary.

By Mr. Dougherty: Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Read first time, and referred to Committee on State Library.

By Mr. Brown: Assembly Bill No. 353—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountants, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 354—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of a grand jury.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 355—An Act to amend the Civil Code, by adding a new section, to be numbered 379, relating to the publication of the financial condition of corporations (except banking and insurance companies, and building and loan societies).

Read first time, and referred to Committee on Corporations

By Mr. Lumley: Assembly Bill No. 356—An Act to repeal Section 1183½ of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnstone: Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 358—An Act to provide for the building and furnishing of a hospital building for the Whittier State School, at Whittier, California, and to make an appropriation for the same.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 359—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miner's inches of water for the use of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 360—An Act making an appropriation of $6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 361—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements, for use of the said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 362—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 363—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. McConnell: Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The

State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Read first time, and referred to Committee on Claims.

By Mr. Kelso: Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. John: Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Drew: Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

Read first time, and referred to Committee on Ways and Means.

By Mr. Barnes: Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children from visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Read first time, and referred to Committee on Public Morals.

By Mr. Goodrich: Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved ———, by amending Article III of Section 159 of said Act, relating to the office of County Recorder.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Fisk: Assembly Joint Resolution No. 3—Relative to House of Representatives Bill No. 14,443, pertaining to a national conservatory of music and art.

Referred to Committee on Federal Relations.

By Mr. Camp: Assembly Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section to be numbered Section 20, providing a system of direct legislation, by means of the initiative and referendum, in counties, cities and counties, and cities.

Referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 15—Proposed amendment to Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

Referred to Committee on Constitutional Amendments.

By Mr. Johnson: Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law, under constitutional provision, without the Governor's approval, on March 7, 1899.

Read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 372—An Act to authorize the appointment of a secretary to the Chief Justice of the Supreme Court of the State of California, and to provide for the payment of his salary.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Stanton: Assembly Bill No. 374—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also for preparing and printing literature relating to the State, for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Read first time, and referred to Committee on Ways and Means.

By Mr. Dunlap: Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 376—An Act to pay the claims of Mrs. A. McGinnes, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Knight: Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read first time, and referred to Committee on Judiciary.

By Mr. Siskron: Assembly Bill No. 381—An Act relating to keepers of intelligence offices, regulating the business thereof, and repealing all Acts and parts of Acts in conflict herewith, and providing punishment for violations of the provisions thereof.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Copus: Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Read first time, and referred to Committee on Education.

By Mr. Duffey: Assembly Bill No. 384—An Act to appropriate money for the survey, location, acquisition of rights of way, and construction of a free wagon road or State highway from the town of Boulder Creek, in Santa Cruz County, through California Redwood Park, in Santa Cruz County, and from thence down to the east branch of Waddell Creek to Pacific Ocean.

Read first time, and referred to Committee on Roads and Highways.

RESOLUTION.

By Mr. Brown:

*Resolved*, That the State Printer be instructed to print 500 additional copies of all Assembly Bills, Files and Journals, Constitutional Amendments, and Joint Resolutions for the use of the Assembly.

Mr. Brown moved the adoption of the resolution.

Resolution adopted.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Lewis of Riverside moved that Assembly Bill No. 148 be recalled from Committee on Municipal Corporations and referred to Committee on Judiciary.

So ordered.

RESOLUTIONS.

By Mr. Johnson:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of two thousand seven hundred and fifty dollars and twenty eight cents ($2.750.28) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| Locke & Lavenson | $192 40 |
| D. Johnston & Co. | 685 15 |
| John Breuner & Co. | 212 38 |
| H. S. Crocker & Co | 749 80 |
| W F. Purnell | 62 20 |
| California Manufacturing Co. | 354 00 |
| Mrs. Ella Coffield | 18 00 |
| E. R. Pulford | 88 20 |
| A. T. Pratt | 26 50 |
| Sunset Telephone Co. | 10 40 |
| Kane & Trainor | 21 00 |
| Stover Bros. | 30 25 |
| Total | $2,750 28 |

Mr. Johnson moved that the resolution be referred to Committee on Ways and Means.

So ordered.

By Mr. Higgins:

*Resolved*, That Lon A. Henry be appointed Assistant Bookeeper to Sergeant-at-Arms at a per diem of $4, and the Controller hereby authorized to draw a warrant for the same, payable out of the contingent expenses of the Assembly.

Mr. Higgins moved that the resolution be referred to Committee on Attachés and Employés.

So ordered.

COMMUNICATION.

STATE OF CALIFORNIA, OFFICE OF ATTORNEY-GENERAL,
SACRAMENTO, CAL., January 20, 1903.

*To the Senate and Assembly of the State of California:*

Pursuant to the requirements of Section 4 of "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901, I have the honor to transmit herewith a report of judgments recovered against the State under the provisions of said Act

It will be observed from this report that the total amount sued for in cases in which judgments have been recovered against the State is $254,010, and that the aggregate amount for which judgments have been recovered in said actions is the sum of $213,000.

It will be further observed that in the case of Bauer vs. State, in the Superior Court of Sacramento County, upon a demand for $11,770, judgment was recovered in favor of the State, thus saving to the State the further sum of $11,770.

Two cases involving $1,335 are unreported, and remain yet to be tried.

Respectfully submitted.

U. S. WEBB, Attorney-General.

*Judgments Against the State in so-called "Coyote Scalp" Cases.*

| Plaintiff | Court. | Date of Judgment | Amount of Judgment | Amount Sued for. |
|---|---|---|---|---|
| Bank of Commerce | San Diego | Apr. 24, 1902 | $1,320 | $1,320 |
| Bickerdike, Charles | Sacramento | Dec. 20, 1902 | 59,680 | 72,330 |
| Boyd, Maggie L | Fresno | Jan. 6, 1903 | 190 | 190 |
| Brown, Oscar R. | Mono | Sept. 20, 1902 | 1,035 | 1,040 |
| Commercial Bank of Madera | Fresno | Jan 9, 1903 | 3,670 | 3,825 |
| Conway, George | Merced | Nov. 25, 1902 | 290 | 290 |
| Corey, M. D | San Diego | Apr 24, 1902 | 3,195 | 3,195 |
| Dowda, G. W. | Fresno | Jan 3, 1903 | 3,840 | 3,845 |
| Farmers' Exchange Bank of San Bernardino | San Bernardino | Apr 25, 1902 | 2,365 | 2,365 |
| Forster, M. A. | Orange | Apr. 9, 1902 | 550 | 550 |
| French, James | Sacramento | Dec. 1, 1902 | 355 | 390 |
| Going, William | Amador | Dec. 15, 1902 | 550 | 580 |
| Guy, W. R | San Diego | Apr. 24, 1902 | 8,655 | 9,435 |
| Hakes Investment Co. | San Diego | Apr 24, 1902 | 5,880 | 5,880 |
| Henderson, Eli | Fresno | Jan. 3, 1903 | 6,880 | 7,295 |
| Hooper, W. S | Sacramento | Dec. 20, 1902 | 4,450 | 5,310 |
| Hornage, George | San Joaquin | Sept. 20, 1902 | 465 | 465 |
| Jones, Julia H. | San Francisco | Apr. 8, 1902 | 600 | 600 |
| Lauer, Benjamin | Modoc | Feb 13, 1902 | 6,770 | 6,770 |
| Lauer, Benjamin | Modoc | Feb. 13, 1902 | 55 | 55 |
| Laird, James T. | Modoc | Feb. 13, 1902 | 2,400 | 2,500 |
| Leonard, George | Sacramento | Dec. 20, 1902 | 1,040 | 1,040 |
| Lightner, A. T. | Sacramento | Dec. 20, 1902 | 4,810 | 4,810 |
| Marquez, R. P. | Orange | Apr. 2, 1902 | 140 | 140 |
| National Bank of D. O. Mills | Sacramento | Dec. 6, 1902 | 46,980 | 49,680 |
| Palmer, Charles A. | Sacramento | Dec. 20, 1902 | 460 | 485 |
| Potter, Robert R. | Tuolumne | Nov. —, 1902 | 1,315 | 1,335 |
| Producers' Bank | Tulare | Dec. 30, 1902 | 14,320 | 14,720 |
| Pryor, John F. | Sacramento | Dec. 20, 1902 | 3,350 | 3,360 |
| Quirolo, Joseph | Amador | Dec. 6, 1902 | 370 | 385 |
| Raggio, John | Calaveras | Dec. 4, 1902 | 1,125 | 1,125 |
| S F. Law and Collection Co. | Sacramento | Dec. 26, 1902 | *8,875 | 28,685 |
| S. F. Law and Collection Co. | Sacramento | Dec. 26, 1902 | | 1,070 |
| Shaw, R. | San Benito | Nov. 30, 1902 | 3,730 | 3,730 |
| Tucker, John E. | Merced | Dec 20, 1902 | 185 | 185 |
| Tucker, John E., Administrator | Merced | Dec. 20, 1902 | 400 | 400 |
| Waite, L. C. | Sacramento | Dec 20, 1902 | 410 | 685 |
| Waldron, W. B. | Sacramento | Dec. 20, 1902 | 3,835 | 4,840 |
| Weaver, C. A. | Sacramento | Dec 20, 1902 | 815 | 1,100 |
| Weisbaum, E. | Sacramento | Dec. 20, 1902 | 2,085 | 2,545 |
| Weisbaum, N. | Sacramento | Dec 20, 1902 | 590 | 645 |
| Weisbaum, N. | San Francisco | Dec. 29, 1902 | 640 | 640 |
| Williams, Charles | Butte | Nov. 17, 1902 | 500 | 500 |
| Wood, W. L | Sacramento | Jan. 12, 1903 | 2,385 | 2,565 |
| Wood, W. L. | Sacramento | Jan. 12, 1903 | 45 | 75 |
| Zirker, M. | Merced | Nov. 25, 1902 | 1,000 | 1,035 |
| Totals | | | $213,000 | $254,010 |

*NOTE—The two suits entitled San Francisco Law and Collection Co vs The State, etc, were consolidated, and judgment for the amount indicated was rendered in the consolidated cases.

| | |
|---|---|
| Total amount sued for, as above | $254,010 |
| Total amount recovered, as above | 213,000 |
| Amount disallowed, on trial of causes | $41,010 |
| Judgment in favor of State, in case of Bauer vs. State, in Superior Court of Sacramento County, July 23, 1902 | 11,770 |
| Total amount saved to State | $52,780 |

Ordered printed in the Journal.

SPECIAL ORDER.

Resolution by Mr. Brown:

*Resolved*, That a special committee of fourteen, consisting of three (3) members from the Committee on Ways and Means, three (3) members from the Committee on Public Buildings and Grounds, two (2) members from the Committee on Public Health and Quarantine, three (3) members from the Committee on State Hospitals and Asylums, and three (3) members from the Committee on State Prisons and Reformatory Institutions (the members from each committee, one of whom shall be a member of the minority, to be designated by the chairman) be empowered to visit the Whittier State School, the Southern California State Hospital, Los Angeles State Normal School, the San Diego State Normal School, and the Quarantine Station at San Diego, for the purpose of inquiring thoroughly into the needs of said institutions in the way of appropriations or otherwise, and that they make on their return a written report, to the Assembly, of their observations and recommendations, and that they be allowed their actual expenses, which shall be evidenced by proper vouchers, and the members of said committee are hereby granted a leave of absence for one week for the purpose of visiting said institutions, to commence on the 24th instant.

Resolution read.

Mr. Brown moved the adoption of the resolution.

AMENDMENT.

By Mr. Knight:

Amend by inserting next after the word "actual," the word "necessary."

Amendment accepted by Mr. Brown.

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

The question being, "Shall the resolution lie upon the table?"

The ayes and noes were demanded by Messrs. Brown, Walsh, and Mott.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Duffey, Ellis, Greer, Hart, Higgins, Howard, John, Johnson, Kerrigan, King, Knight, Leininger, Lumley, McKenny, McLaughlin, McMartin, McNeil, Moore, Pann, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Traber, Transue, Walker, Waste, Weger, and Wright—43.

NOES—Messrs. Amerige, Black, Boisson, Brown, Camp, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Houser, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Prescott, Soward, Stansell, Susman, Walsh, and Mr. Speaker—30.

RESOLUTION—(OUT OF ORDER).

By Mr. Barnes:

WHEREAS, Various bills have been referred to the Committee on Public Buildings and Grounds calling for large appropriations of money for buildings, improvements, and betterments.

*Resolved*, That the Committee on Public Buildings and Grounds, with the clerk thereof, be and they are hereby authorized to visit the various State institutions for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it carrying large appropriations for said institutions, and to determine what, if any, of the improvements sought to be provided for are indispensable, and what, if any, can be dispensed with without material injury to the institutions or the public welfare; and that the members of said committee are hereby granted leave of absence for said purpose.

Mr. Barnes moved the adoption of the resolution.

Mr. Brown moved to amend by making the resolution the special order of the day for January 21, 1903.

Amendment adopted.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Traber: Assembly Bill No. 385—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices of the peace in townships.

Read first time, and referred to Committee on Judiciary.

ASSEMBLY SPECIAL FILE.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending article twenty of said Constitution, by adding thereto a section to be numbered section twenty-one, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions

The Legislature of the State of California at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that article twenty of the Constitution of the State of California be amended by adding thereto a new section, to be known as section twenty-one, and reading as follows:

Section 21. Appointments, transfers, and promotions in the civil service of the State, and of all the cities and political subdivisions thereof, shall be made according to merit and fitness, which shall be ascertained, so far as practicable, by competitive examinations, and officers or employés appointed or promoted in accordance with such an examination shall hold office during good behavior and efficiency, but may be removed for cause.

Assembly Constitutional Amendment No. 6 read.

ADJOURNMENT.

Pending the further consideration of Assembly Constitutional Amendment No. 6, on motion of Mr. Johnson, at eleven o'clock and forty minutes A. M., the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 21, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leminger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—76.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted until Thursday morning, January 22, 1903, to Mr. Dorsey.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Waste, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNALS.

The Journals of Friday, January 16th, and Monday, January 19, 1903, were read, corrected, and approved.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Johnson:

WHEREAS, We have learned of the irreparable loss sustained by our friend and fellow-member, Hon. W. W. Allen, Jr., in the sudden death of his dearly beloved mother, therefore, be it

*Resolved*, That the heartfelt sympathy of every member of the Assembly be and the same is hereby extended to Hon. W. W. Allen, Jr., in this hour of sorrow.

Mr. Johnson moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Traber:

*Resolved*, That C J. Peterson, Bill Filer, be and he is hereby retained in his position as Bill Filer, at the same rate as has heretofore been paid him; said retention to commence from January 21st.

Mr. McCartney moved that the resolution be referred to Committee on Attachés and Employés.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ROOMS OF THE ASSEMBLY COMMITTEE ON JUDICIARY,
SACRAMENTO, January 20, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians—report the same back, and recommend that it do pass.

Also: Having considered Assembly Bill No. 52—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justice's Court—report the same back and recommend that it do not pass.

Also: Having considered Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached—report the same back, and recommend that it do pass, as amended.

JOHNSON, Chairman.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution, relating to granting leaves of absence to committees of the Assembly for the purpose of visiting the public institutions of the State:

*Resolved*, That when leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken viva voce, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without

permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

The amended resolution is as follows:

*Resolved*, That when leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken by roll call, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited, and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave.

BROWN, Chairman.

Mr. Brown moved the adoption of the report.

The question being upon the adoption of the report.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Duffey, Dunbar, Dunlap, Foster, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MATTOS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary, the same involving constitutional questions.

MATTOS, Chairman.

Report of committee adopted.

Assembly Bill No. 26 referred to Committee on Judiciary.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 6—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

McLAUGHLIN, Chairman.

Report of committee adopted.

Assembly Concurrent Resolution No. 6 referred to Committee on Judiciary.

ON ATTACHES AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1903.

MR. BLACK, *Chairman Committee on Attachés*

DEAR SIR: I hereby certify that the Assembly on this day referred the following resolutions to your committee:

By Mr Ells:

*Resolved*, That Controller of State be and he hereby is directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same out of said fund in favor of Mrs. J. Stokes for eighteen ($18) dollars for services rendered as Cloakroom Attendant.

Mr. Prescott moved that the resolution be referred to Committee on Attachés and Employés.

So ordered.

Also:

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointments to date from and include the 12th day of January, 1903. And the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

William J Biggar, Jr, to be Assistant Journal Clerk ..... $5 00
P. F. Matthews to be Assistant File Clerk ..... 4 00

Mr Brown moved that the resolution be referred to Committee on Attachés and Employés

So ordered.

By Mr. Higgins:

*Resolved*, That John Palms be allowed three days' pay as Watchman at $3 00 per diem, and the State Controller is hereby authorized and directed to draw a warrant for the same, to be paid out of the contingent expenses of the Assembly.

Mr Higgins moved the adoption of the resolution.

Mr Carter moved to amend by referring the resolution to the Committee on Attachés and Employés.

Amendment adopted.

CLIO LLOYD, Chief Clerk
By J. P. GREELEY, Assistant.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

The Committee on Attachés and Employés, to whom was referred the above resolutions, report as follows:

That resolution by Mr. Ells (No. 1) do pass.
That resolution by Mr. Ells (No. 2) do not pass.
That resolution by Mr Higgins do pass

BLACK, Chairman.

The question being upon the adoption of Resolution No. 1, by Mr. Ells.
The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Carter, Copus, Drew, Duffey, Dunlap, Ells, Foster, Goodrich, Hart, Houser, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Martos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—57

NOES—Messrs. Covert, Dougherty, and Dunbar—3.

Mr. Ells asked leave to withdraw Resolution No. 2.
So ordered.
Mr. Black moved the adoption of Resolution No. 3, by Mr. Higgins.
The question being upon the adoption of Resolution No. 3.
The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown Burgess, Camp, Carter, Copus, Cromwell, Drew, Duffey, Dunlap, Ells, Foster, Goodrich, Hart, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—59.

NOES—Messrs. Dougherty, Dunbar, Lumley, and Weger—4.

At ten o'clock A. M. the Speaker called Speaker pro tem. Carter to the chair.

Speaker pro tem. Carter in the chair.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended

MATTOS, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. McCartney: Assembly Bill No. 386—An Act to amend Sections 1197 and 1205 of the Political Code as amended March 20, 1899, relating to election ballots and manner of voting.

Read first time, and referred to Committee on Election Laws.

By Mr. Dunlap: Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Allen: Assembly Bill No. 388—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property, and franchises, to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Read first time, and referred to Committee on Corporations.

By Mr. Stansell: Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Read first time, and referred to Committee on Ways and Means.

By Mr. Walsh: Assembly Bill No. 391—An Act to repeal Section Number 644, of Chapter II, of Title XV, Part I, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 392—An Act to repeal Section Number 645, of Chapter II, of Title XV, Part I, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 393—An Act to repeal Section Number 646, of Chapter II, of Title XV, Part I, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 395—An Act to provide for the appointment of a County Livestock, Dairy, Food and Sanitary Inspector, prescribing his duties, powers, and compensation.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Brown: Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 398—An Act to establish a State Dairy School and Experimental Farm, to be located at Menlo Park, in San Mateo County, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Murphy: Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Prescott: Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 401—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Amerige: Assembly Bill No. 402—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of land from tax sales.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 403—An Act to confer the right of suffrage upon all the citizens of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnstone: Assembly Bill No. 404—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase sewing machines for the tailor shop and girls' department of said school.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Wright: Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 407—An Act to add a new section to the Political Code of the State of California, to be known as Section 4086½, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Read first time, and referred to Committee on Judiciary.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. McConnell moved that Assembly Bills Nos. 364 and 365 be recalled from Committee on Claims and referred to Committee on Ways and Means.

So ordered.

RESOLUTION WITHDRAWN.

Mr. Barnes asked leave to withdraw the resolution presented by him, and printed on page 13 of the Journal of Tuesday, January 20, 1903.

Request granted.

RESOLUTIONS.

Mr. Barnes offered the following resolution in lieu of the former resolution:

WHEREAS, Various bills have been referred to the Committee on Public Buildings and Grounds, calling for the following appropriations, to wit: Assembly Bill No. 1, San Diego Normal School, calling for an appropriation of $102,500; Assembly Bill No. 136, Los Angeles Normal School, calling for an appropriation of $15,000, Assembly Bill No 79, California Polytechnic School, calling for an appropriation of $18,000; Assembly Bill No. 125, State Normal School, San José, calling for an appropriation of $15,000; Assembly Bill No. 126, State Normal School, San José, calling for an appropriation of $5,000; Assembly Bill No 31, State Normal School at Chico, calling for an appropriation of $28,500, Assembly Bill No. 256, to establish the Northern Polytechnic School, calling for an appropriation of $50,000; Assembly Bill No. 211, Veterans' Home, Yountville, calling for an appropriation of $25,000; Assembly Bill No. 138, Sutter's Fort at Sacramento, calling for an appropriation of $20,000;

*Resolved*, That the Committee on Public Buildings and Grounds be and they are hereby authorized to visit the above-mentioned State institutions for the purpose of enabling the committee to act intelligently upon the aforesaid mentioned bills carrying large appropriations for said institutions, and to determine what, if any, of the improvements sought to be provided for are indispensable, and what, if any, can be dispensed with without material injury to the institutions, or the public welfare, and that the members of the said committee are hereby granted leave of absence for said purpose.

Resolution read.

Mr. Barnes moved the adoption of the resolution.

Mr. Brown moved to amend by making the resolution the special order for Thursday, January 22, 1903.

Mr. Brown moved the adoption of the amendment.

Amendment lost.

Mr. Dunlap submitted the following amendment:

That the Chairman of Committee on Public Buildings and Grounds shall designate five members to visit any one institution.

Mr. Dunlap moved the adoption of the amendment.

Mr. Barnes raised the point of order that the amendment was contrary to the Standing Rules of the Assembly.

Point of order sustained by the Chair.

The question being upon the adoption of the resolution.

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

CALL OF THE HOUSE.

Pending roll call of the Assembly, at ten o'clock and forty minutes A. M., Mr. Johnson moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

At ten o'clock and forty-two minutes A. M., Speaker Fisk took the chair.

Speaker Fisk in the chair.

Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL RESUMED.

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Duryea, Ells, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, McCartney, McKenney, McLaughlin, McMartin, McNeil. Moore, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—Messrs. Amerige, Brown, Camp, Dunbar, Dunlap, Finn, Goodrich, Hart, Houser, Howard, Lewis of Riverside, Mahany, Mattos, McConnell, McMahon, Mott, Prescott, Soward, Susman, and Walsh—20.

By Mr. Olmsted:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions having had referred to them bills calling for an appropriation for new machinery at Folsom Prison, for the working of prisoners at San Quentin on public roads, for the building of a hospital and making of other improvements at Whittier Reform School, and for the construction of an ice plant, water system, and the building of a library at the Preston Reform School, and it appearing to your committee appropriations aggregating large proportions are asked for by said institutions, and your committee being unable to advise this Assembly of the actual appropriations required without personal inspection of the same, offer the following resolution:

*Resolved*, That the Committee on State Prisons and Reformatory Institutions, consisting of Messrs. Olmsted, Carter, McKenney, Barber, Bliss, McConnell, and Murphy, and no others, be and they are hereby granted leave of absence and are authorized and empowered to visit the State Prisons at Folsom and San Quentin, and the State Reform Schools at Ione and Whittier, for the purpose of investigating said institutions, and that the members of said committee be allowed statutory mileage for the expenses of said trips.

OLMSTED, Chairman.

Resolution read.

Mr. Olmsted moved the adoption of the resolution.

Mr. Brown moved to amend the resolution by striking out his name as a member of the committee.

Amendment accepted by Mr. Olmsted.

Mr. Walsh moved to amend the resolution by striking out his name as a member of the committee.

Amendment accepted by Mr. Olmsted.

Resolution re-read.

The question being upon the adoption of the amended resolution.

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

CALL OF THE HOUSE.

Pending the roll call of the Assembly, at eleven o'clock A. M., Mr. Carter moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

At eleven o'clock and five minutes A. M., Mr. Carter moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL RESUMED.

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Duryea, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Mahany, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—Messrs. Amerige, Black, Brown, Camp, Dunbar, Dunlap, Goodrich, Hart, Houser, Howard, Kelso, Lewis of Riverside, Mattos, McConnell, McMahon, Mott, Prescott, Soward, Stansell, Susman, and Walsh—21.

EXPLANATION OF VOTE.

Mr. Knight asked leave to insert the following explanation of his vote in the Journal.

So ordered.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

I vote aye on Mr. Olmsted's resolution to grant leave to the Committee on State Prisons and Reformatory Institutions to visit the same, because I believe more expense is incurred by consumption of the time of this Assembly in calls of the House in endeavors to pass such resolutions than by including in the visiting delegations an excessive number of members, and I give notice of my intention to vote against any member drawing mileage for or visiting institutions with more than one committee

E. D. KNIGHT.

PRIVILEGES OF THE HOUSE.

Mr. Bliss moved that the privileges of the floor be extended to the Hon. H. C. Dibble, an ex-member of the Assembly.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Howard:

ASSEMBLY JOINT RESOLUTION No. 4.

*To the President of the United States, Congress of the United States, and the Department of the Interior*

The Legislature of the State of California, now assembled, presents the following memorial:

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over 7,000,000 acres of Government land in this State, as proposed forest reserves; and

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior toward making these proposed reserves permanent reserves; and

WHEREAS, Many interests of the people of the whole State are involved in said proposed reservation, including mining, stock, and agricultural interests; and

WHEREAS, The permanent establishment of these reserves under the present existing reserve laws will cause great and lasting damage to many of the aforesaid interests, and will be the means of furthering the designs of persons and corporations evilly disposed toward the welfare of this State; now, therefore, be it

*Resolved*, That the Legislature of the State of California, representing the whole people of this State, request the President of the United States, the Department of the Interior and the Commissioners of the General Land Office to defer all action tending towards the permanent establishment of said reserves, pending investigation into the question by the Department of the Interior; and be it further

*Resolved*, That the Legislature of the State of California hereby requests the President of the United States, or the Department of the Interior, or Congress of the United States, whichever body may have such power, to immediately appoint a special commissioner to investigate and report the facts, conditions and matters connected with and surrounding the said proposed forest reserves in the State of California, and that said commissioner be empowered to hear testimony, personally examine the proposed forest reservations, and report fully thereon as to all conditions and interests surrounding, involved in and affected by the said forest reservations.

Referred to Committee on Federal Relations.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Traber: Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Read first time, and referred to Committee on Judiciary.

By Mr. Duryea: Assembly Bill No. 410—An Act to add a new section to the Penal Code, to be numbered ——, relating to the regulation of the marketing, identifying, manufacturing and sale of products of crude petroleum used for illuminating and fuel purposes.

Read first time, and referred to Committee on Manufactures and Internal Improvements.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 412—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds

where located, and improving said grounds, and making an appropriation therefor.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Also: Assembly Bill No. 413—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Myer's Station, thence past Tallac, Emerald Bay, and Mr. Kinney's to Tahoe City, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Leininger: Assembly Bill No. 414—An Act to appropriate $40,000 out of any money in the State treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Finn: Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery or books from persons or firms whose paper has not been published, or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a new provision in place of the part omitted, that no supplies of printed or lithographed, or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound, or lithographed, or will be printed and bound, or lithographed, and manufactured in the State of California; and job printing, and lithographing, and advertising, under this section, shall be done in the State of California.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Greer: Assembly Bill No. 416—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Read first time, and referred to Committee on Commerce and Navigation.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Snyder:

WHEREAS, There was imminent danger of the destruction by fire on January 12th of the valued painting of General Sutter, and also of the Assembly Chamber; and

WHEREAS, The prompt and heroic work of Wm. T. Wicks, Assistant State Janitor, at the risk of his life, saved the painting and the Chamber from possible destruction; therefore, be it

*Resolved*, That the profound thanks of this Assembly is hereby tendered to Wm. T. Wicks for his prompt and heroic service.

Resolution read.

Mr. Snyder moved the adoption of the resolution.

Resolution adopted.

By Mr. Black, for Committee on Attachés and Employés:

*Resolved*, That the warrants heretofore issued by the State Controller in favor of H. S. Rinehart, Assistant Bill Filer of the Assembly, and J. B. Nolan, Engineer, be canceled—neither having reported for duty.

*Resolved further*, That the name of J. B. Nolan be stricken from the roll of employés, and that of John W. Pierce substituted therefor, as Engineer.

Resolution read.

Mr. Black moved the adoption of the resolution.

Mr. Knight seconded the motion to adopt the resolution.

Resolution adopted.

By Mr. Steadman:

*Resolved*, That the State Printer be and he is hereby instructed to print five hundred extra copies of Assembly Bill No. 163, and five hundred extra copies of Assembly Bill No. 202, and all other Bills, Files, Journals, Constitutional Amendments, and Joint Resolutions introduced prior to yesterday.

Resolution read.

Mr. Steadman moved the adoption of the resolution.

Resolution adopted.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Olmsted moved that Assembly Bill No. 246 be recalled from the Committee on County and Township Governments and referred to the Committee on Judiciary.

So ordered.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Goodrich: Assembly Bill No. 417—An Act to amend Section 626 of the Penal Code, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

ASSEMBLY SPECIAL FILE.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Mr. Camp moved that the consideration of Assembly Constitutional Amendment No. 6 be made a special order immediately after the reading of the Journal of January 22, 1903.

So ordered.

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Read second time.

The following amendments were submitted by Mr. Johnson:

AMENDMENT No. 1.

Amend by striking out the word "thereof" in line nine, page one, of the printed bill and inserting in lieu thereof the word "therefor."

Amendment adopted.

AMENDMENT No 2

Amend by striking out the word "thereof" in line eighteen, page two of the printed bill, and inserting in lieu thereof the word "therefor."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Referred to Committee on Ways and Means.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Referred to Committee on Ways and Means.

SECOND-READING FILE.

Assembly Bill No 6—An Act changing the names of John Geottfried Hoeh, and Anna Rose Hoeh, and Emil Otto Hoeh, and William Fredric Hoeh, to John Geottfried Hay, and Anna Rose Hay, and Emil Otto Hay, and William Fredric Hay.

Read second time, and passed on file.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Read second time.

The following amendment was submitted by Mr. Johnson:

Amend by striking out the word "meat" in line twenty-eight, page two of the printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops and the preservation of the health of the employés," approved February 6, 1889.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water

supply of the Mendocino State Hospital, and for the development of the same.

Read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read second time, and referred to Committee on Ways and Means.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Mr. Pann, the Assembly adjourned until ten o'clock A. M. of Thursday, January 22, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 22, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleason, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, January 20, 1903, was read, corrected, and approved.

SPECIAL ORDER.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Mr. Camp moved that the consideration of Assembly Constitutional Amendment No. 6 be postponed and that it be made the special order immediately after the reading of the Journal of Friday, January 23, 1903.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No 5—Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted; and your committee further recommends that the adopting resolution on page thirty-nine be amended by striking out the word "Senate" in line two thereof, and inserting the word "Assembly" in lieu thereof; and, further, by striking out in the same line the word "Assembly," and inserting the word "Senate" in lieu thereof.

McLAUGHLIN, Chairman

Mr. McLaughlin moved the adoption of the report.

Report adopted.

ASSEMBLY CONCURRENT RESOLUTION No. 5.

Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, eighteen hundred and eighty-eight, and approved by the Legislature of the State of California, on the thirty-first day of January, eighteen hundred and eighty-nine (Statutes of 1889, page 455), which charter has never been amended; and

WHEREAS, The City Council of said City of Los Angeles did, by Ordinance No. 7540 (new series), adopted by said Council on the twenty-ninth day of September, nineteen hundred and two, and approved by the Mayor of said city on the thirtieth day of September, nineteen hundred and two, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles, certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the first day of December, nineteen hundred and two, which said amendments were and are in words and figures as follows, to wit:

That section one of the charter be amended to read as follows:

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Beginning at a cement monument in the County of Los Angeles, State of California, said monument being set on the township line between township one south, range fourteen west, and township two south, range fourteen west, San Bernardino base and meridian; said monument being 8094 61 feet from the common corner to township one south, range thirteen west, township one south, range fourteen west, township two south, range thirteen west, and township two south, range fourteen west, San Bernardino base and meridian; thence from said point of beginning north 0 degrees 07 minutes 00 seconds west, 2644 49 feet to a point; thence north 0 degrees 06 minutes 30 seconds west, 2640 89 feet to a point; thence north 0 degrees 16 minutes 30 seconds west, 2641 80 feet to a point, thence north 0 degrees 05 minutes 00 seconds west, 2827 62 feet to a point; thence south 88 degrees 20 minutes 30 seconds east, 180.04 feet to a point; thence south 89 degrees 53 minutes 30 seconds east, 2638 46 feet to a point; thence north 89 degrees 39 minutes 30 seconds east, 5282 98 feet to a point; thence north 0 degrees 05 minutes 30 seconds west, 5107.53 feet to a point; thence south 89 degrees 57 minutes 15 seconds east, 2206.69 feet to a point on the west patent boundary line of the City of Los Angeles, as per map recorded in Book 2 of Miscellaneous Records of the County of Los Angeles, California, at pages 504 and 505 thereof; thence along said west patent boundary line north 0 degrees 24 minutes 00 seconds west, 7087.80 feet to the northwest corner of the City of Los Angeles, as per map aforesaid, thence along the north patent

boundary line of the City of Los Angeles, as per map aforesaid, south 89 degrees 34 minutes 30 seconds east, 13,278 36 feet to a point; thence continuing along said north patent boundary line south 89 degrees 20 minutes 15 seconds east, 6826 16 feet to a point; thence north 187.03 feet to a point, thence north 39 degrees 28 minutes 00 seconds east, 2130.20 feet to a point; thence north 4 degrees 40 minutes 00 seconds east, 1188.40 feet to a point; thence north 11 degrees 43 minutes 00 seconds east, 1627.80 feet to a point; thence north 59 degrees 16 minutes 30 seconds east, 2021 40 feet to a point, thence north 34 degrees 42 minutes 30 seconds west, 37.50 feet to a point; thence north 89 degrees 34 minutes 30 seconds east, 9 01 feet to a point; thence north 34 degrees 40 minutes 30 seconds west, 375.54 feet to a point; thence north 58 degrees 44 minutes 30 seconds east, 392.23 feet to a point; thence north 79 degrees 12 minutes 00 seconds east, 206.58 feet to a point; thence south 89 degrees 03 minutes 00 seconds east, 487.08 feet to a point; thence north 53 degrees 57 minutes 00 seconds east, 562.80 feet to a point; thence north 89 degrees 21 minutes 00 seconds east, 1008 00 feet to a point; thence south 0 degrees 39 minutes 15 seconds east, 47 87 feet to a point; thence north 59 degrees 22 minutes east, 1584 52 feet to a point; thence north 12 degrees 04 minutes 15 seconds east, 1714.26 feet to a point; thence north 89 degrees 59 minutes 30 seconds east, 942 00 feet to a point; thence north 89 degrees 56 minutes 30 seconds east, 3674.92 feet to a point; thence north 89 degrees 50 minutes east, 1174 63 feet to a point; thence south 36 degrees 15 minutes 15 seconds west, 629 95 feet along the center line of Avenue 66 (formerly Cooper Avenue) to a point; thence south 53 degrees 55 minutes east, 299 50 feet to a point; thence south 36 degrees 16 minutes 15 seconds west, 900 50 feet to a point; thence south 53 degrees 28 minutes east, 280.28 feet to a point, thence south 51 degrees 41 minutes 15 seconds west, 1205 69 feet along the center line of San Pasqual Avenue to a point, thence south 22 degrees 00 minutes 45 seconds east, along the boundary line of the San Rafael Rancho, 463 17 feet to a point; thence south 34 degrees 15 minutes west, 264 00 feet to a point; thence south 56 degrees west, 686 40 feet to a point; thence south 89 degrees west, still along the boundary line of the San Rafael Rancho, 759 50 feet to a point on the northerly line of the right of way of the Southern California Railway; thence north 70 degrees 22 minutes 45 seconds west, along said northerly line of said right of way 83.30 feet to a point; thence south 19 degrees 37 minutes 15 seconds west, 75 feet along said northerly line of said right of way to a point; thence north 70 degrees 22 minutes 45 seconds west, 667.59 feet along said northerly line of said right of way to a point, thence south 39 degrees 05 minutes 15 seconds west, 220 85 feet to a point; thence south 14 degrees 56 minutes 45 seconds east, 103.17 feet to a point; thence south 4 degrees 14 minutes west, 421.76 feet to a point; thence south 25 degrees 23 minutes west, 654 99 feet to a point; thence north 79 degrees 29 minutes 30 seconds west, 830.17 feet to a point in the southeasterly line of the right of way of the Los Angeles Terminal Railway, thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 701 78 feet) 21 99 feet to a point, said point being south 56 degrees 16 minutes 15 seconds west, 21 98 feet from the last mentioned point; thence following said southeasterly line of said right of way south 30 degrees 18 minutes 15 seconds east, 10 03 feet to a point; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 691.78 feet) 83 50 feet to a point; said point being at the end of said curve, and also being south 51 degrees 51 minutes 15 seconds west, 83.46 feet from the last mentioned point; thence on a line tangent to said curve, south 48 degrees 23 minutes 45 seconds west, 642 51 feet along said southeasterly line of said right of way to a point in the center line of Avenue 57; thence south 0 degrees 14 minutes east, 1646 90 feet to a point; thence south 83 degrees 16 minutes 15 seconds west, 195.19 feet to a point; thence south 2710 89 feet to a point, the same being the northeast patent corner of the City of Los Angeles, California, as per map hereinbefore mentioned; thence along the east patent boundary line of said City of Los Angeles and its prolongation, south 0 degrees 23 minutes 30 seconds east, 29,217 63 feet to a point; thence south 89 degrees 43 minutes 00 seconds west, 14,401.51 feet to a point; thence south 1 degree 13 minutes 00 seconds east, 1760.83 feet to a point; thence south 2 degrees 08 minutes 30 seconds east, 674 27 feet to a point; thence south 3 degrees 50 minutes 00 seconds east, 2721.73 feet to a point; thence south 4 degrees 19 minutes 00 seconds east, 1491.15 feet to a point; thence south 4 degrees 06 minutes 00 seconds east, 2637 61 feet to a point; thence north 89 degrees 13 minutes 00 seconds west, 2975 73 feet to a point; thence west 2632 54 feet to a point; thence south 89 degrees 17 minutes 30 seconds west, 1320 95 feet to a point; thence south 89 degrees 24 minutes 30 seconds west, 1330 50 feet to a point; thence south 89 degrees 46 minutes 30 seconds west 2649.30 feet to a point; thence south 0 degrees 09 minutes 30 seconds east, 220.02 feet to a point; thence south 89 degrees 40 minutes 30 seconds west, 2647.48 feet to a point; thence south 89 degrees 55 minutes 00 seconds west, 390.06 feet to a point; thence north 0 degrees 12 minutes 00 seconds west, 8105 59 feet to a point; thence south 89 degrees 29 minutes 00 seconds west, 2263.05 feet to a point; thence north 89 degrees 55 minutes 15 seconds west, 2616 34 feet to a point; thence north 89 degrees 36 minutes 30 seconds west, 2648 75 feet to a point; thence south 89 degrees 50 minutes 00 seconds west, 2627.60 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2661.10 feet to a point; thence north 89 degrees 49 minutes 30 seconds west, 991.74 feet to a point; thence north 0 degrees 06 minutes 30 seconds east, 457 30 feet to a point; thence north 0 degrees 00 minutes 30 seconds west, 2184 50 feet to a point; thence north 89 degrees 59 minutes 07 seconds east, 809.72 feet to a point; thence north 0 degrees 07 minutes 00 seconds west, 2582.68 feet to the point of beginning; said courses being according to the true meridian;

said boundaries embracing an area of 27,696 69 acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

That section three of the charter be amended to read as follows:

Section 3. The officers of the municipality shall be:

A Mayor;
One Councilman from each ward;
A City Clerk;
A Clerk of the Mayor,
A City Treasurer;
A City Auditor;
A City Tax and License Collector;
Seven members of the Board of Education;
A City School Superintendent;
Five Directors of the Los Angeles Public Library;
A City Assessor;
A City Engineer,
A City Attorney;
A Superintendent of Buildings;
A Water Overseer;
A Street Superintendent;
Five Police Commissioners;
A Chief of Police;
A Chief Engineer of the Fire Department,
Five members of the Board of Health,
A Health Officer;
Five Fire Commissioners;
Five Park Commissioners

That section four of the charter be amended to read as follows:

Section 4 The following officers shall be elected by the electors of the City of Los Angeles at large, to wit:

The Mayor;
The City Clerk;
The City Attorney,
The City Treasurer;
The City Auditor,
The City Tax and License Collector;
The City Engineer;
The Street Superintendent;
The City Assessor; and
Seven members of the Board of Education,
And, by the electors of each ward, respectively,
One member of the Council.

The city shall be divided into nine wards, as follows:

First Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the northerly city boundary with the center of the Los Angeles river, running thence along the center of said river southerly to the center line of Macy Street, thence easterly along the center line of Macy Street to the center line of Mission Road; thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street; thence northeasterly along the center line of Soto Street to the center line of Mission Road, thence easterly along the center line of Mission Road to the east city boundary, thence northerly, northeasterly, westerly, southwesterly, and westerly, along the exterior boundaries of the City of Los Angeles to the point of beginning.

Second Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the north city boundary with the center of the Los Angeles river, and running thence southerly along the center of said river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the center line of First Street; thence westerly along the center line of First Street to the west patent boundary line of the city; thence northerly along said west patent boundary line to the northwest corner of the city; thence easterly along the north boundary line of the city to the place of beginning.

Third Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main Streets; thence running westerly along the center line of First Street to the west patent boundary of the city; thence northerly along the said west patent boundary to the south line of the Dayton Heights tract, thence westerly along the south line of the Dayton Heights tract to the center line of Vermont Avenue extended; thence southerly along the center line of Vermont Avenue extended, Vermont Avenue, and the prolongation of Vermont Avenue, to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Fourth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Seventh and Main Streets; running thence southerly along the center line of Main Street to the center line of Washington Street;

thence westerly along the center line of Washington Street to a point one hundred and fifty feet west of the west line of Arlington Street, thence northerly along the west city boundary to a point one hundred and fifty feet north of the north line of Wilshire Boulevard; thence easterly to the west boundary line of the West End University Addition to Los Angeles, at a point one hundred and fifty feet north of the southwest corner thereof; thence southerly along said boundary line and the center line of Vermont Avenue to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the point of beginning.

Fifth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Washington and Main Streets; thence southerly along the center line of Main Street to a point one hundred and fifty feet south of the south line of Slauson Avenue, thence westerly along the southerly boundary of the city to a point three hundred and sixty feet west of the westerly line of Figueroa Street; thence northerly, westerly, northerly, westerly, northerly, easterly, and northerly along the exterior boundaries of Los Angeles City to the center line of Washington Street; thence easterly along the center line of Washington Street to the point of beginning.

Sixth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Ninth and Main Streets; thence easterly along the center line of Ninth Street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the south city boundary; thence westerly, southerly, and westerly along the exterior boundaries of Los Angeles City to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Seventh Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Main and First Streets; thence easterly along the center line of First Street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the center line of Ninth Street, thence westerly along the center line of Ninth Street to the center line of Main Street, thence northerly along the center line of Main Street to the point of beginning.

Eighth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main Streets; running thence easterly along the center line of First Street to the center of the Los Angeles river, thence northerly along the center of the Los Angeles river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the place of beginning

Ninth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center line of Macy Street with the center of the Los Angeles river, thence easterly along the center line of Macy Street to the center line of Mission Road; thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street; thence northeasterly along the center line of Soto Street to the center line of Mission Road, thence easterly along the center line of Mission Road to the easterly line of Los Angeles City; thence southerly along the easterly line of Los Angeles City to the southeasterly corner of Los Angeles City; thence westerly along the southerly line of Los Angeles City to the intersection of the center of the Los Angeles river, thence northerly along the center of the Los Angeles river to the point of beginning

The center of streets and the center of the Los Angeles river will in all cases be the dividing line.

And the Council herein provided shall have power by ordinance to establish and change the boundaries thereof whenever it may deem it expedient, but until changed by the Council the said wards shall remain as above described and established.

That section six of the charter be amended to read as follows:

Section 6. The Mayor shall appoint a Clerk of the Mayor He shall also appoint, subject to confirmation by a majority of the Council, the Superintendent of Buildings, and such other officers of the municipality mentioned in this charter whose appointments are not otherwise provided for herein.

That section seven of the charter be amended to read as follows:

Section 7. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief Engineer of the Fire Department shall be appointed by the Board of Fire Commissioners The Health Officer shall be appointed by the Board of Health Each Police Judge shall appoint his own clerk

That section sixty-nine of the charter be amended to read as follows:

Section 69 The government of the School Department of the city shall be vested in a Board of Education, to consist of seven members, to be elected as herein provided, to be called members of the Board of Education, who shall serve without salary; *provided*, that the members of the present Board of Education shall hold and exercise their offices, with the powers and duties prescribed by the charter, until the election and qualification of the members of the first Board of Education elected from the city at large

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Monday in December, nineteen hundred and four, and on the first Monday in December every two years thereafter, at which shall be elected:

A Mayor,

A City Clerk,

A City Attorney,
A City Treasurer,
A City Auditor,
A City Tax and License Collector,
A City Engineer,
A Street Superintendent,
A City Assessor, and
Seven members of the Board of Education,
And, by the electors of each ward, one member of the City Council.
That Article XVIII of the charter be amended to read as follows:

## ARTICLE XVIII.

### WATER, WATER RIGHTS, AND WATERWORKS.

Section 190. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the River Los Angeles heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership of and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named

Section 191 The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said River Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privilege to use, manage, or control the said waters or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two-thirds of the qualified electors of said city voting upon such proposition at an election, general or special, at which such proposition shall be lawfully submitted, *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power.

Section 192 There is hereby created, for the purpose of managing and controlling all waters and water rights that are now, or may be hereafter, owned by the City of Los Angeles, a department of said city to be known as the "Water Department," which shall be under the management and control of a Board of Water Commissioners.

(*a*) Said board shall consist of five members, who shall be appointed by the Mayor, subject to confirmation by a majority of the Council

(*b*) No person shall be appointed a Water Commissioner who shall not have been an elector of the City of Los Angeles for at least five years next preceding his appointment, and the appointments of Water Commissioners shall be made so that not more than three members of the board shall, at any one time, belong to the same political party.

(*c*) The term of office of the Water Commissioners shall be four years. The five commissioners first appointed hereunder shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs, the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

(*d*) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(*e*) The president of the Board of Water Commissioners shall be the executive officer of the Water Department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the business of the Water Department The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

(*f*) The board shall maintain an office, and prescribe office hours for the convenience of the public The board shall hold a regular stated meeting once in each week The members of the board shall serve without compensation, except that the president of the board shall receive a salary of three thousand dollars per annum, payable in equal monthly installments

(*g*) The Board of Water Commissioners shall have power:

To manage and control all waters, water rights, and water-bearing lands, and all waterworks, reservoirs, zanjas, and ditches belonging to the city.

To construct, operate, maintain, and extend waterworks, dams, reservoirs, zanjas, ditches, canals, and other means for supplying the city and its inhabitants with water, and to acquire and take by purchase, condemnation, or otherwise, and, in its own name, to hold as special trustee for the city, any and all property, including waters and water rights, situated within or without the limits of the city, other than the waters of the River Los Angeles, that may be necessary or convenient for such construction, operation, maintenance, or extension.

To regulate and control the use, sale and distribution of water belonging to the city, the collection of water rates, and the granting of permits for connections with said waterworks, zanjas, or ditches, and to fix the rates to be charged for such connections; and, subject to the approval of the City Council, to fix the rates to be charged for water, and to prescribe the time and manner of payment of the same

To appoint, employ and, for good cause, to remove the Superintendent of Waterworks, the Water Overseer, and such assistants, employés, and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the City Attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding waterworks bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be re-transferred into said water revenue fund.

(*h*) None of the money in said water revenue fund, or coming under the control of said board, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First: For the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs.

Second: For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the Water Department, including the purchase of necessary lands, water rights, and other property.

Third: The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding waterworks bonds.

*Provided, however*, that said board may, in its discretion, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs, and for no other purpose.

(*i*) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules, and regulations as may be necessary for its government, for the administration of the Water Department, and for the exercise of the powers conferred by this article, *provided*, that no such rule, by law, or other act of the board fixing water rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the City Council, and thereafter published for at least three days in a daily newspaper printed and published in the City of Los Angeles.

(*j*) Three members of the Board of Water Commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof. The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to furnish the same. And the contract therefor shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the board; *provided*, that the board may reject any and all bids.

(*k*) The Board of Water Commissioners shall present to the City Council, at its meeting in the second week of December, in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the City Council a similar statement of all receipts and expenditures during the preceding calendar month

(*l*) As soon as practicable after the first Board of Water Commissioners appointed hereunder shall take office, the City Council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in section one hundred and ninety of this charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of waterworks for supplying the inhabitants of the City of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution.

(*m*) The board may lease, for terms not exceeding three years, any or all of the lands by this article placed under its control, for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may sell, from time to time, such personal property placed under its control, as shall not be longer necessary or suitable for the use of the Water Department No real property nor any rights or interests in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument, duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters or water rights, by this article placed under the control of said board, shall be conveyed, leased, or otherwise disposed of, except as provided in section one hundred and ninety-one of this charter

(*n*) That the Superintendent of Waterworks and the five members of the Board of Water Commissioners shall be officers of the municipality in addition to the other officers thereof provided for herein.

Section 193. All water mains hereafter laid in said city by any private person, company, or corporation shall be of such material and of such capacity as shall be prescribed by ordinance, *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

The rates of compensation for use of water to be collected in said city by any person, company, or corporation, other than the Board of Water Commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the Council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

That the title of section forty seven of the charter be amended to read as follows:

Board of Education, Board of Directors of the Los Angeles Public Library; Board of Health, Board of Police Commissioners; Board of Fire Commissioners, Board of Park Commissioners; Board of Water Commissioners

That the title of section fifty-one of the charter be amended to read as follows:

Superintendent of Waterworks and Water Overseer.

That section fifty-one of the charter be amended to read as follows:

Section 51. The Superintendent of Waterworks and the Water Overseer shall have such powers and perform such duties as the Board of Water Commissioners shall prescribe.

That section sixty-six of the charter be amended to read as follows.

Section 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed, or otherwise provided for.

That section two hundred and nine of the charter be amended to read as follows:

Section 209. Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its committee on finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of two thirds of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred and thirteen and one half, and to read as follows:

Section 213½. All demands payable out of the water revenue fund must be presented to the Board of Water Commissioners, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Water Commissioners, by a vote of three members thereof, taken with the ayes and noes spread upon the minutes, and the action of said board must be indorsed on said demand and signed by the president and secretary thereof, or, in the absence of the president, by two members and the secretary thereof. After the approval of said demands by the Board of Water Commissioners, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of the water revenue fund, as are prescribed for other demands, *provided*, that in case that the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Water Commissioners, instead of to the Council.

That section two hundred and fourteen of the charter be amended to read as follows:

Section 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote taken and recorded and indorsed in the same manner as required by section two hundred and nine hereof, the said objections shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Com-

missioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand, the objection to which of the City Auditor has been overruled by the Council, the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred and twenty-two of the charter be amended to read as follows:

Section 222 No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

That section sixty of the charter be amended to read as follows:

Section 60. The Mayor, City Auditor, City Treasurer, and each member of the Council, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

The City Council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before such Council, board, or commission, as the case may be, by subpœna, to be issued in the name of said City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the President of the City Council, or the presiding officer of any such board or commission, issue such subpœna in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpœna direct and require the attendance of the witness or witnesses sought to be subpœnaed before the City Council or the respective board or commission requiring the issuance of said subpœnas at a time and place to be in said subpœnas specified.

The Chief of Police shall cause all such subpœnas to be served by some member of the Police Department upon the person or persons required to attend before the Council or board or commission in such subpœnas designated

The City Council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpœnas, and the refusal of witnesses to testify before such Council, board, or commission when required so to do

That section eighty-two of the charter be amended to read as follows.

Section 82. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain such library, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

That section eighty-three of the charter be amended to read as follows:

Section 83 The Mayor shall, immediately after his qualification under this charter, appoint, subject to confirmation by the Council, a board of five directors of said library, who shall serve without compensation and be known as "The Board of Directors of the Los Angeles Public Library." They shall be chosen from the citizens at large, without regard to sex or political opinions, but with reference to their fitness for said office, and no member of the City Council shall be a member of said board.

That section eighty-four of the charter be amended to read as follows:

Section 84 Said directors shall hold office for four years, and until their successors are appointed and qualified Those first appointed shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

That section eighty-five of the charter be amended to read as follows:

Section 85. Said directors shall, immediately after their appointment, meet and organize by the election of a president from among their number, and they may appoint the Librarian or any employé of the Library Department to act as clerk of the board. Such clerk shall keep a record and full minutes in writing of all their proceedings and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

That section ninety-one of the charter be amended to read as follows:

Section 91. The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section ninety-three of the charter be amended to read as follows:

Section 93. The Police Department shall consist of the Chief of Police and as many subordinate officers and such policemen and detective officers and employés as the Council shall, by ordinance, determine All appointments and removals in the Police Department shall be made by the Board of Police Commissioners, subject to such civil service regulations as are now or may hereafter be in force

That section ninety-four of the charter be amended to read as follows:

Section 94. The salaries of members and employés of the Police Department not herein elsewhere provided for shall be fixed by the Council by ordinance.

That a new section be added to the charter to be known as section ninety-five *a*, and to read as follows:

Section 95*a* The Board of Police Commissioners shall have power to grant permits, under and in conformity to the ordinances of said city, authorizing the City Clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

That section one hundred and seven of the charter be amended to read as follows:

Section 107. The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified, *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and nine of the charter be amended to read as follows:

Section 109. The Fire Department shall consist of a Chief Engineer and Assistant Chief Engineer, a secretary of the department, and as many engineers of the first class, engineers of the second class, relief engineers, captains of the first class, captains of the second class, lieutenants, drivers of the first class, drivers of the second class, drivers of the third class, tillermen, hosemen, laddermen, drivers of supply wagons, and other employés as the Council may, by ordinance, from time to time, determine to be necessary. All appointments and removals in the department shall be made by the Board of Fire Commissioners, subject to such civil service regulations as are now or may hereafter be in force

That section one hundred and ten of the charter be amended to read as follows:

Section 110. The salaries of all officers and employés of the fire department, not herein elsewhere provided for, shall be fixed by the Council, by ordinance.

That section one hundred and fourteen of the charter be amended to read as follows:

Section 114 The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Park Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and twenty of the charter be amended to read as follows:

Section 120 There is hereby established in and for the City of Los Angeles a department to be known as the Board of Health, to consist of five members, viz : The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed without regard to their political opinions, by the Mayor, subject to confirmation by a majority of the Council Three of said citizens shall be physicians in good standing and graduates of some reputable medical college

That section one hundred and twenty-four of the charter be amended to read as follows:

Section 124. The board shall appoint and, for good cause, may remove, a health officer who shall also act as City Physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college and shall have practiced medicine at least seven years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits and devote his entire time to the duties of his office. The board shall appoint all assistants to said health officer, and all employés in the Health Department, the number of such assistants and employés and their compensation to be fixed from time to time by ordinance

That Articles XIV, XV, XVI, and XVII of the charter be repealed; *provided, however*, that such repeal shall not affect any proceedings that may be pending under any of said articles at the time this amendment goes into effect

That the city charter be amended by adding thereto two new sections, to be known as sections one hundred and ninety-eight *a*, and one hundred and ninety-eight *b*, and to read as follows:

Section 198*a*. *The Initiative.* Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Council shall either:

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of section one hundred and ninety-eight *b* of this charter); and if the ordinance shall be passed by the Council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the Council, then, within five days after determination that said ordinance shall have so failed of final adoption, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(*b*) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people

If the petition be signed by electors equal in number to at least five per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of six months.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended, accordingly Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be

printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least ten days prior to the election, but the City Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

Section 198*b*. *The Referendum.* No ordinance passed by the City Council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same is not entirely repealed, the Council shall submit the ordinance as is provided in section one hundred and ninety-eight *a* of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section one hundred and ninety eight *a*, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

That there be added to the charter a new section, to be known as section one hundred and ninety-eight *c*, and to read as follows:

Section 198*c* *The Recall* The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That section two hundred and twenty-three of the charter be amended to read as follows:

Section 223. The indebtedness of said city must not exceed the sum of five million dollars, exclusive of any indebtedness that has been or may hereafter be incurred for

the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the Constitution and general laws.

That a new article be added to the charter, to be known as Article XXIII, to read as follows:

ARTICLE XXIII.

Section 229. Immediately upon the adoption of this article, the Mayor shall appoint, subject to confirmation by the Council, five persons known by him to be devoted to the principles of civil service reform, who shall constitute and be known as the Board of Civil Service Commissioners. They shall serve for the term of four years and without compensation. They shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years, and two at the end of four years. Three commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be made by the Mayor, subject to confirmation by the Council, and shall be so made that not more than three members shall at the same time be members of the same political party. Said commissioners shall hold no other office or public employment.

Section 230. The Mayor, with the consent of the Council, may remove any commissioner for incompetency, neglect of duty, or malfeasance in office

Section 231. Said commission shall classify all the offices and places of employment mentioned in section two hundred and thirty-nine of this article with reference to the examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of said city, and no appointment to any such offices or places shall be made, except under and according to the rules hereinafter mentioned.

Section 232. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

Section 233. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Section 234. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate shall include tests of physical qualifications, health, and manual skill No question in any examination shall relate to political or religious opinions or affiliations The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication, for two weeks preceding such examination, in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe.

Section 236 From the examinations made by the commission, the commission shall prepare a register in each grade or class of position in the classified civil service of the city, of the persons whose general average standing upon examination for such grade of class is not less than the minimum fixed by the rule of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by examination, without reference to priority of the date of examination.

Section 237 The commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating, but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Section 238 The head of the department in which a position classified under this article is to be filled shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position

belongs. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. One of the candidates thus certified shall thereupon be appointed by said head of such department or officer and be employed on probation for a period to be fixed by said rules, but said rules shall not fix such date at exceeding six months Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of a department or office in which the candidate is employed, may discharge him upon assigning in writing his reasons therefor to said commission If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provision of this article, can be made.

Section 239 The provisions of this article shall apply to the following departments of the city, to wit.

The Department of the City Clerk,
The Department of Electricity,
The Fire Department,
The Treasurer's Department,
The Tax Collector's Department,
The Police Department,
The Auditor's Department,
The Assessor's Department,
The Health Department,
The Department of Building,
The Waterworks Department,
The Public Library,
The Park Department,
The City Engineer's Department,
The Street Department,
All departments of public utilities,
All other employés of the city,
*Provided*, that the following shall be exempt therefrom, to wit:
All officers elected by the people,
All members of the different boards and commissions,
The Mayor's clerk,
The Chief of Police and his secretary,
The chief deputy of the Treasurer,
The chief deputy and cashier of the Tax Collector,
The chief deputy of the City Engineer,
The chief deputy of the Auditor,
The City Superintendent of Schools and his deputies and teachers,
The assistants and stenographers of the City Attorney,
The City Prosecutor and the Assistant City Prosecutor,
The Librarian,
The Superintendent of Parks,
The secretary of the Park Commission,
The secretary of the Police Commission,
The Superintendent of Buildings,
The Humane Officer,
The Chief Engineer of Fire Department,
The Superintendent, Water Overseer, auditor, and cashier of the Waterworks Department,
All physicians appointed on or by the Board of Health,
All officers of election,
The Police Surgeon,
And all unskilled laborers employed by the day.

Section 240. The members of the police force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 241. The members of the fire force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 242. No officer or employé in the classified civil service of this city other than one belonging to the police force or fire force, who shall have been appointed under said rules, and after said examination, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the Civil Service Commission. The finding and decision of such commission shall be final and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this

article shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission shall have power to administer oaths, and shall have the power to secure by its subpœna both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation for any cause. Nothing in this section shall be construed to require such charges or investigation in case of unskilled laborers.

Section 243. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission

Section 244. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Section 245. Said commission shall make an annual report to the Mayor for transmission to the Council. The Mayor may require a special report from said commission at any time.

Section 246. Said commission shall appoint a secretary, whose duty it shall be to keep minutes of its proceedings and a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Section 247. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Section 248. The Council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat, and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article

Section 249. No officer or other person shall willfully or corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed, or promoted.

Section 250 No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employé shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion

Section 251 The commission shall certify to the Auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation, or death, and all findings that a person shall be discharged from the classified civil service.

Section 252. The Auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employé of such city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the Auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

Section 253. All officers and employés, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein All officers and employés, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during a period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article

Section 254. The City Council of the City of Los Angeles shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

AND WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, in "The Los Angeles Daily Journal," said publication ending on the 20th day of October, 1902; and

WHEREAS, Thereafter the City Council of said city did, by an ordinance known as Ordinance No. 7685 (new series), which was duly adopted on the 17th day of November, 1902, order the holding of a general municipal election in said City of Los Angeles, on the 1st day of December, 1902 (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said

ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election; which said ordinance was approved by the Mayor of said city on the 17th day of November, 1902, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

WHEREAS, At said election more than three fifths of the qualified electors voting thereat voted in favor of the ratification of, and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The City Council of said City of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that more than three fifths of such qualified electors voting at such election had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California;

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to, the said charter of said City of Los Angeles.

COMMITTEE AMENDMENT.

That the adopting resolution on page thirty-nine be amended by striking out the word "Senate" in line two thereof, and inserting the word "Assembly" in lieu thereof And further by striking out on the same line the word "Assembly" and inserting the word "Senate" in lieu thereof.

Amendment adopted.

Mr. Stanton moved that Assembly Concurrent Resolution No. 5 be sent to print, rush order.

So ordered.

ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also. Assembly Bill No 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Also: Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Joint Resolution No 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DURYEA, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Snyder moved that the rules be suspended and that Assembly Joint Resolution No. 1 be now considered.

So ordered.

ASSEMBLY JOINT RESOLUTION No 1.

Relative to the construction of restraining dams and diverting canals on the Bear and American Rivers

WHEREAS, There now lies along the watersheds of the Bear and the American rivers in this State vast channels of placer deposits, containing many millions of dollars; and

WHEREAS, Titles to said placer deposits were obtained from the Government of the United States by various mining companies, who have expended large sums of money in equipping them to be worked by the hydraulic mining process; and

WHEREAS, By decrees of the United States courts these properties have been rendered valueless; and

WHEREAS, The California Miners' Association, in convention assembled, has petitioned the Congress of the United States for appropriations of money with which to erect restraining barriers, by the General Government, having in view the resumption of hydraulic mining, now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That we instruct our Senators to coöperate with our Representatives, who are earnestly requested to cause to be inserted in the River and Harbor bill of the present session an item making an appropriation for the purposes herein contained, and directing the chief of the engineer corps of the United States army to appoint a commission of government engineers, whose duties it shall be to investigate the business of hydraulic mining along the watersheds of the Bear and American rivers, and estimate the cost for the construction of permanent restraining dams, to be connected with diverting canals for the purpose of permitting the resumption of hydraulic mining, and the filling of the low lands or the reclaiming of the tule lands adjacent to said rivers. Any reports heretofore made under the direction of the government to be made a part of the report of the commission so appointed, in so far as they may conform to the purposes outlined.

*Resolved*, That a copy of these resolutions be transmitted by mail to each of our members in Congress, and to each of the members of the House Committee on Rivers and Harbors, and the Senate Committee on Commerce.

Resolution read.

Mr. Johnson submitted the following amendment to the resolution:

Amend by adding to the resolutions as follows, viz:

After the word "outlined" in line seventeen of page two, the following: "*Provided*, that any plans or estimates submitted by the engineers shall insure absolute and permanent protection to navigable channels and to lands and all property interests of the Sacramento Valley from all possibility of injury through such resumption of hydraulic mining and from further pollution of the rivers of the valley by clay, mud, or other material resulting from such mining operations."

Mr. Johnson moved the adoption of the amendment.

Amendment adopted.

Mr. Johnson moved that the resolution be sent to print, with rush order.

So ordered.

RESOLUTION.

By Mr. Cromwell:

*Resolved*, That Assembly Bills Nos. 11 and 154 be recalled from Committee on Ways and Means and re-referred to Committee on State Hospitals and Asylums.

Mr. Cromwell moved the adoption of the resolution.

Resolution adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 99—An Act to amend Section 1, of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act." approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district

Also: Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Also: Assembly Bill No 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county

inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the Board of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," said first named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Also: Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Also: Assembly Bill No 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

McNEIL, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WALKER, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLE, Chairman

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 264—An Act to amend section six hundred and fifty three of the Political Code of the State of California, relating to Boards of Supervisors to fix property highway tax

Also: Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga road," at or near the "Tioga Mine," and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

GREER, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred a resolution by Mr Duryea, as follows:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, Journal Clerk, and Minute Clerk, three Keystone patent binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same

Have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn, as the subject thereof is covered by resolution of Mr. Johnson for $2,750.28, recommended for adoption by this committee January 21, 1903.

DUNLAP, Chairman.

Mr. Duryea asked leave to withdraw the resolution embraced in the committee report.

Request granted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred a resolution by Mr. Johnson, as follows:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of two thousand seven hundred and fifty dollars and twenty-eight cents ($2,750 28) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| Locke & Lavenson | $492 40 |
| D Johnston & Co | 685 15 |
| John Breuner & Co. | 212 38 |
| H. S. Crocker & Co | 749 80 |
| W. F Purnell | 62 20 |
| California Manufacturing Co. | 354 00 |
| Mrs. Ella Coffield | 18 00 |
| E. R. Pulford | 88 20 |
| A. T. Pratt | 26 50 |
| Sunset Telephone Co. | 10 40 |
| Kane & Tramor | 21 00 |
| Stover Bros. | 30 25 |
| Total | $2,750 28 |

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the report.

So ordered.

Mr. Dunlap moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

NOES—None.

ON WAYS AND MEANS—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution by Mr. Transue:

*Resolved*, That the Chief Clerk be and he is hereby instructed to rent twelve typewriting machines for the use of the stenographers of the Assembly; and the Controller of State is authorized to draw his warrant for the amount of the rentals, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

DUNLAP, Chairman.

ASSEMBLY COMMITTEE AMENDMENT.

Amend by striking out the words "Chief Clerk" and inserting in lieu thereof the words "Sergeant-at-Arms," on line one, printed resolution; also striking out word "twelve" and inserting in lieu thereof the word "fourteen" on line one, printed resolution.

Mr. Dunlap moved the adoption of the amendment.

Amendment adopted.

Mr. Dunlap moved the adoption of the committee report, as amended.

Report adopted.

Mr. Dunlap moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr Speaker—70.

NOES—Messrs. Bangs, Covert, Dougherty, and Duffey—4.

ON WAYS AND MEANS—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way, and the costs and expenses of obtaining the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by Committee on Swamp and Overflowed Lands and River Improvements

Also: Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said Court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California defendant.

Also: Assembly Bill No. 47—An Act to appropriate $8,000 00 for the extension of the laundry building, and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Also: Assembly Bill No 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps

Also: Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No 92—An Act to appropriate $3,835 to pay the claim of W B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No 86—An Act to appropriate $410 to pay the claim of L C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled

"A. T. Lightner vs The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

INTRODUCTION AND REFERENCE OF BILLS, ETC.

By Mr. Traber: Assembly Bill No. 418—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Rolley: Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Bangs: Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read first time, and referred to Committee on Claims.

By Mr. McMahon: Assembly Bill No. 421—An Act to regulate the times of payment by employers of compensation of their employés, and to repeal all conflicting or inconsistent Acts and provisions.

Read first time, and referred to Committee on Labor and Capital.

By Mr. McKenney: Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of

articles for the use of State officers, or the officers and employés of State institutions.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125, rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Read first time, and referred to Committee on Claims.

By Mr. Mahany: Assembly Bill No. 426—An Act to prevent misrepresentation of employment and making it a misdemeanor to misrepresent conditions of employment.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Waste: Assembly Bill No. 427—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the University for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

By Mr. Bates: Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

By Mr. Duryea: Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office; providing for assistants, and appropriating money for the purposes of entomological researches.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Leininger: Assembly Joint Resolution No. 5—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves.

Referred to Committee on Federal Relations.

By Mr. Goodrich: Assembly Bill No. 430—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Black: Assembly Bill No. 431—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Read first time, and referred to Committee on Military Affairs.

By Mr. Knight: Assembly Bill No. 432—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Johnson: Assembly Bill No. 433—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State Volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Bill No. 435—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Walker: Assembly Bill No. 436—An Act adding a new section to Chapter II, Article II, of the Political Code of the State of California, to be known as Section 4053, empowering the Supervisors of the various counties of the State of California to create the office of Inspector of Weights and Measures, defining his duties and fixing his compensation, and further empowering the Supervisors to pass such ordinance as may be necessary to compel those who buy or sell by weight or measure to have their weights, scales, and measures tested, examined, and registered, and fixing a penalty for those who refuse to comply with such ordinance.

Read first time, and referred to Committee on County and Township Governments.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, acting under a resolution introduced on the 16th inst., relative to the least number of hours within which the work of the Code Commission could be disposed of by the Assembly on first, second, and third readings of bills, submits the following report:

The total number of bills for the four Codes, as estimated by the Code Commissioners, is three hundred and sixty-four, divided as follows:

| | |
|---|---|
| Code of Civil Procedure | 103 bills |
| Civil Code | 86 bills |
| Penal Code | 60 bills |
| Political Code | 115 bills |
| Total number of bills | 364 |

It is estimated that a fair average of time necessary for the passage of each of said bills is forty-five minutes, making a total of 273 hours; and that the passage of the bills covered by the Code of Civil Procedure would consume about 78 hours

It has been deemed best by your committee to take up the work embraced in the Code of Civil Procedure before attempting any further work in the way of code revision

HOUSER, Chairman.

Mr. Carter moved that the report be received, and printed in the Journal.

So ordered.

COMMUNICATION.

PHŒNIX, ARIZONA, January 21, 1903.

*The Speaker of House of Representatives, Sacramento, California*

*Be it resolved*, by the Council and Assembly of the Twenty-second Territorial Legislative Assembly of the Territory of Arizona, that we do hereby appeal to the Legislature of the State of California now in session to assist us in petitioning the United States Senate to pass the Omnibus Statehood bill, that the Chief Clerk of the Council be directed to telegraph a copy of this resolution to both branches of the California Legislature.

J. C. EVANS, Chief Clerk.

Mr. Johnson moved that the communication be referred to Committee on Federal Relations.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Brown:

WHEREAS, The Committee on Contested Elections has had referred for its consideration the papers in certain contests of election; and

WHEREAS, It is manifestly necessary for said committee, in order to properly pass upon said cases, to subpœna witnesses and bring persons and papers, including ballots, before said committee for examination:

*Resolved*, That the Committee on Contested Elections is hereby authorized, empowered and directed to send for persons and papers, including election ballots, as provided in Sections 283 and 300 of the Political Code, and to count such ballots and report the result to the Assembly in any and every case where the contest depends upon the question of which candidate received the greater number of legal ballots cast.

Resolution read.

Mr. Brown moved the adoption of the resolution.

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

Motion lost.

The question being upon the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILLS, ETC.—(OUT OF ORDER).

By Mr. Barber: Assembly Joint Resolution No. 6—Relative to establishing a National Conservatory of Music and Art at the City of Washington, D. C., Chicago, San Francisco, and New York.

Referred to Committee on Federal Relations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, acting under Rule 7, hereby introduces the following bills, relating to subjects coming within its consideration, and which have been approved:

An Act to amend Sections 392, 394, 395, 396, and 397, of the Code of Civil Procedure, all relating to the place of trial of civil actions.

An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

HOUSER, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Committee on Revision and Reform of Laws: Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Read first time, and ordered on file.

Also: Assembly Bill No. 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Read first time, and ordered on file.

Also: Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, 558 of the Code of Civil Procedure, and to add a new section thereto to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Read first time, and ordered on file.

Also: Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read first time, and ordered on file.

Also: Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read first time, and ordered on file.

Also: Assembly Bill No. 442—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Read first time, and ordered on file.

Also: Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Read first time, and ordered on file.

Also: Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Read first time, and ordered on file.

Also: Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Read first time, and ordered on file.

Also: Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Read first time, and ordered on file.

Also: Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Read first time, and ordered on file.

RESOLUTION—(OUT OF ORDER).

By Mr. Cromwell:

WHEREAS, Various bills have been referred to Committee on State Hospitals and Asylums, calling for large appropriations for Agnews State Hospital, Stockton State Hospital, Southern California State Hospital, Industrial Home of Mechanical Trades for the Adult Blind;

*Resolved*, That the Committee on State Hospitals and Asylums be and they are hereby authorized to visit the above State institutions for the purpose of enabling the committee to act intelligently upon the aforesaid bills, and to determine what, if any, of the improvements sought to be provided for are indispensable, and what, if any, can be dispensed with without material injury to said institutions. That members of said committee are hereby granted leave of absence for said purpose as follows: Messrs. Cromwell, Foster, McLaughlin, King, Duryea, Leininger, Wright, Moore, Weger, and Kerrigan.

Resolution read.

Mr. Cromwell moved the adoption of the resolution.

The question being upon the adoption of the resolution.

The roll was called.

When his name was called, Mr. Murphy asked to be excused from voting.

Objection by Mr. Copus.

Mr. McCartney moved that Mr. Murphy be excused from voting.

Mr. Walsh moved to amend, that it is the sense of the House that Mr. Murphy record his vote.

Amendment carried.

Mr. Murphy then recorded his vote.

Roll call continued.

CALL OF THE HOUSE.

Pending the roll call, at eleven o'clock and fifteen minutes A. M., Mr. Cromwell moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—73.

At eleven o'clock and twenty-five minutes A. M., Mr. Walsh moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At eleven o'clock and twenty-six minutes A. M., Mr. Brown moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At eleven o'clock and thirty minutes A. M., Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At eleven o'clock and thirty-two minutes A. M., Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

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

AYES—Messrs Allen, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Burgess, Carter, Copus, Cromwell, Dougherty, Drew, Duffey, Dunbar, Duryea, Ells, Foster, Greer, How-

ard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—Messrs. Amerige, Bangs, Black, Brown, Camp, Covert Dunlap, Finn, Goodrich, Houser, Johnstone, Lewis of Riverside, Mahany, Mattos, McMahon, Mott, Soward, and Walsh—18.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Dunlap: Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

Read first time, and referred to Committee on Ways and Means.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Dougherty moved that Assembly Bill No. 352 be recalled from the Committee on State Library and referred to Committee on Education.

So ordered.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 47 and 43.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 47 and 43 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

And do now report and ask leave to sit again

FISK, Chairman.

MOTION.

Mr. King moved that the action of the Assembly in reading Assembly Bill No. 47 a second time be rescinded by the Assembly, and that Assembly Bill No. 47 and Assembly Bill No. 43 be recalled from Committee on Ways and Means and referred to the Committee on State Hospitals and Asylums.

So ordered.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for Southern California State Hospital.

Recalled from Committee on Ways and Means, and referred to Committee on State Hospitals and Asylums.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Recalled from Committee on Ways and Means, and referred to Committee on State Hospitals and Asylums.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Knight moved to recall Assembly Bill No. 377 from Committee on Ways and Means and refer to Committee on Corporations.

So ordered.

THIRD-READING FILE.

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Passed on file.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Passed on file.

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

Passed on file.

SECOND-READING FILE.

Assembly Bill No. 6—An Act changing the names of John Geottfried Hoeh and Anna Rose Hoeh and Emil Otto Hoeh and William Fredric Hoeh to John Geottfried Hay and Anna Rose Hay and Emil Otto Hay and William Fredric Hay.

Withdrawn by author.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Recalled from Committee on Ways and Means, and re-referred to Committee on State Hospitals and Asylums.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Recalled from Committee on Ways and Means, and re-referred to Committee on State Hospitals and Asylums.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Cromwell: Assembly Bill No. 451—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Read first time, and referred to Committee on Judiciary.

By Mr. McConnell: Assembly Bill No. 452—An Act to amend Section 58 of the Political Code, relating to the qualification and eligibility of officers.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 453—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved April —, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, by adding a new section thereto to be numbered 54½, relating to the eligibility and qualifications of court reporters or official reporters of the Superior Court of this State.

Read first time, and referred to Committee on County and Township Governments.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 10.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 10 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same—and do now report the same, with amendments, and recommend that the same do pass, as amended.

FISK, Chairman.

Report adopted.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "assistance" in line eight of Section 1 of printed bill, and insert instead the word "assistants."

Amendment adopted.

AMENDMENT No. 2.

Also amend by striking out the word "assistance" in line ten, Section 1 of printed bill, and insert instead the word "assistants."

Amendment adopted.

Assembly Bill No. 10 ordered to print, engrossment, and third reading.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 52—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justice's Court.

Withdrawn by author.

Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title by striking out the words "subdivision five of" in line one.

Amendment adopted.

AMENDMENT No. 2.

Amend the title by striking out the words "and directing how growing crops may be attached" in lines three and four.

Amendment adopted.

Assembly Bill No. 40 ordered to print, engrossment, and third reading.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read second time.

Ordered to engrossment and third reading.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting in line nine, after the word "towns," the following: "or school districts."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "town," in line twelve, the words "or school district."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "town," in line fifteen, the words "or school district."

Amendment adopted.

Ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

By Mr. Hart:

*Resolved*, That the name of C. H. Mallory be and it is hereby substituted for that of H. S. Rhinehart, as Assistant Bill Filer of this Assembly, and that the latter's name be stricken from the roll of attachés.

Referred to Committee on Attachés and Employés.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. McKenney: Assembly Bill No. 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Johnson: Assembly Bill No. 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Read first time, and referred to Committee on Judiciary.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Duryea moved to recall Assembly Bill No. 410 from Committee on Manufactures and Internal Improvements and refer to Committee on Mines and Mining Interests.

So ordered.

ADJOURNMENT.

At twelve o'clock and six minutes P. M., on motion of Mr. Mattos, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 23, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, January 21, 1903, was read, corrected, and approved.

SPECIAL ORDER.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities, and political subdivisions.

Assembly Constitutional Amendment No. 6 read.

Mr. Drew moved that Assembly Constitutional Amendment No. 6 be laid upon the table.

The ayes and noes were demanded by Messrs. Camp, Houser, and Johnstone.

The question being, "Shall Assembly Constitutional Amendment No. 6 lie upon the table?"

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Allen, Banks, Barber, Covert, Drew, Dunbar, Greer, Hart, Higgins, Lewis of San Francisco, McConnell, McKenney, McNeil, Traber, and Weger—15.

NOES—Messrs Amerige, Barnes, Black, Brown, Camp, Carter, Copus, Dougherty, Duffey, Duryea, Finn, Foster, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfe, Siskron, Snyder, Soward, Stansell, Susman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—49.

Mr. Camp submitted the following amendment to Assembly Constitutional Amendment No. 6:

Strike out all after the word "examinations" in line twelve, and insert in place thereof the following: "*Provided, however*, that honorably discharged soldiers and sailors from the army and navy of the United States in the late Civil War, that are residents and citizens of this State, shall be entitled to preference in appointment and promotion."

Amendment adopted.

Assembly Constitutional Amendment No. 6 ordered to print.

PETITIONS.

The following petitions from citizens of Placer County, petitioning the Legislature to enact a Sunday law, were presented by Mr. Duryea, and were ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California:*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of M. E. Church, in the Town of Sheridan, State of California, on January 19, 1903, and the undersigned were authorized to so attest.

REV. D. W. CHILSON, presiding.

One half the congregation voted in favor of the petition, one half refrained from voting, and one voted against.

L. B. HINMAN, Secretary.
ALICE B HINMAN, County Superintendent Sabbath Observance.
ADDIE P. ROGERS, Local Superintendent Sabbath Observance.

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of Methodist Episcopal Church in the Town of Auburn, Placer County, State of California, on Sunday, January 11, 1903, and the undersigned was authorized to so attest.

JOSEPH P. MACAULAY, presiding,
Pastor of Auburn M. E Church

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of Baptist Church in the Town of Auburn, State of California, on January 11, 1903, and the undersigned were authorized to so attest.

J. E. SANDERS, Pastor, presiding.

W. R. Connelly, missionary, T. A. Hall, Mrs W. L Blair, Gilbert C Hall, S B. Gibson, J. C. Garrison, Mrs Nettie Higgins, Mrs E. A. Chapman, Mrs. V A Gibson, Ella Gibson, Mrs Thos A. Hall, Mrs. W. T Gibson, Mrs E A Barstow, Blanche Robinson, Bessie Leak, Esther Higgins, Henry Gibson, Holley Chapman, Mrs. Robinson, and Mrs Jennie Sanders.

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of Christian Valley Sunday School in the Town of Clipper Gap, State of California, on January 18, 1903, and the undersigned was authorized to so attest.

W. E. BANCROFT, Superintendent, presiding.

The above was indorsed by vote by a meeting of Christian Valley Christian Endeavor Society on January 18, 1903, and the undersigned was authorized to so attest.

ALICE L. PERKINS, President

The above was indorsed by vote by a meeting of the Frances E Willard W. C. T. U. of Clipper Gap, January 15, 1903, and the undersigned was authorized to so attest.

MRS. U. E. BANCROFT, President.

The following petition from citizens of San Benito County, petitioning the Legislature to enact a Sunday law, was presented by Mr. Dougherty, and ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of church congregations in the City of Hollister, State of California, on December 14, 1902, and the undersigned were authorized to so attest:

J. W Bryant, A. S. Van Heusen, A. Partridge, W. H. Morey, I. M. McHenry, R. Van Heusen, Cleo C. Dillow, Verra M. Tomlin, Helen B Campbell, S. E. Dillow, W. W. Minor, E. W. Pierce, M. E. Van Heusen, M E. Hawn, John Elliott, Mrs. John Elliott, A. Q. Edwards, J. S. Batdor, C. C. Wright, E C. Skow, E. Skow, M. M. Ingham, E. M. Brown, L. M. Pierce, J. A. Wright, A. G. Bush, A. L. Bryant, A. M. Wright, E. Laura, I. M. Bush,

John Lewis, E. A. Edwards, A. S. Wright, D. A. Russell, A. W. Wehmueller, K. J. Jolly, Mrs N. Snyder, S. W. Pollock, Mrs. S. W. Pollock, G. L. Ferguson, R. L Townsend, C. J. Cox, W. F. Hawkins, W. E. Stevens, P. F. Shinn, Owen Hubbard, Mrs F. A Davis, L. E. Ladd, J. J. Snibley, H. E. Van Heusen, Isaac Snyder, Fred Bertsan, F. R Snyder, A. M. C. Neilson, and F. A. Davis.

The following petitions from citizens of the County of Alameda, petitioning the Legislature to enact a Sunday law, were presented by Mr. Waste, and ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

*To the Honorable the Senate and Assembly of the State of California*

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of the First Presbyterian Church in the City of Berkeley, State of California, on January 4, 1903, and the undersigned were authorized to so attest.

EDGAR W. WORK, Minister, presiding.

About four hundred present.

By the authority of the congregation,

F. S. PAGE, Clerk.

Berkeley, January 4, 1903.

The above was indorsed by vote by a meeting of Berkeley W. C. T. U. in the City of Berkeley, State of California, on January 7, 1903, and the undersigned was authorized to so attest.

MRS. J. H. RHODES, presiding.

Representing seventy-five members.

The above was indorsed by vote by a meeting of Baptist Church in the City of Berkeley, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

R. L. HALSEY, Pastor, presiding

This represents the voice and request of about one hundred and fifty persons.

The above was indorsed by vote by a meeting of the Friends Church in the City of Berkeley, State of California, on Sunday, January 4, 1903, and the undersigned were authorized to so attest.

HERBERT T. CASH, presiding.

E. J. Clinton, Robt. C. Root, R. T. Parish, J. J. Jessup, W. E. Trueblood, M. D., and Chas. Cady.

The above was indorsed by vote by a meeting of the North Berkeley Congregational C. E. Society, in the City of Berkeley, State of California, on 11th of January, 1903, and the undersigned was authorized to so attest

H. W. MILER, Pres, presiding.

The above was indorsed by vote by a meeting of the Christian Church in the City of Berkeley, State of California, on January 11, 1903, and the undersigned were authorized to so attest.

E. W. DARST, presiding

J. M. Bands, Jas. E. Agar, C H. Chase, Philo Mills, Geo. B. Hatch, and T. D Butler, Board of Congregational Church.

About eighty present.

The above was indorsed by vote by a meeting of Trinity M E. Epworth League Christian Endeavor, in the City of Berkeley, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

J. GUSTAV WHITE, presiding.

The above was indorsed by vote by a meeting of the Christian Endeavor Society of Christian Church in the Town of Berkeley, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

FRANK F. FANNING, presiding.

Number voting in the affirmative, thirty-seven.

The above was indorsed by vote by a meeting of North Berkeley Congregational Church in the City of Berkeley, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

BENJ. F. SARGENT, presiding.

Members and congregation present, one hundred and eighty-five.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

*Resolved*, That the Committee on Attachés and Employés be and it is hereby directed to arrange the work of the Bill Filers, so that the files of the Journal and bills will be placed on the desks of the members prior to the opening of the Assembly each morning, and that one copy of all bills and of the Journals be also placed on the desks of the members each morning prior to the opening of the Assembly.

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

COMMUNICATION.

The following communication from the Board of Trustees of the California Polytechnic School was received:

SAN LUIS OBISPO, CALIFORNIA, January 21, 1903.

*To the Honorable Members of the Assembly, Thirty-fifth Session, California Legislature:*

The Board of Trustees of the California Polytechnic School extend a cordial invitation, urging your attendance at the laying of the corner-stone of the State Polytechnic School on Saturday, January 31, at 2 P. M. The ceremonies will be in charge of the Grand Lodge of Masons, and a reception and banquet will be given in honor of the members of the Legislature. We hope for a large delegation from your honorable body.

Very respectfully,

S. C. SMITH,
President Board of Trustees California Polytechnic School
BENJ BROOKS,
President Board of Trade.

RESOLUTION—(OUT OF ORDER).

By Mr. John:

*Resolved*, That the Assembly herewith accepts the invitation of the Board of Trustees of the California Polytechnic School and the Board of Trade of San Luis Obispo to attend the ceremonies marking the laying of the corner-stone of said Polytechnic School, on January 31st, and that the Speaker appoint a committee of six, three of whom shall be members of the Ways and Means Committee, to attend said ceremonies as representatives of this Assembly, and that said members, when appointed, shall be granted leave of absence.

Mr. John moved the adoption of the resolution.

The question being upon the adoption of the resolution.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and twenty-two minutes A. M., Mr. John moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leminger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—74.

At ten o'clock and twenty-seven minutes A. M., Mr. Dunlap moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

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

AYES—Messrs Allen, Bangs, Barber, Barnes, Baxter, Bliss, Boisson, Burgess, Carter, Copus, Cromwell, Dorsey, Drew, Duffey, Dunbar, Duryea, Ells, Finn, Foster, Goodrich,

Hart, Higgins, Howard, John, Johnson, Kerrigan, Killingsworth, Knight, Lewis of San Francisco, Lumley, Mattos, McConnell, McKenney, McLaughlin, McMartin, McNeil, Olmsted, Pyle, Rolley, Siskron, Stanton, Susman, Traber, Transue, Walker, Waste, Wright, and Mr. Speaker—48.

NOES—Messrs Black, Brown, Camp, Covert, Dougherty, Dunlap, Greer, Houser, Johnstone, Kelso, King, Leminger, Lewis of Riverside, Mahany, McCartney, McMahon, Moore, Mott, Murphy, Pann, Prescott, Snyder, Soward, Stansell, Walsh, and Weger—26.

LEAVE OF ABSENCE.

Mr. Steadman was granted leave of absence until Saturday, January 24, 1903.

COMMUNICATION.

The Speaker announced the receipt of a communication from the Legislature of the Territory of New Mexico.

Mr. Carter moved that the communication be printed in the Journal.

Motion lost.

Communication read.

SANTA FÉ, NEW MEXICO, January 22, 1903.

*The Honorable Legislative Assembly of the State of California, Sacramento, California:*

The following memorial was passed by a unanimous vote of both houses of the thirty-fifth Legislature of New Mexico to-day:

JOINT MEMORIAL NO. 55.

Your memorialist, the Legislative Assembly of the Territory of New Mexico, most respectfully represents that on the second day of February, A. D. 1848, by the treaty of Guadalupe Hidalgo, entered into between the United States and the Republic of New Mexico, the territory embraced within the territories of New Mexico was ceded to the United States. That by that treaty the Government of the United States solemnly pledged the people of the ceded territory that the same would be incorporated into the Union of the States, and the people thereof admitted to the enjoyment of all rights of citizens of the United States. That the national conventions of the Republican and Democratic parties have repeatedly pledged the support of their representatives in the United States Senate and House of Representatives to the admission of the Territories of Oklahoma, and New Mexico, and Arizona to the sisterhood of States That the House of Representatives of the Congress of the United States has, in compliance with the treaty obligations of the United States and the political obligations of its members, passed a bill, "H. R. 12,543," to enable the people of Oklahoma, New Mexico, and Arizona to form constitutions and State governments and to be admitted into the Union on an equal footing of the original States. That this bill has been transmitted to the Senate and is now pending in that honorable body without final action having been taken thereon That said bill embodies the hopes and aspirations of the people of New Mexico, who are well fitted to assume the form of government provided for in said bill, as evidenced by the fact that New Mexico has made as rapid educational progress during the last decade as any other part of the Nation, and has a common school system the peer of any in the Nation. That within her boundaries there is taxable property of the value of more than two hundred million dollars. That she has a sufficient population, who have manifested their devotion and loyalty to the Government of the United States by furnishing more soldiers for the defense of the Government, according to population, in both the Civil and Spanish-American wars, than any State or other Territories in the Nation. In the opinion of your memorialist, the people of Arizona and Oklahoma are likewise entitled to the blessings of statehood, which will be secured to them by passing said bill, and because the people of the Territories of Oklahoma, New Mexico, and Arizona have an inherent right to such admission by virtue of the principles entitled in the Declaration of Independence, because such admission is vouchsafed them by the policy pursued by the Government of the United States in the admission of nearly all the States to the Nation at a time when they were less fitted to assume self-government than are Oklahoma, New Mexico, and Arizona at the present time, because a territorial form of government is intolerable and obnoxious to a free and ambitious people, because it is an incongruity under American institutions and should be maintained only so long as absolutely necessary to prepare its people for self-government, because it is a denial of the right of the people to take part in the affairs of the Nation, which requires allegiance and support from it, and because capital has not complete confidence in such a form of government and reluctantly lends its aid to the development of its resources We, therefore, most respectfully petition your honorable body to memorialize the Senate of the Congress of the United States to press, at the earliest date possible, consistent with the rights of and courtesies due to every one of the members of that body, said bill, 'H R 12,543," now pending before that body and popularly known as the Omnibus Statehood bill. And we further respectfully petition your honorable body that you, by suitable resolution, request your representatives in the Senate of the United States Congress to aid the prompt passage of said bill by their voice and vote. And it is hereby

*Resolved*, By the Legislative Assembly of the Territory of New Mexico, that the President of the Council and the Speaker of the House of Representatives of this Legislative Assembly be directed to transmit a certified copy of this memorial to the legislative assemblies of the States hereby memorialized; and further

*Resolved*, That the President of the Council and Speaker of the House of Representatives be directed to telegraph a copy of this memorial to the legislative assemblies of the States hereby memorialized.

Signatures:

J. FRANCISCO CHAVIS,
President of Council.
NESTOR MONTOYA,
Speaker of House.
W. E. MARTIN,
Chief Clerk Council.
CHAS. SAFFORD,
Chief Clerk House.

At ten o'clock and thirty minutes A. M., the Speaker called Mr. Dunlap to the chair.

Mr. Dunlap in the chair.

Mr. Johnson moved that the communication be printed in the Journal and referred to Committee on Federal Relations.

Mr. McConnell moved to amend by making the communication a special order for Monday, at two o'clock P. M.

Amendment lost.

The question being upon the adoption of the original motion.

Motion carried.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ROOMS OF THE JUDICIARY COMMITTEE OF THE ASSEMBLY,
SACRAMENTO, January 22, 1903

MR. SPEAKER: Your Judiciary Committee, having had under consideration Assembly Bill No 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established, for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887—report the same back, and recommend its passage

Also: Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating moneys therefor—and report the same back, and recommend its passage, and, as it carries an appropriation, that it be referred to Committee on Ways and Means

Also: Assembly Bill No 310—An Act to amend Section 1593 of the Political Code of the State of California, relative to election of School Trustees—and recommend that it be referred to Committee on Education.

Also: Assembly Concurrent Resolution No 6—Relative to the Charter of Santa Rosa, Sonoma County—and recommend that it do not pass, because the charter did not receive the constitutional number of votes.

Also: Assembly Bill No. 33—An Act to amend the Civil Code, by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce—and recommend the adoption of one amendment and that it do pass as amended

Also: Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations—with three amendments, and recommend the adoption of the amendments, and its passage as amended.

JOHNSON, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District, the forty-sixth district—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

McNEIL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Sections 2 and 23, of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, and providing for biennial and special sessions of the Legislature—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, relating to the salary of members of the Legislature and attachés thereof—have had the same under consideration, and respectfully report the same back without recommendation.

McCARTNEY, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Also: Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Also: Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOORE, Chairman.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That C. J. Peterson, Bill Filer, be and he is hereby retained in his position as Bill Filer, at the same rate as has heretofore been paid him. Said retention to commence from January 21st.

Have had same under consideration, and respectfully report the same back, and recommend that it do not pass.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That Lon A. Henry be appointed Assistant Bookkeeper to Sergeant-at-Arms at a per diem of $4, and the Controller hereby authorized to draw a warrant for the same, payable out of the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 36—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a Firemen's Relief Health, and Life Insurance and Pension Fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McLAUGHLIN, Chairman.

At ten o'clock and forty-six minutes A. M., Speaker Fisk in the chair.

ON MUNICIPAL CORPORATIONS—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 289—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees and compensation of Recorders—have had the same under consideration, and respectfully report the same back, without recommendation, with leave to the author to withdraw the same.

McLAUGHLIN, Chairman

Mr. McLaughlin moved the adoption of the report.

Report adopted.

Mr. Lewis of Riverside asked leave to withdraw Assembly Bill No. 289.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency: Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature

Also: Adopted Senate Concurrent Resolution No. 4—Ratifying certain amendments to the charter of the City of Los Angeles.

Also: Adopted Senate Joint Resolution No. 4—Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for military camp.

F. J BRANDON, Secretary of Senate.
By FRED L THOMAS, Assistant Secretary.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Senate Bill No. 248 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with,

and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Houser Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—None.

Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature.

Read first and second times, and considered engrossed.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 248.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 248 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 248 read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—70.

NOES—None.

Title read and approved.

MOTIONS.

Mr. Dunlap moved that Senate Bill No. 248 be immediately transmitted to the Senate.

So ordered.

Senate Concurrent Resolution No. 4—Ratifying certain amendments to the charter of the City of Los Angeles.

Mr. Carter moved that the Assembly do now consider Senate Concurrent Resolution No. 4.

So ordered.

SENATE CONCURRENT RESOLUTION No. 4.

Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, eighteen hundred and eighty-eight, and approved by the Legislature of the State of California, on the thirty-first day of January, eighteen hundred and eighty-nine (Statutes of 1889, page 455), which charter has never been amended; and

WHEREAS, The City Council of said City of Los Angeles did, by Ordinance No 7540 (new series), adopted by said Council on the twenty-ninth day of September, nineteen hundred and two, and approved by the Mayor of said city on the thirtieth day of September, nineteen hundred and two, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles, certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the first day of December, nineteen hundred and two, which said amendments were and are in words and figures as follows, to wit:

That section one of the charter be amended to read as follows:

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Beginning at a cement monument in the County of Los Angeles, State of California, said monument being set on the township line between township one south, range fourteen west, and township two south, range fourteen west, San Bernardino base and meridian, said monument being 8094.61 feet from the common corner to township one south, range thirteen west, township one south, range fourteen west, township two south, range thirteen west, and township two south, range fourteen west, San Bernardino base and meridian; thence from said point of beginning north 0 degrees 07 minutes 00 seconds west, 2644 49 feet to a point; thence north 0 degrees 06 minutes 30 seconds west, 2640 89 feet to a point, thence north 0 degrees 16 minutes 30 seconds west, 2641 80 feet to a point, thence north 0 degrees 05 minutes 00 seconds west, 2827 62 feet to a point; thence south 88 degrees 20 minutes 30 seconds east, 180 04 feet to a point; thence south 89 degrees 53 minutes 30 seconds east, 2638 46 feet to a point; thence north 89 degrees 39 minutes 30 seconds east, 5282 98 feet to a point; thence north 0 degrees 05 minutes 30 seconds west, 5107.53 feet to a point; thence south 89 degrees 57 minutes 15 seconds east, 2206 69 feet to a point on the west patent boundary line of the City of Los Angeles, as per map recorded in Book 2 of Miscellaneous Records of the County of Los Angeles, California, at pages 504 and 505 thereof, thence along said west patent boundary line north 0 degrees 24 minutes 00 seconds west, 7087 80 feet to the northwest corner of the City of Los Angeles, as per map aforesaid; thence along the north patent boundary line of the City of Los Angeles, as per map aforesaid, south 89 degrees 34 minutes 30 seconds east, 13,278 36 feet to a point, thence continuing along said north patent boundary line south 89 degrees 20 minutes 15 seconds east, 6826 16 feet to a point; thence north 187.03 feet to a point, thence north 39 degrees 28 minutes 00 seconds east, 2130 20 feet to a point; thence north 4 degrees 40 minutes 00 seconds east, 1188 40 feet to a point; thence north 11 degrees 43 minutes 00 seconds east, 1627.80 feet to a point; thence north 59 degrees 16 minutes 30 seconds east, 2021 40 feet to a point, thence north 34 degrees 42 minutes 30 seconds west, 37.50 feet to a point, thence north 89 degrees 34 minutes 30 seconds east, 9 01 feet to a point; thence north 34 degrees 40 minutes 30 seconds west, 375.54 feet to a point; thence north 58 degrees 44 minutes 30 seconds east, 392 23 feet to a point; thence north 79 degrees 12 minutes 00 seconds east, 206.58 feet to a point, thence south 89 degrees 03 minutes 00 seconds east, 487.08 feet to a point; thence north 53 degrees 57 minutes 00 seconds east, 562 80 feet to a

point; thence north 89 degrees 21 minutes 00 seconds east, 1003.00 feet to a point; thence south 0 degrees 39 minutes 15 seconds east, 47.87 feet to a point; thence north 59 degrees 22 minutes east, 1584 52 feet to a point; thence north 12 degrees 04 minutes 15 seconds east, 1714.26 feet to a point; thence north 89 degrees 59 minutes 30 seconds east, 942 00 feet to a point; thence north 89 degrees 56 minutes 30 seconds east, 3674 92 feet to a point; thence north 89 degrees 50 minutes east, 1174 63 feet to a point; thence south 36 degrees 15 minutes 15 seconds west, 629 95 feet along the center line of Avenue 66 (formerly Cooper Avenue) to a point; thence south 53 degrees 55 minutes east, 299 50 feet to a point; thence south 36 degrees 16 minutes 15 seconds west, 900.50 feet to a point; thence south 53 degrees 28 minutes east, 280 28 feet to a point; thence south 51 degrees 41 minutes 15 seconds west, 1205 69 feet along the center line of San Pasqual Avenue to a point; thence south 22 degrees 00 minutes 45 seconds east, along the boundary line of the San Rafael Rancho, 463 17 feet to a point; thence south 34 degrees 15 minutes west, 264.00 feet to a point; thence south 56 degrees west, 686.40 feet to a point, thence south 89 degrees west, still along the boundary line of the San Rafael Rancho, 759 50 feet to a point on the northerly line of the right of way of the Southern California Railway, thence north 70 degrees 22 minutes 45 seconds west, along said northerly line of said right of way 83 30 feet to a point; thence south 19 degrees 37 minutes 15 seconds west, 75 feet along said northerly line of said right of way to a point; thence north 70 degrees 22 minutes 45 seconds west, 667 59 feet along said northerly line of said right of way to a point, thence south 39 degrees 05 minutes 15 seconds west, 220 85 feet to a point, thence south 14 degrees 56 minutes 45 seconds east, 103 17 feet to a point, thence south 4 degrees 14 minutes west, 421.76 feet to a point, thence south 25 degrees 23 minutes west, 654 99 feet to a point, thence north 79 degrees 29 minutes 30 seconds west, 830 17 feet to a point in the southeasterly line of the right of way of the Los Angeles Terminal Railway; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 701 78 feet) 21 99 feet to a point, said point being south 56 degrees 16 minutes 15 seconds west, 21 98 feet from the last mentioned point; thence following said southeasterly line of said right of way south 30 degrees 18 minutes 15 seconds east, 10 03 feet to a point; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 691.78 feet) 83 50 feet to a point; said point being at the end of said curve, and also being south 51 degrees 51 minutes 15 seconds west, 83.46 feet from the last mentioned point; thence on a line tangent to said curve, south 48 degrees 23 minutes 45 seconds west, 642 51 feet along said southeasterly line of said right of way to a point in the center line of Avenue 57; thence south 0 degrees 14 minutes east, 1646 90 feet to a point; thence south 83 degrees 16 minutes 15 seconds west, 195 19 feet to a point; thence south 2710 89 feet to a point, the same being the northeast patent corner of the City of Los Angeles, California, as per map hereinbefore mentioned; thence along the east patent boundary line of said City of Los Angeles and its prolongation, south 0 degrees 23 minutes 30 seconds east, 29,217 63 feet to a point; thence south 89 degrees 43 minutes 00 seconds west, 14,401.51 feet to a point; thence south 1 degree 13 minutes 00 seconds east, 1760.83 feet to a point, thence south 2 degrees 08 minutes 30 seconds east, 674 27 feet to a point; thence south 3 degrees 50 minutes 00 seconds east, 2721 73 feet to a point, thence south 4 degrees 19 minutes 00 seconds east, 1491.15 feet to a point; thence south 4 degrees 06 minutes 00 seconds east, 2637 61 feet to a point; thence north 89 degrees 13 minutes 00 seconds west, 2975 73 feet to a point; thence west 2632 54 feet to a point; thence south 89 degrees 17 minutes 30 seconds west, 1320 95 feet to a point; thence south 89 degrees 24 minutes 30 seconds west, 1330 50 feet to a point, thence south 89 degrees 46 minutes 30 seconds west 2649.30 feet to a point, thence south 0 degrees 09 minutes 30 seconds east, 220.02 feet to a point; thence south 89 degrees 40 minutes 30 seconds west, 2647 48 feet to a point; thence south 89 degrees 55 minutes 00 seconds west, 390 06 feet to a point; thence north 0 degrees 12 minutes 00 seconds west, 8105 59 feet to a point; thence south 89 degrees 29 minutes 00 seconds west, 2263 05 feet to a point; thence north 89 degrees 55 minutes 15 seconds west, 2616 34 feet to a point; thence north 89 degrees 36 minutes 30 seconds west, 2648 75 feet to a point; thence south 89 degrees 56 minutes 00 seconds west, 2627 60 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2661.10 feet to a point; thence north 89 degrees 49 minutes 30 seconds west, 991.74 feet to a point; thence north 0 degrees 06 minutes 30 seconds east, 457 30 feet to a point; thence north 0 degrees 00 minutes 30 seconds west, 2184 50 feet to a point; thence north 89 degrees 59 minutes 07 seconds east, 809 72 feet to a point; thence north 0 degrees 07 minutes 00 seconds west, 2582 68 feet to the point of beginning; said courses being according to the true meridian, said boundaries embracing an area of 27,696 69 acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

That section three of the charter be amended to read as follows:

Section 3. The officers of the municipality shall be:

A Mayor;

One Councilman from each ward;

A City Clerk;

A Clerk of the Mayor;

A City Treasurer;

A City Auditor;

A City Tax and License Collector;

Seven members of the Board of Education;

A City School Superintendent,

Five Directors of the Los Angeles Public Library;

A City Assessor;
A City Engineer;
A City Attorney;
A Superintendent of Buildings;
A Water Overseer,
A Street Superintendent;
Five Police Commissioners;
A Chief of Police;
A Chief Engineer of the Fire Department;
Five members of the Board of Health;
A Health Officer;
Five Fire Commissioners;
Five Park Commissioners.

That section four of the charter be amended to read as follows:

Section 4. The following officers shall be elected by the electors of the City of Los Angeles at large, to wit:

The Mayor;
The City Clerk;
The City Attorney;
The City Treasurer;
The City Auditor;
The City Tax and License Collector;
The City Engineer,
The Street Superintendent;
The City Assessor; and
Seven members of the Board of Education;
And, by the electors of each ward, respectively,
One member of the Council

The city shall be divided into nine wards, as follows:

First Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the northerly city boundary with the center of the Los Angeles river; running thence along the center of said river southerly to the center line of Macy Street; thence easterly along the center line of Macy Street to the center line of Mission Road; thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street, thence northeasterly along the center line of Soto Street to the center line of Mission Road; thence easterly along the center line of Mission Road to the east city boundary; thence northerly, northeasterly, westerly, southwesterly, and westerly, along the exterior boundaries of the City of Los Angeles to the point of beginning.

Second Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the north city boundary with the center of the Los Angeles river, and running thence southerly along the center of said river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the center line of First Street; thence westerly along the center line of First Street to the west patent boundary line of the city; thence northerly along said west patent boundary line to the northwest corner of the city; thence easterly along the north boundary line of the city to the place of beginning.

Third Ward: All that portion of the city bounded and described as follows. Beginning at the intersection of the center lines of First and Main Streets, thence running westerly along the center line of First Street to the west patent boundary of the city; thence northerly along the said west patent boundary to the south line of the Dayton Heights tract; thence westerly along the south line of the Dayton Heights tract to the center line of Vermont Avenue extended; thence southerly along the center line of Vermont Avenue extended, Vermont Avenue, and the prolongation of Vermont Avenue, to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning

Fourth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Seventh and Main Streets, running thence southerly along the center line of Main Street to the center line of Washington Street; thence westerly along the center line of Washington Street to a point one hundred and fifty feet west of the west line of Arlington Street; thence northerly along the west city boundary to a point one hundred and fifty feet north of the north line of Wilshire Boulevard; thence easterly to the west boundary line of the West End University Addition to Los Angeles, at a point one hundred and fifty feet north of the southwest corner thereof; thence southerly along said boundary line and the center line of Vermont Avenue to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the point of beginning.

Fifth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Washington and Main Streets; thence southerly along the center line of Main Street to a point one hundred and fifty feet south of the south line of Slauson Avenue; thence westerly along the southerly boundary of the city to a point three hundred and sixty feet west of the westerly line of Figueroa Street, thence northerly, westerly, northerly, westerly, northerly, easterly, and northerly along the exterior boundaries of Los Angeles City to the center line of Washington Street; thence easterly along the center line of Washington Street to the point of beginning.

Sixth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Ninth and Main Streets; thence easterly along the center line of Ninth Street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the south city boundary; thence westerly, southerly, and westerly along the exterior boundaries of Los Angeles City to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Seventh Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Main and First Streets; thence easterly along the center line of First Street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the center line of Ninth Street; thence westerly along the center line of Ninth Street to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Eighth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main Streets; running thence easterly along the center line of First Street to the center of the Los Angeles river; thence northerly along the center of the Los Angeles river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the place of beginning.

Ninth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center line of Macy Street with the center of the Los Angeles river; thence easterly along the center line of Macy Street to the center line of Mission Road, thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street; thence northeasterly along the center line of Soto Street to the center line of Mission Road; thence easterly along the center line of Mission Road to the easterly line of Los Angeles City; thence southerly along the easterly line of Los Angeles City to the southeasterly corner of Los Angeles City; thence westerly along the southerly line of Los Angeles City to the intersection of the center of the Los Angeles river, thence northerly along the center of the Los Angeles river to the point of beginning.

The center of streets and the center of the Los Angeles river will in all cases be the dividing line.

And the Council herein provided shall have power by ordinance to establish and change the boundaries thereof whenever it may deem it expedient; but until changed by the Council the said wards shall remain as above described and established.

That section six of the charter be amended to read as follows:

Section 6. The Mayor shall appoint a Clerk of the Mayor. He shall also appoint, subject to confirmation by a majority of the Council, the Superintendent of Buildings, and such other officers of the municipality mentioned in this charter whose appointments are not otherwise provided for herein

That section seven of the charter be amended to read as follows:

Section 7. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief Engineer of the Fire Department shall be appointed by the Board of Fire Commissioners. The Health Officer shall be appointed by the Board of Health. Each Police Judge shall appoint his own clerk

That section sixty-nine of the charter be amended to read as follows:

Section 69 The government of the School Department of the city shall be vested in a Board of Education, to consist of seven members, to be elected as herein provided, to be called members of the Board of Education, who shall serve without salary; *provided*, that the members of the present Board of Education shall hold and exercise their offices, with the powers and duties prescribed by the charter, until the election and qualification of the members of the first Board of Education elected from the city at large

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195 General municipal elections shall be held in said city on the first Monday in December, nineteen hundred and four, and on the first Monday in December every two years thereafter, at which shall be elected:

A Mayor,
A City Clerk,
A City Attorney,
A City Treasurer,
A City Auditor,
A City Tax and License Collector,
A City Engineer,
A Street Superintendent,
A City Assessor, and
Seven members of the Board of Education,
And, by the electors of each ward, one member of the City Council.

That Article XVIII of the charter be amended to read as follows:

## ARTICLE XVIII.

### WATER, WATER RIGHTS, AND WATERWORKS.

Section 190. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the River Los Angeles heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to

have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership of and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named

Section 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said River Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privilege to use, manage, or control the said waters or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election, general or special, at which such proposition shall be lawfully submitted, *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power.

Section 192 There is hereby created, for the purpose of managing and controlling all waters and water rights that are now, or may be hereafter, owned by the City of Los Angeles, a department of said city to be known as the "Water Department," which shall be under the management and control of a Board of Water Commissioners.

(*a*) Said board shall consist of five members, who shall be appointed by the Mayor, subject to confirmation by a majority of the Council.

(*b*) No person shall be appointed a Water Commissioner who shall not have been an elector of the City of Los Angeles for at least five years next preceding his appointment, and the appointments of Water Commissioners shall be made so that not more than three members of the board shall, at any one time, belong to the same political party.

(*c*) The term of office of the Water Commissioners shall be four years. The five commissioners first appointed hereunder shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs, the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

(*d*) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(*e*) The president of the Board of Water Commissioners shall be the executive officer of the Water Department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the business of the Water Department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe

(*f*) The board shall maintain an office, and prescribe office hours for the convenience of the public The board shall hold a regular stated meeting once in each week The members of the board shall serve without compensation, except that the president of the board shall receive a salary of three thousand dollars per annum, payable in equal monthly installments.

(*g*) The Board of Water Commissioners shall have power:

To manage and control all waters, water rights, and water-bearing lands, and all waterworks, reservoirs, zanjas, and ditches belonging to the city.

To construct, operate, maintain, and extend waterworks, dams, reservoirs, zanjas, ditches, canals, and other means for supplying the city and its inhabitants with water, and to acquire and take by purchase, condemnation, or otherwise, and, in its own name, to hold as special trustee for the city, any and all property, including waters and water rights, situated within or without the limits of the city, other than the waters of the River Los Angeles, that may be necessary or convenient for such construction, operation, maintenance, or extension.

To regulate and control the use, sale and distribution of water belonging to the city, the collection of water rates, and the granting of permits for connections with said waterworks, zanjas, or ditches, and to fix the rates to be charged for such connections; and, subject to the approval of the City Council, to fix the rates to be charged for water, and to prescribe the time and manner of payment of the same

To appoint, employ and, for good cause, to remove the Superintendent of Waterworks, the Water Overseer, and such assistants, employés and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties

To sue and be sued, and to require the services of the City Attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon

demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding waterworks bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be re-transferred into said water revenue fund.

(*h*) None of the money in said water revenue fund, or coming under the control of said board, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First: For the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs.

Second: For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the Water Department, including the purchase of necessary lands, water rights, and other property.

Third: The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding waterworks bonds.

*Provided, however*, that said board may, in its discretion, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs, and for no other purpose.

(*i*) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules, and regulations as may be necessary for its government, for the administration of the Water Department, and for the exercise of the powers conferred by this article; *provided*, that no such rule, by-law, or other act of the board fixing water rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the City Council, and thereafter published for at least three days in a daily newspaper printed and published in the City of Los Angeles.

(*j*) Three members of the Board of Water Commissioners shall constitute a quorum for the transaction of business, but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof. The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to furnish the same. And the contract therefor shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the board; *provided*, that the board may reject any and all bids.

(*k*) The Board of Water Commissioners shall present to the City Council, at its meeting in the second week of December, in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the City Council a similar statement of all receipts and expenditures during the preceding calendar month.

(*l*) As soon as practicable after the first Board of Water Commissioners appointed hereunder shall take office, the City Council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in section one hundred and ninety of this charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of waterworks for supplying the inhabitants of the City of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution.

(*m*) The board may lease, for terms not exceeding three years, any or all of the lands by this article placed under its control, for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may sell, from time to time, such personal property placed under its control, as shall not be longer necessary or suitable for the use of the Water Department. No real property nor any rights or interests in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument, duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters or water rights, by this article placed under the control of said board, shall be conveyed, leased, or otherwise disposed of, except as provided in section one hundred and ninety-one of this charter.

(*n*) That the Superintendent of Waterworks and the five members of the Board of Water Commissioners shall be officers of the municipality in addition to the other officers thereof provided for herein.

Section 193. All water mains hereafter laid in said city by any private person, company, or corporation shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

The rates of compensation for use of water to be collected in said city by any person, company, or corporation, other than the Board of Water Commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the Council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

That the title of section forty seven of the charter be amended to read as follows:

Board of Education, Board of Directors of the Los Angeles Public Library; Board of Health; Board of Police Commissioners, Board of Fire Commissioners; Board of Park Commissioners; Board of Water Commissioners.

That the title of section fifty-one of the charter be amended to read as follows:

Superintendent of Waterworks and Water Overseer.

That section fifty-one of the charter be amended to read as follows:

Section 51. The Superintendent of Waterworks and the Water Overseer shall have such powers and perform such duties as the Board of Water Commissioners shall prescribe

That section sixty-six of the charter be amended to read as follows:

Section 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed, or otherwise provided for.

That section two hundred and nine of the charter be amended to read as follows:

Section 209 Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its committee on finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of two thirds of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred and thirteen and one half, and to read as follows:

Section 213½ All demands payable out of the water revenue fund must be presented to the Board of Water Commissioners, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Water Commissioners, by a vote of three members thereof, taken with the ayes and noes spread upon the minutes, and the action of said board must be indorsed on said demand and signed by the president and secretary thereof, or, in the absence of the president, by two members and the secretary thereof After the approval of said demands by the Board of Water Commissioners, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of the water revenue fund, as are prescribed for other demands; *provided*, that in case that the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Water Commissioners, instead of to the Council.

That section two hundred and fourteen of the charter be amended to read as follows:

Section 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote taken and recorded and indorsed in the same manner as required by section two hundred and nine hereof, the said objections shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand, the objection to which of the City Auditor has been overruled by the Council, the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred and twenty-two of the charter be amended to read as follows:

Section 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in

part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

That section sixty of the charter be amended to read as follows:

Section 60. The Mayor, City Auditor, City Treasurer, and each member of the Council, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

The City Council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before such Council, board, or commission, as the case may be, by subpœna, to be issued in the name of said City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the President of the City Council, or the presiding officer of any such board or commission, issue such subpœna in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpœna direct and require the attendance of the witness or witnesses sought to be subpœnaed before the City Council or the respective board or commission requiring the issuance of said subpœnas at a time and place to be in said subpœnas specified.

The Chief of Police shall cause all such subpœnas to be served by some member of the Police Department upon the person or persons required to attend before the Council or board or commission in such subpœnas designated.

The City Council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpœnas, and the refusal of witnesses to testify before such Council, board, or commission when required so to do.

That section eighty-two of the charter be amended to read as follows:

Section 82. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain such library, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

That section eighty-three of the charter be amended to read as follows:

Section 83. The Mayor shall, immediately after his qualification under this charter, appoint, subject to confirmation by the Council, a board of five directors of said library, who shall serve without compensation and be known as "The Board of Directors of the Los Angeles Public Library." They shall be chosen from the citizens at large, without regard to sex or political opinions, but with reference to their fitness for said office, and no member of the City Council shall be a member of said board.

That section eighty-four of the charter be amended to read as follows:

Section 84. Said directors shall hold office for four years, and until their successors are appointed and qualified. Those first appointed shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

That section eighty-five of the charter be amended to read as follows:

Section 85. Said directors shall, immediately after their appointment, meet and organize by the election of a president from among their number, and they may appoint the Librarian or any employé of the Library Department to act as clerk of the board. Such clerk shall keep a record and full minutes in writing of all their proceedings and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

That section ninety-one of the charter be amended to read as follows:

Section 91. The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section ninety-three of the charter be amended to read as follows:

Section 93. The Police Department shall consist of the Chief of Police and as many subordinate officers and such policemen and detective officers and employés as the Council shall, by ordinance, determine All appointments and removals in the Police Department shall be made by the Board of Police Commissioners, subject to such civil service regulations as are now or may hereafter be in force.

That section ninety-four of the charter be amended to read as follows:

Section 94 The salaries of members and employés of the Police Department not herein elsewhere provided for shall be fixed by the Council by ordinance.

That a new section be added to the charter to be known as section ninety-five *a*, and to read as follows:

Section 95*a*. The Board of Police Commissioners shall have power to grant permits, under and in conformity to the ordinances of said city, authorizing the City Clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

That section one hundred and seven of the charter be amended to read as follows:

Section 107. The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified, *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and nine of the charter be amended to read as follows:

Section 109 The Fire Department shall consist of a Chief Engineer and Assistant Chief Engineer, a secretary of the department, and as many engineers of the first class, engineers of the second class, relief engineers, captains of the first class, captains of the second class, lieutenants, drivers of the first class, drivers of the second class, drivers of the third class, tillermen, hosemen, laddermen, drivers of supply wagons, and other employés as the Council may, by ordinance, from time to time, determine to be necessary. All appointments and removals in the department shall be made by the Board of Fire Commissioners, subject to such civil service regulations as are now or may hereafter be in force

That section one hundred and ten of the charter be amended to read as follows.

Section 110 The salaries of all officers and employés of the fire department, not herein elsewhere provided for, shall be fixed by the Council, by ordinance.

That section one hundred and fourteen of the charter be amended to read as follows:

Section 114 The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Park Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and twenty of the charter be amended to read as follows:

Section 120 There is hereby established in and for the City of Los Angeles a department to be known as the Board of Health, to consist of five members, viz: The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed without regard to their political opinions, by the Mayor, subject to confirmation by a majority of the Council Three of said citizens shall be physicians in good standing and graduates of some reputable medical college

That section one hundred and twenty-four of the charter be amended to read as follows:

Section 124. The board shall appoint and, for good cause, may remove, a health officer who shall also act as City Physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college and shall have practiced medicine at least seven years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine He must reside within the city limits and devote his entire time to the duties of his office. The board shall appoint all assistants to said health officer, and all employés in the Health Department, the number of such assistants and employés and their compensation to be fixed from time to time by ordinance

That Articles XIV, XV, XVI, and XVII of the charter be repealed; *provided, however*, that such repeal shall not affect any proceedings that may be pending under any of said articles at the time this amendment goes into effect.

That the city charter be amended by adding thereto two new sections, to be known as sections one hundred and ninety-eight *a*, and one hundred and ninety-eight *b*, and to read as follows:

Section 198*a*. *The Initiative.* Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the city, equal in number to the

percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Council shall either:

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of section one hundred and ninety-eight *b* of this charter); and if the ordinance shall be passed by the Council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the Council, then, within five days after determination that said ordinance shall have so failed of final adoption, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(*b*) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people

If the petition be signed by electors equal in number to at least five per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance) If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of six months.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended, accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least ten days prior to the election, but the City Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

Section 198*b* *The Referendum.* No ordinance passed by the City Council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the

same is not entirely repealed, the Council shall submit the ordinance as is provided in section one hundred and ninety-eight *a* of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section one hundred and ninety eight *a*, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided

That there be added to the charter a new section, to be known as section one hundred and ninety-eight *c*, and to read as follows:

Section 198*c* *The Recall.* The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That section two hundred and twenty-three of the charter be amended to read as follows:

Section 223. The indebtedness of said city must not exceed the sum of five million dollars, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the Constitution and general laws

That a new article be added to the charter, to be known as Article XXIII, to read as follows:

ARTICLE XXIII.

Section 229 Immediately upon the adoption of this article, the Mayor shall appoint, subject to confirmation by the Council, five persons known by him to be devoted to the principles of civil service reform, who shall constitute and be known as the Board of Civil Service Commissioners. They shall serve for the term of four years and without compensation. They shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years, and two at the end of four years. Three commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be made by the Mayor, subject to confirmation by the Council, and shall be so

made that not more than three members shall at the same time be members of the same political party. Said commissioners shall hold no other office or public employment.

Section 230. The Mayor, with the consent of the Council, may remove any commissioner for incompetency, neglect of duty, or malfeasance in office.

Section 231. Said commission shall classify all the offices and places of employment mentioned in section two hundred and thirty-nine of this article with reference to the examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of said city; and no appointment to any such offices or places shall be made, except under and according to the rules hereinafter mentioned.

Section 232. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

Section 233. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Section 234 All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate shall include tests of physical qualifications, health, and manual skill No question in any examination shall relate to political or religious opinions or affiliations The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication, for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe.

Section 236. From the examinations made by the commission, the commission shall prepare a register in each grade or class of position in the classified civil service of the city, of the persons whose general average standing upon examination for such grade of class is not less than the minimum fixed by the rule of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by examination, without reference to priority of the date of examination.

Section 237. The commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination, and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Section 238 The head of the department in which a position classified under this article is to be filled shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. One of the candidates thus certified shall thereupon be appointed by said head of such department or officer and be employed on probation for a period to be fixed by said rules, but said rules shall not fix such date at exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of a department or office in which the candidate is employed, may discharge him upon assigning in writing his reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe,

make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provision of this article, can be made.

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

The Department of the City Clerk,
The Department of Electricity,
The Fire Department,
The Treasurer's Department,
The Tax Collector's Department,
The Police Department,
The Auditor's Department,
The Assessor's Department,
The Health Department,
The Department of Building,
The Waterworks Department,
The Public Library,
The Park Department,
The City Engineer's Department,
The Street Department,
All departments of public utilities,
All other employés of the city,

*Provided*, that the following shall be exempt therefrom, to wit:

All officers elected by the people,
All members of the different boards and commissions,
The Mayor's clerk,
The Chief of Police and his secretary,
The chief deputy of the Treasurer,
The chief deputy and cashier of the Tax Collector,
The chief deputy of the City Engineer,
The chief deputy of the Auditor,
The City Superintendent of Schools and his deputies and teachers,
The assistants and stenographers of the City Attorney,
The City Prosecutor and the Assistant City Prosecutor,
The Librarian,
The Superintendent of Parks,
The secretary of the Park Commission,
The secretary of the Police Commission,
The Superintendent of Buildings,
The Humane Officer,
The Chief Engineer of Fire Department,
The Superintendent, Water Overseer, auditor, and cashier of the Waterworks Department,
All physicians appointed on or by the Board of Health,
All officers of election,
The Police Surgeon,
And all unskilled laborers employed by the day.

Section 240. The members of the police force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 241. The members of the fire force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 242. No officer or employé in the classified civil service of this city other than one belonging to the police force or fire force, who shall have been appointed under said rules, and after said examination, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the Civil Service Commission. The finding and decision of such commission shall be final and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this article shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission shall have power to administer oaths, and shall have the power to secure by its subpœna both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation for any cause. Nothing in this section shall be construed to require such charges or investigation in case of unskilled laborers.

Section 243. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission

Section 244 The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Section 245. Said commission shall make an annual report to the Mayor for transmission to the Council. The Mayor may require a special report from said commission at any time.

Section 246. Said commission shall appoint a secretary, whose duty it shall be to keep minutes of its proceedings and a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Section 247. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Section 248. The Council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat, and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

Section 249. No officer or other person shall willfully or corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed, or promoted.

Section 250. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employé shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion.

Section 251. The commission shall certify to the Auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation, or death, and all findings that a person shall be discharged from the classified civil service.

Section 252. The Auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employé of such city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the Auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service

Section 253. All officers and employés, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein All officers and employés, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during a period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

Section 254. The City Council of the City of Los Angeles shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

AND WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, in "The Los Angeles Daily Journal," said publication ending on the 20th day of October, 1902; and

WHEREAS, Thereafter the City Council of said city did, by an ordinance known as Ordinance No. 7685 (new series), which was duly adopted on the 17th day of November, 1902, order the holding of a general municipal election in said City of Los Angeles, on the 1st day of December, 1902 (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election; which said ordinance was approved by the Mayor of said city on the 17th day of November, 1902, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

WHEREAS, At said election more than three fifths of the qualified electors voting thereat voted in favor of the ratification of, and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The City Council of said City of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that more than three fifths of such qualified electors voting at such election had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without

power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California;

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to, the said charter of said City of Los Angeles.

Senate Concurrent Resolution No. 4 read.

Mr. Carter moved that the Assembly concur in the adoption of Senate Concurrent Resolution No. 4.

The ayes and noes was demanded by Messrs. Stanton, Johnson, and Brown.

The question being, "Shall the Assembly concur in the adoption of Senate Concurrent Resolution No. 4?"

The roll was called, and the Assembly concurred therein by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—Messrs. Brown, Howard, Johnson, Mott, and Olmsted—5.

Mr. John moved that the Assembly do now consider Senate Joint Resolution No. 4.

So ordered.

SENATE JOINT RESOLUTION NO. 4.

Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp.

WHEREAS, The Nacimiento Ranch, in San Luis Obispo and Monterey counties, has been selected by the War Department for a military instruction camp; and

WHEREAS, But one such camp has been ordered to be established on the Pacific Coast; therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That we respectfully instruct our Senators and request our Representatives in the Congress of the United States, to use all honorable means to secure such appropriation at this session of Congress;

*Resolved*, That the Secretary of the Senate be directed to forward a copy of this resolution, by telegraph, to our Senators and Representatives in Congress.

Resolution read.

Mr. John moved that the Assembly concur in the adoption of the resolution.

Motion carried.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Higgins: Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Pann: Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections

thereof, repealing certain other sections, and adding certain sections thereto.

Read first time, and referred to Committee on County and Township Governments.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary conditions of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

Also: Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State and to property exempt from taxation.

Also: Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Also: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Also: Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

AMERIGE, Chairman

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Prescott: Assembly Bill No. 458—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to salaries of city officers and boards of trustees.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Mondays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 460—An Act to establish the fees of jurors in criminal cases in justices' and recorders' courts.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 461—An Act to prohibit piece work.

Read first time, and referred to Committee on Judiciary.

By Mr. King: Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Dunlap: Assembly Bill No. 463—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 464—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered

as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 465—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read first time, and referred to Committee on Judiciary.

By Mr. Brown: Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 467—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*; under a new Article to be numbered XIII, to be added to Chapter II, Title I, Part III, of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Read first time, and referred to Committee on Judiciary.

By Mr. Burgess: Assembly Bill No. 468—An Act providing for the inspection and manner of inspection of mineral and petroleum oils; the appointment of an Inspector of Oils and deputy inspectors; their oath and bond; fees; keeping of record of inspections; annual report of inspector; penalty for sale of uninspected oils; for using false brands; penalty for selling casks without defacing brands; penalty for adulteration of such oils; responsibility of dealers in such oils; duties of inspector and deputies as to violations of this law; inspectors and deputies not to traffic in such oils; liability of inspector and deputies for damages.

Read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Barnes: Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Read first time, and referred to Committee on Ways and Means.

By Mr. Hart: Assembly Bill No. 470—An Act to require all persons and corporations engaged in supplying gas and electricity for domestic lighting and heating, and water for domestic purposes, to provide and maintain, without cost to consumers, the most improved and effective meters and appliances for measuring, regulating, and controlling the delivery of gas and electricity for domestic lighting and heating, and water for domestic purposes; and providing a penalty for any violation of this Act.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 471—An Act to amend Section 2457 of Article VI of the Political Code, providing for an increase in the num-

ber of pilots for the ports of San Francisco, Mare Island, Vallejo, and Benicia, and repealing all Acts and parts of Acts in conflict therewith.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 472—An Act to amend Section 2440 of Article V of the Political Code, providing for an increase of two in the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, Vallejo, and Benicia, and repealing all Acts and parts of Acts in conflict therewith.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Duryea: Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book No. 1, at page 570, in the Superior Court of the County of Placer.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 7, 1889.

Read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries to collect and import into this State, for general distribution, parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Bangs: Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read first time, and referred to Committee on Claims.

By Mr. McKenney: Assembly Bill No. 478—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Read first time, and referred to Committee on Claims.

By Mr. Barber: Assembly Bill No. 481—An Act providing for the loaning of books and documents in the State Library, and for the establishment of traveling libraries.

Read first time, and referred to Committee on State Library.

By Mr. Fisk: Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Also: Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Walker: Assembly Bill No. 486—An Act to amend Sections 1, 4, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation"; became a law under constitutional provision, without Governor's approval, February 27, 1901.

Read first time, and referred to Committee on Public Health and Quarantine.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Dorsey moved to recall Assembly Bill No. 141 from Committee on Judiciary and refer to Committee on Labor and Capital.

So ordered.

Mr. Johnstone moved to recall Assembly Bill No. 133 from Committee on County and Township Governments and refer to Committee on Roads and Highways.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. McCartney:

WHEREAS, Various bills have been referred to the following named committees of this House, to wit: Committees on Public Buildings and Grounds, State Hospitals and Asylums, and State Prisons and Reformatory Institutions, calling for various and large appropriations of money for buildings, improvements, betterments, and maintenance thereof; and

WHEREAS, This House has for the purpose of ascertaining the needs and requirements of the said State institutions, and has for the further purpose of ascertaining such knowledge, information, and condition of the said State institutions, granted leave of absence to the above-mentioned committees to visit the said State institutions and ascertain for this House all information, if any there be, concerning the said institutions as is in the reasonable province of the said committees to gather and ascertain for the guidance and information of the members of this House upon a vote on the said bills calling for appropriations; and

WHEREAS, The expenses incurred by the said committees is to be met and paid out of the Contingent Fund of this House and made a public charge; therefore, be it

*Resolved by this House*, That each of the said committees so granted leave of absence, or any other committee of this House that may hereafter be granted a leave of absence to visit the institutions of this State, or for any other purpose, be and they each are hereby directed to submit a report, in writing, to and for the benefit of this House within five days after their return from such visit or visits to the said State institutions, containing all information, general condition, needs and requirements of the State institutions so visited, or any other matter of interest to this House, accompanied with a recommendation naming the least amount of the appropriation or appropriations asked for in any bills presented to this House that will meet the requirements of the respective State institution or State institutions so visited.

Mr. McCartney moved the adoption of the resolution.

Resolution adopted.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Johnson moved that Assembly Bill No. 18 be recalled from Committee on Judiciary and referred to Committee on Ways and Means, and that Assembly Bill No. 310 be recalled from Committee on Judiciary and referred to Committee on Education.

So ordered.

RECESS.

At twelve o'clock and twelve minutes P. M., on motion of Mr. Greer, the Assembly took a recess until two o'clock and fifteen minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and fifteen minutes P. M. Speaker Fisk in the chair.

RESOLUTION—(OUT OF ORDER).

By Mr. Boisson:

WHEREAS, A bill to create a Board of Harbor Commissioners for the Bay of San Diego and to grant important franchises for a term of years, has been referred to the Committee on Commerce and Navigation;

*Resolved*, That the members of the Committee on Commerce and Navigation be and they are hereby authorized to visit San Diego for the purpose of intelligently investigating this important proposition, and that the members of said committee are hereby granted leave of absence for said purpose.

Resolution read.

Mr. Boisson moved the adoption of the resolution.

The question being upon the adoption of the resolution.

The roll was called.

Pending roll call, at two o'clock and twenty-five minutes P. M., Mr. Traber moved a call of the House.

So ordered.

CALL OF THE HOUSE.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—70.

At two o'clock and twenty-seven minutes P. M., Mr. McMartin moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At two o'clock and twenty-nine minutes P. M., Mr. Brown moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

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

AYES—Messrs Allen, Barber, Barnes, Bates, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Duffey, Dunbar, Duryea, Ells, Foster, Greer, John, Johnson, Kerrigan, Killingsworth, King, Leminger, Lumley, Mahany, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pyle, Rolley, Siskron, Soward, Stanton, Traber, Transue, Walker, Waste, and Mr Speaker—44.

NOES—Messrs. Amerige, Bangs, Black, Brown, Camp, Drew, Dunlap, Finn, Goodrich, Hart, Houser, Howard, Johnstone, Kelso, Knight, Lewis of Riverside, Mattos, McConnell, McMahon, Mott, Murphy, Pann, Prescott, Stansell, Susman, and Walsh—26.

RESOLUTIONS—(OUT OF ORDER).

By Mr. McMartin:

WHEREAS, The City and County of San Francisco, by reason of the special character of its charter and government, its varied industries, commercial importance, wealth, large and increasing population, and its cosmopolitan characteristics, is necessarily and properly the subject of much special and local legislation;

WHEREAS, A large number of measures looking to such legislation will necessarily come up for consideration in this Assembly;

WHEREAS, It is to be desired that all such matters be given deliberate and concerted study and consideration by the members of this body representing the eighteen Assembly Districts within said City and County, to the end that the consensus of opinion of said members concerning such measures, they being most interested and in the best position to judge of the merits of the measures, may be officially recorded from time to time during the progress of such measures through this Assembly, for the information and guidance of the members generally; and

WHEREAS, Without authorized and properly regulated organization these objects can not be satisfactorily accomplished; therefore be it, and it is hereby

*Resolved*, That a new rule, to be numbered 78, be added to the Standing Rules of this Assembly, to read as follows:

Rule 78. In addition to the standing committees of this Assembly provided for in Rule 26, there shall be a committee to be known as "The San Francisco Delegation." Said committee shall be composed of all the members of this Assembly from the Twenty-eighth to the Forty-fifth Assembly Districts, both inclusive. There shall be referred to said committee for its consideration and recommendations, all such measures as in the opinion of the Speaker or the House directly and specially affect the City or the City and County of San Francisco, or the people thereof, and affect other peoples or places in this State indirectly and incidentally only. Said reference may be made, either in the first instance or after report thereon by other committees to which previous reference may have been made. Such reference, after previous report, shall be made within two days after previous report, if at all, unless delayed pending a decision upon a motion or resolution or other proceeding having for its object a determination as to whether or not such reference shall be made. In the event of any such reference after previous report, the measure so reported shall retain its place on file pending report thereon by said committee hereby created; and any such measure may be recalled from such committee at any time by a majority vote of the House.

Resolution read and referred to Committee on Rules.

By Mr. Pyle:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of Clio Lloyd, Chief Clerk, for $60, to pay for postage and expressage, and the State Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Pyle moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—72.

NOES—Mr. Copus—1.

By Mr. Carter:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant on the State Treasurer in favor of the Chief Clerk of the Assembly against the Contingent Fund of the Assembly for the sum of $615 in payment of bills for thirty-five copies of Henning's Constitution and eighty-five copies of Fairall's Criminal Law and Procedure, and the State Treasurer is hereby directed to pay the same.

Resolution read.

Mr. Carter moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—70.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Fisk: Assembly Bill No. 487—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Referred to Committee on Constitutional Amendments.

By Mr. Susman (by request): Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Allen: Assembly Bill No. 489—An Act making an appropriation of $22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Burgess moved that Assembly Bill No. 468 be recalled from Committee on Mines and Mining Interests and referred to Committee on Judiciary.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Houser:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he hereby is authorized, empowered, and directed to purchase for the use of the Committee on Revision and Reform of Laws, one copy of Deering's Annotated California Codes (five volumes). The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Assembly, and the Treasurer is directed to pay said warrant.

Resolution read.

Mr. Houser moved that the resolution be referred to Committee on Ways and Means.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Goodrich: Assembly Bill No. 490—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, providing what persons are competent to serve as executors, and what persons are entitled to letters of administration, with the will annexed, and in what order they are entitled.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 491—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which and to whom letters of administration upon the estate of a deceased person may be issued; and further relating to the method of identification of certain persons interested in such estates.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 492—An Act to repeal Section 1379 of the Code of Civil Procedure of the State of California, relating to the granting of letters of administration to certain persons, and providing the means of proving the identity of certain persons interested in the administration of the estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 493—An Act to amend Article 6 of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public schoolhouse.

Read first time, and referred to Committee on Public Morals.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Bliss:

*Resolved*, That for and by reason of services rendered Sergeant-at-Arms of the Assembly by John Kofod at the request of the Sergeant-at-Arms during and since the organization of the Assembly (January 5th to January 23d, both inclusive, nineteen (19) days at three (3) dollars per diem), he, the said John Kofod, is hereby entitled to the sum of fifty-seven (57) dollars, and the Controller is hereby directed to draw his warrant for said amount in favor of John Kofod, payable out of the appropriation for contingent expenses.

Resolution read, and referred to Committee on Attachés and Employés.

Also:

*Resolved*, That the following named person be and he is hereby elected an attaché of the Assembly, to serve during the thirty-fifth session, pay beginning January 5, 1903. Said attaché shall serve in the capacity indicated, and receive the per diem named for such position, which shall be paid out of the fund provided for contingent expenses of the Assembly, payment to be made in the same manner as the statutory officers of the Assembly are paid: John Kofod, Porter to Sergeant-at-Arms, $3.

Resolution read, and referred to Committee on Attachés and Employés.

By Mr. Camp:

*Resolved*, That the Committee on Revision and Reform of Laws be directed that until the further order of the House they report only bills amending the Code of Civil Procedure.

Resolution read.

Mr. Camp moved the adoption of the resolution.

Resolution adopted.

By Mr. Traber:

*Resolved* That the Assembly Files, Assembly Journals, and Senate Files of the members of the Assembly be left on the desks of the members until 4:30 P. M. of each legislative day, and that the Superintendent of Bill Filers be instructed so to leave them.

Resolution read.

Mr. Traber moved the adoption of the resolution.

Resolution adopted.

By Mr. Waste:

*Resolved*, That the History Clerk be and he is hereby allowed the sum of ten (10) dollars for postage, to be used in mailing the Assembly Daily History to such persons as may request the same. Said sum to be paid out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Waste moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Barnes, Bates, Burgess, Ells, Goodrich, Hart, Higgins, Johnson, Killingsworth, McKenney, Mott, Pyle, Snyder, Stanton, Transue, Waste, Weger, and Mr. Speaker—20

NOES—Messrs. Bangs, Black, Brown, Camp, Copus, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Duryea, Finn, Foster, Howard, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Traber, and Walker—40.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the name of C. H. Mallory be and it is hereby substituted for that of

H. S. Rhinehart, as Assistant Bill Filer of this Assembly, and that the latter's name be stricken from the roll of attachés.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLACK, Chairman.

Mr. Black moved the adoption of the committee report.

Report adopted.

The question being upon the adoption of the resolution embraced in the report.

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

AYES—Messrs Allen, Barnes, Bates, Black, Brown, Burgess, Camp, Copus, Cromwell, Drew, Duffey, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leminger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Transue, Walker, Waste, and Mr. Speaker—52.

NOES—Messrs. Amerige, Bangs, Covert, Dunbar, Snyder, and Weger—6.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Knight: Assembly Bill No. 496—An Act to amend Section 130 of the Civil Code, relating to divorce.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 497—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Read first time, and referred to Committee on Judiciary.

MOTION.

Mr. Duryea moved that when the Assembly adjourn it be until eleven o'clock A. M., Monday, January 26, 1903.

Mr. Mattos moved to amend that it be to ten o'clock A. M., Saturday, January 24, 1903.

Amendment adopted.

The question recurring on the motion as amended.

Motion carried.

LEAVE OF ABSENCE.

Mr. Duffey asked for and was granted leave of absence until Tuesday, January 27, 1903.

MOTION.

Mr. Knight presented the oath of office of Mr. Gleeson, and moved that it be printed in the Journal.

So ordered.

OATH OF OFFICE.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO, } ss.

Wm. H. Gleeson, being duly sworn, deposes and says that he is a member of the present Assembly in Sacramento, from the Thirty-fourth Assembly District in the City and County of San Francisco, State of California.

WM. H. GLEESON.

Subscribed and sworn to before me, this 21st day of January, 1903.

[SEAL] A. K. DAGGETT,
Notary Public in and for the City and County of San Francisco, State of California.

MOTION.

Mr. Knight moved that Mr. Gleeson be excused for past absence.
So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and requested to purchase matting and carpet for foyer of Assembly chamber.

Resolution read.
Mr. Johnson moved the adoption of the resolution.
Resolution adopted.

ASSEMBLY SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Passed on file.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Read second time, and considered engrossed.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 375.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.
Assembly Bill No. 375 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session—and do now report and recommend that the same do pass.

FISK, Chairman.

Committee report adopted.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 375 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requir-

ing that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Transue, Walker, Waste, Weger, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 375 read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Transue, Walker, Waste, Weger, and Mr. Speaker—56.

NOES—None.

Title read and approved.

THIRD-READING FILE.

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Burgess, Camp, Carter, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Walker, and Waste—50.

NOES—Messrs. Amerige, Brown, Dorsey, and Mr. Speaker—4.

Title read and approved.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Walker, Waste, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled

"An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Walker, Waste, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Passed on file, and to retain place on file.

Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

Passed on file, and to retain place on file.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Waste, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Traber, Walker, Waste, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Passed on file, and to retain place on file.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Burgess, Camp, Copus, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Walker, Waste, and Mr. Speaker—47.

NOES—Messrs. Brown, Houser, and Stanton—3.

Title read and approved.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

RESOLUTION—(OUT OF ORDER).

By Mr. Higgins:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed not to deliver to any one, except a member of the House, the Chief Clerk, and assistant at desk, bills, files, journals, histories, concurrent resolutions, constitutional amendments, without a written order from a member.

Resolution read.

Mr. Higgins moved the adoption of the resolution.

Resolution adopted.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. McCartney, the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 24, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McMahon, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Waste, and Mr. Speaker—46.

Quorum present.

## LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Traber, Susman, Knight, McMartin, and Copus until Monday, January 26, 1903.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, January 22, 1903, was read, corrected, and approved.

## PETITION.

The following petition, presented by Mr. Bangs, from citizens of the County of Madera, petitioning the Legislature to provide for the election of United States Senators at the polls, was received and ordered printed in the Journal:

*To the Legislature of the State of California:*

We, the undersigned electors of the Commonwealth of California, as direct representatives of the will and wish of the people at the polls expressed, and as directors in our great corporation, the body politic of the State of California, do hereby pray, petition, and demand that you, our chosen spokesmen, the honorable Legislature of California, shall by resolution, memorial, or otherwise, make known and emphasize the fact to the Congress of the United States and the world that we, the people of the State of California, for the sake of pure and just government—to avoid deadlocks and the withering suspicions of corruption—do petition as a matter of right and justice to every citizen under the Constitution of the United States, that the equal representation of the State of California in the United States Senate may be maintained and that our United States Senators be chosen at the polls instead of holding as appointees of the Legislature or of the Governor of said State of California:

R. R. Fowler, District Attorney; W. M. Conley, Judge; W. B. Thurman, Sheriff; C. F. Bonner, Assessor; W. C. Ring, County Recorder; W. M. Amer, County Treasurer; E. J. Leonard, Recorder; A. S Honeycutt, Auditor; C. F. Preciado, Tax Collector; R. C. Jay, Coroner and Public Administrator; John M. Jones, Sheriff; Raleigh E. Rhodes, Attorney-at-Law; Geo. A. Clark, Editor Madera Tribune; W. C. Wallace, Attorney-at-Law; James E. Nugent, Editor Madera Times; W. H. Larew, Attorney-at-Law; E. E. Vincent, Madera Mercury; Thomas P. Cosgrave, Madera Mercury, G. G. Parsons, Postmaster; E. E. Wilcox, County Auditor; J. T Conley, Court Reporter; Leonard B. Fowler, Attorney-at-Law; Geo. G. Goucher, Attorney-at-Law, and ex-State Senator; W.

E. Phillips, Pastor M. E. Church South; C. J. Eubanks, County Clerk; George Teaford, Supervisor; S. Sledge, Supervisor; W. A. Ellis, Supervisor, F. D. Brown, Supervisor, and D. B. Fowler, Supervisor—all of Madera County, California.

RESOLUTION.

By Mr. Howard:

*Resolved*, That the Sacramento Valley Development Association, in convention assembled, favor an appropriation by the Legislature of $150,000 for the proper representation of California at the Louisiana Purchase Exposition at St. Louis, 1904.

*Resolved*, That we favor a bill providing for the appointment of three non-partisan Commissioners, representing the different interests of the State, coming from different sections of the State. That such Commissioners shall receive no salaries, but shall be paid their actual traveling expenses when engaged upon the work of the commission, not to exceed in the aggregate $1,500 for each Commissioner. That said commission shall have full power and authority to collect, mount, and provide for an exhibition of every product of California; and that they shall have full power to employ such assistance as may be necessary for the collection and exhibition of a California exhibit; and be it

*Further resolved*, That said commission shall report their proceedings, giving an itemized account of their expenditures to the Governor annually, and from time to time whenever required by the Governor.

Adopted at a meeting of the Sacramento Valley Development Association held at Sacramento, January 20, 1903.

F. E. WRIGHT, Secretary.

Resolution read, and ordered printed in the Journal.

PETITION.

The following petition from the Federation of Women's Improvement Clubs of the Sacramento Valley was presented by Mr. Howard, and, on motion of Mr. Johnson, ordered printed in the Journal:

*To the Honorable Senate and Assembly of the State of California:*

Your memorialist, the Federation of Women's Improvement Clubs of the Sacramento Valley, most respectfully represents to your honorable bodies that it is painfully apparent that the majority of the young women along the ordinary walks of life must enter upon its requirements without an opportunity to become proficient in the things that will be required of them. There are some avocations, such as typewriting, stenography, nursing, etc., open to the sex, but these require more education and more opportunities than all can attain or have; and besides, the field is exceedingly limited. There are things more in line with women's work, such as domestic economy, housekeeping, cooking, dressmaking, tailoring, millinery, floriculture, etc, that the State might provide means for girls to learn, and which afford an unlimited field. Your memorialist maintains that every young woman, rich or poor, should know how to do something useful, something that will help her solve, if need be, the question of bread and butter, and which fits her for the greatest of all the duties of women, the rearing of a family; and your memorialist further holds that it is the duty of the State to provide some place at which the requirements of these things may be in the reach of all

Your memorialist, therefore, prays that your honorable bodies take up the matter, examine into the necessities of the case, see what other States have done in this line, and finally establish a school at which girls may not only acquire a knowledge of the text-books, but may learn one or more of the industrial arts, and that it may be so arranged that any girl may work her way through the school if she so desires.

And your memorialist, as in duty bound, will ever pray.

The above memorial was presented to the Sacramento Valley Development Association at its meeting held at Sacramento January 20, 1903, and the same was indorsed.

F. E. WRIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARNES, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 4—Relative to about 7,000,000 acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserves, and requesting investigation before making the reserves permanent—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

Also: Assembly Joint Resolution No 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Pyle moved that Assembly Bill No. 114 be recalled from Committee on Labor and Capital and re-referred to Committee on Judiciary.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 64—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Also: Assembly Bill No. 82—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Also: Assembly Bill No. 197—An Act to amend Section 626 of the Penal Code, relating to the preservation of game.

Also: Assembly Bill No 198—An Act to amend the Penal Code, by adding a new section thereto, to be known as 626*a*, relating to the preservation of game.

Also: Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, but recommend the adoption of a substitute for all of said bills, which is hereby presented.

ELLS, Acting Chairman.

Mr. Johnson moved the adoption of the report of the committee.

Mr. Soward moved to amend by making the matter a special order for Monday, January 26th, immediately after the reading of the Journal.

Amendment lost.

The question being upon the adoption of the report of the committee.

Report adopted.

INTRODUCTION AND REFERENCE OF BILLS.

By Committee on Fish and Game: Assembly Bill No. 498—An Act to amend Sections 626, 626*a*, 625*f*, and 626*h* of the Penal Code of the State of California, all relating to the protection and preservation of game.

Read first time, and ordered on second-reading file.

WITHDRAWAL OF BILLS.

Mr. Johnson asked leave to withdraw Assembly Bill No. 64 and Assembly Bill No. 82.

So ordered.

Mr. Finn asked leave to withdraw Assembly Bill No. 197 and Assembly Bill No. 198.

So ordered.

Ordered that Assembly Bill No. 199 retain its place on file.

## REPORTS OF STANDING COMMITTEES.

### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property, and directing how growing crops may be attached.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901

AMERIGE, Chairman.

### ON WAYS AND MEANS—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 85—An Act to appropriate $8,875.00 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

## INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Waste: Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Fisk: Assembly Bill No. 500—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read first time, and referred to Committee on Ways and Means.

By Mr Allen: Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population and provide for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Read first time, and referred to Committee on Judiciary.

By Mr. Dorsey: Assembly Bill No. 502—An Act relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 503—An Act to amend Section 3050 of the Civil Code of the State of California, relating to liens for service.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 504—An Act to amend Section 300 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. McCartney: Assembly Bill No. 505—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property exempt from execution.

Read first time, and referred to Committee on Judiciary.

By Mr. Fisk: Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read first time, and referred to Committee on Public Buildings and Grounds.

MOTION.

Moved by Mr. Prescott that the minutes of January 22d be corrected as follows:

At page twenty-seven, motion Mr. King, strike out words "Recalled from Committee on Ways and Means, and" and change following word to "re-referred."

At page twenty-seven, in fourth line from bottom, strike out words "Recalled from Committee on Ways and Means, and" and change following word to "re-referred."

At page twenty-eight, in third line, strike out words "Recalled from Committee on Ways and Means, and" and change following word to "re-referred."

Motion carried.

RESOLUTION.

By Mr. Stanton:

WHEREAS, The Sunset Telephone and Telegraph Company, a corporation formed and existing under the laws of the State of California, is regarded as a common carrier controlling the transmission of communications by telephone throughout the State, and are amenable to the law for failure to comply with the requirements of their said articles of incorporation; and

WHEREAS, By the said articles filed September 26, 1883, and by amended articles filed April 27, 1889, it was expressly provided that the telephone and telegraph lines of said corporation were to be constructed and supplied with "all modern appliances and improvements"; and

WHEREAS, The service rendered the public by said corporation instead of being a public convenience has developed into a public nuisance, causing great loss of time, and, where depended upon for prompt transmission of messages, entailing financial loss to the business world, and seriously jeopardizing all legitimate business pursuits, which depend in a great measure for adequate and proper service from the said corporation; and

WHEREAS, This lack of service on the part of the said corporation tends to the belief that said corporation has not complied with the requirements of said articles of incorporation, but have wholly failed to construct and supply their said lines of telephone and telegraph with all modern appliances and improvements, and render service that is an imposition upon the public and a disgrace to the State; and

WHEREAS, The said service is not in any way commensurate with the high tolls charged by said corporation, and said corporation treats with evasion and indifference all complaints made by the public and users of their telephone and telegraph lines, and there is an imperative demand and wholesome necessity for investigation of the affairs and plants of said corporation in order that the citizens of this State may be protected in their rights; therefore, be it

*Resolved*, That a select committee of five members of the Assembly be appointed by the Speaker to immediately and fully, thoroughly, and carefully investigate the plant, apparatus, and affairs of the said corporation, and the complaints of the public arising from lack of service, and report its findings and recommendations to this House, to the end that the business world and public generally may receive service for value given, and that the said committee be authorized to hold sittings in the cities of San Francisco, Los Angeles, and not exceeding three other places in the State, and that it be authorized to have full power to subpœna witnesses, administer oaths, take testimony, send for persons, books, and papers; that a clerk, stenographer, and sergeant-at-arms be assigned to said committee; that said committee have leave to sit during sessions of the Assembly, together with such other powers as shall be necessary for the full performance of its duties.

Resolution read, and, on motion of Mr. Stanton, referred to Committee on Corporations.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Passed on file.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society, for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Camp, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McMahon, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Waste, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Passed on file.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article V of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters

of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McMahon, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Waste, Mr. Speaker—45.

NOES—None.

Title read and approved.

Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McMahon, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Waste, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Passed on file.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Concurrent Resolution No. 5—Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902.

Passed on file.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

On motion of Mr. Johnson, referred to Committee on Judiciary, to retain place on file.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

On motion of Mr. Johnson, referred to Committee on Judiciary, to retain place on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

On motion of Mr. Dunlap, referred to Committee on Ways and Means, to retain place on file.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out line five, Section 1, page two of the printed bill, all after the word "claims," and inserting in lieu thereof the word "done."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 1, page two of the printed bill, after the word "valid," in line nine thereof.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line two of the title the words "Recorders and," and all after the word "claims" in line five of said title.

Amendment adopted.

Assembly Bill No. 55 ordered to print, engrossment, and third reading.

Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Resolution read.

ASSEMBLY JOINT RESOLUTION No. 1.

Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

WHEREAS, There now lies along the watersheds of the Bear and the American rivers in this State vast channels of placer deposits, containing many millions of dollars;

WHEREAS, Titles to said placer deposits were obtained from the Government of the United States by various mining companies, who have expended large sums of money in equipping them to be worked by the hydraulic mining process;

WHEREAS, By decrees of the United States courts these properties have been rendered valueless;

WHEREAS, The California Miners' Association, in convention assembled, has petitioned the Congress of the United States for appropriations of money with which to erect

restraining barriers, by the General Government, having in view the resumption of hydraulic mining; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That we instruct our Senators to cooperate with our Representatives, who are earnestly requested to cause to be inserted in the River and Harbor Bill of the present session an item making an appropriation for the purposes herein contained, and directing the Chief of the Engineer Corps of the United States Army to appoint a Commission of Government Engineers, whose duties it shall be to investigate the business of hydraulic mining along the watersheds of the Bear and American rivers, and estimate the cost for the construction of permanent restraining dams, to be connected with diverting canals for the purpose of permitting the resumption of hydraulic mining, and the filling of the low lands or the reclaiming of the tule lands adjacent to said rivers. Any reports heretofore made under the direction of the Government to be made a part of the report of the commission so appointed, in so far as they may conform to the purposes outlined; *provided*, that any plans or estimates submitted by the engineers shall insure absolute and permanent protection to navigable channels, and to lands and all property interests of the Sacramento Valley, from all possibility of injury through such resumption of hydraulic mining, and from further pollution of the rivers of the valley by clay, mud, or other material resulting from such mining operations.

*Resolved*, That a copy of these resolutions be transmitted by mail to each of our members in Congress, and to each of the members of the House Committee on Rivers and Harbors, and the Senate Committee on Commerce.

Resolution read.

Mr. Snyder submitted the following amendment:

Strike out in lines twenty-three and twenty-four the words "by clay, mud, or other material resulting from such mining operations."

Amendment lost.

The question being upon the adoption of the resolution.

Resolution adopted.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883, said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor."

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericulture station in the County of San Diego, State of California.

Read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making appropriation therefor.

Read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read second time.

The following committee amendment was submitted:

Change "1901" in line eighteen to "1904."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Mr. Soward offered the following amendment:

Strike out the word "five" in line seven and insert instead thereof the word "ten."

Mr. Soward moved that the amendment be printed in the Journal, and that Assembly Bill No. 102 be made a special order for Wednesday, January 28, 1903, immediately after the reading of the Journal.

So ordered.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Passed on file.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend line eleven, Section 1, first page, printed bill, by inserting after the words "to provide" the word "for."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "such paper," on lines twelve and thirteen, Section 4, third page, printed bill, and inserting in lieu thereof the following: "*Provided*, that if the property of the district is situate in more than one county, then the publication shall be made in one paper in each county wherein the same is situate, such paper or papers."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "aforesaid," on line nine, Section 6, fourth page, printed bill, and inserting in lieu thereof the following: "Provided in Section 4."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

On motion of Mr. Johnson, re-referred to Committee on Judiciary.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

That the title be amended by adding at the end thereof the following: "Making the violation thereof a misdemeanor and fixing penalties therefor."

Amendment adopted.

AMENDMENT No. 2.

That the enacting clause be amended by inserting between the words "California" and "in," the word "represented," and by striking out the word "represented" where it occurs after the word "Assembly."

Amendment adopted.

AMENDMENT No. 3.

And that the Act be further amended as follows: In Section 3, line three, after the word "received," insert the words "for any registration made or."

Amendment adopted.

AMENDMENT No. 4.

In Section 3, line five, after the word "person," insert the words "for whom such registration is made or."

Amendment adopted.

AMENDMENT No. 5.

In Section 3, at line seven, after the word "which," insert the word "registration,"

Amendment adopted.

AMENDMENT No. 6.

In Section 4, at line two, after the word "indirectly," insert the words "for registration made or."

Amendment adopted.

AMENDMENT No. 7.

In Section 4, at line six, after the word "person," insert the words "for whom such registration is made or."

Amendment adopted.

AMENDMENT No. 8.

In Section 4, at line seven, after the word "such," insert the word "registration."

Amendment adopted.

AMENDMENT No. 9.

In Section 5, at line two, after the word "respective," insert the word "city."

Amendment adopted.

AMENDMENT No. 10.

In Section 5, at line five, after the word "said," insert the word "city."

Amendment adopted.

AMENDMENT No. 11.

In Section 5, at the end thereof, add the following: "*provided*, that where the license is not a county license, but is collected by a municipal government, then the municipal collector of said tax shall furnish the names and addresses."

Amendment adopted.

AMENDMENT No. 12.

In Section 6, at line three, after the word "for," insert the word "registration."

Amendment adopted.

AMENDMENT No. 13.

In Section 6, at line five, after the word "such," insert the words "registration or."

Amendment adopted.

AMENDMENT No. 14.

In Section 6, at line eight, after the word "contemplated," insert the word "registration."

Amendment adopted.

AMENDMENT No. 15.

In Section 6, at line ten, after the word "such," insert the word "registration."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Read second time.

The following committee amendment was submitted:

Amend the title by inserting after the word "section," in line one, the word "twenty."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

On motion of Mr. Dunlap, re-referred to Committee on Ways and Means.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 142, 98, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90, and 91.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills No. 142, 98, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90, and 91 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9669 upon the register of the Superior Court of Sacramento.

Also: Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento

And do now report the same back, and recommend that they do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment

recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California." numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving also, all money advanced, disbursed and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

On motion of Mr. Johnson, re-referred to Committee on Ways and Means.

Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Passed on file.

Assembly Bill No. 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Passed on file.

Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Passed on file.

Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Passed on file.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Passed on file.

Assembly Bill No. 442—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 449, 472, 476, and repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Passed on file.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Passed on file.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Passed on file.

Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of pendency of civil actions.

Passed on file.

Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Passed on file.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Passed on file.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under, or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Passed on file.

Assembly Concurrent Resolution No. 6—Relative to the charter of Santa Rosa, Sonoma County.

Withdrawn by author.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132 to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read second time.

The following committee amendment was submitted:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Civil Code of California is hereby amended by adding two new sections to Title I, Part I, Chapter II, Article III, to be numbered Sections 131 and 132, to read as follows:

Section 131. In all actions for divorce in which the court shall find that decree for divorce should be granted, the court shall make and cause to be entered in the records of the court such interlocutory order or orders as to the court may seem just and proper, and the court shall make findings of all the facts connected therewith according to the evidence produced upon the trial and conclusions of law, and said findings and conclusions of law shall be signed by the court and shall be filed with the County Clerk, with an order for the entry of judgment in accordance with the conclusions. Within six months after the filing of such order or modification or amendments thereof an appeal may be taken therefrom in the same manner and with the same effect as if final judgment had been entered.

Section 132. No decree of divorce shall be entered in any action until one year after the findings of fact therein have been filed with the County Clerk, nor during the pendency of any such appeal. The court may at any time before six months after the filing of the findings and conclusions of law, but not pending an appeal, modify or amend its findings and interlocutory orders, and may set aside the same, or both, in its discretion. On or after the expiration of one year from the date of the filing of the findings in any action for divorce with the County Clerk, or after the determination of any such appeal and unless such order shall have been reversed on appeal, set aside or a new trial of the action granted, the court may, on motion of either party, make a final decree dissolving the bonds of matrimony existing between the parties to the marriage, and such decree shall restore them to the status of single persons, and permit either to marry after the entry thereof. No appeal shall be had from any such final decree.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force immediately upon its passage

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations.

Passed on file.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district.

Passed on file.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Passed on file.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Passed on file.

Assembly Bill No. 36—An Act to amend Sections 3, 4, 6 and 7 of an Act entitled "An Act to create a Firemen's Relief, Health, and Life Insurance and Pension Fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Passed on file.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read second time, and ordered to engrossment and third reading.

SPECIAL ORDER SET.

Mr. Dunlap moved that Assembly Bill No. 143 be made a special order for Wednesday, January 28, 1903, after the reading of the Journal.

So ordered.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Passed on file.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Passed on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903

MR SPEAKER: Your Committee on Rules and Regulations recommend that Rule 69 of the Standing Rules of the Assembly be amended by adding thereto the following.

There shall be a members' lobby made by erecting a railing with three gates immediately back of the last row of seats, under the direction of the Speaker. The three gates shall be opposite the gates in the first railing, and no person shall be admitted in the space between the two railings except on the written invitation of a member. There shall be a gatekeeper to each of the gates, and the gatekeepers shall go on duty at eight o'clock in the morning, and remain on duty till the close of each day's session Their time on duty shall be arranged by the Committee on Attachés.

The Speaker is charged with the enforcement of this rule.

BROWN, Chairman

MOTION.

Mr. Brown moved that the report be made a special order for Monday, January 26, 1903, immediately after the reading of the Journal.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte

Also: Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a

judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

RESOLUTION—(OUT OF ORDER).

By Mr. Allen:

*Resolved*, That the Hon. Frank J. Murasky, presiding Judge of the Superior Court of the City and County of San Francisco, be and he is hereby authorized to administer the oath of office to Hon. William H. Gleeson and Hon. Frederick Lux, and transmit said oaths of office to the Chief Clerk of the Assembly, said William H. Gleeson and Frederick Lux being prevented from appearing at the bar of the House and taking the oath of office by reason of illness.

Resolution read.

Mr. Allen moved the adoption of the resolution.

Resolution adopted.

ADJOURNMENT.

At twelve o'clock and twenty-two minutes P. M., on motion of Mr. Stansell, the Assembly adjourned until eleven o'clock A. M. of Monday, January 26, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 26, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called.

CALL OF THE HOUSE.

During the roll call, at eleven o'clock and five minutes A. M., Mr. Johnson moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs. Allen, Bangs, Barnes, Baxter, Black, Burgess, Drew, Dunlap, Ells, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, McCartney, McConnell, McMartin, Mott, Murphy, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Susman, Walsh, Waste, and Mr. Speaker—38.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and nine minutes A. M., Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McMahon, McMartin, Mott, Olmsted, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Susman, Walsh, Waste, and Mr. Speaker—49

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

LEAVES OF ABSENCE.

Leave of absence was granted until Tuesday morning, January 27, 1903, to Messrs. Bliss, Brown, and McKenney.

READING OF THE JOURNAL.

On motion of Mr. Panu, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, January 23, 1903, was read, corrected, and approved.

MOTIONS AND CORRECTION OF JOURNAL.

Mr. Prescott moved to reconsider the vote whereby the Journal of Thursday, January 22, 1903, was corrected and approved.

Motion carried.

Mr. Prescott moved that the Minute Clerk correct the minutes pursuant to the resolution adopted on motion of himself on January 24, 1903.

Carried.

Ordered that the Journal of Thursday, January 22, 1903, stand approved, as corrected.

PETITIONS.

The following petition from citizens of Madera County was presented by Mr. Bangs, and ordered printed in the Journal:

*To the Legislature of the State of California*

We, the undersigned, voters of California, believing that the source of all legislative authority for the government of the people of a republic is inherent in the people themselves; that the voters stand in relation to their representatives as principal to agent; that as voters we are the direct representatives of the popular will and guardians of the public welfare; that laws should be framed to meet the demands of the people; and that all class legislation obtainable through the influence of the lobby and all other means of indirection to secure special privilege, should be held under the strictest public surveillance and regarded as foreign to just government "for the people, by the people, and of the people," do hereby petition and pray you, our honorable body of representatives, the Legislature of California, to submit to the qualified electors of California an amendment to the Constitution of the aforenamed State, affirming the right of the people by petition of five per cent of the voters of said State of California to frame such legislation as they may deem just and desirable, as well as to demand a veto vote upon measures passed by future representatives in order to ascertain the will and requirements of the people in regard to questionable legislation, and that said election of laws be held solely and purposely to pass upon the merits of measures of legislation and not for the election of officers, State, county, or otherwise.

Wherefore, we, the undersigned petitioners, the better to have our honorable legislators express the will of the people in the laws which they may enact, and as a means of obtaining wholesome and equitable laws through the agency of our representatives chosen to legislate for our common interests, do hereby petition and pray your honorable body to submit the aforementioned constitutional amendment to ratification or rejection at the polls:

(Signed:) R. R. Fowler, District Attorney; C. F. Bonner, Assessor; W. C. Ring, County Recorder; W. M. Amer, County Treasurer; E. J. Leonard, Recorder; A. S Honeycutt, Auditor; C. F. Preciado, Tax Collector; R. C. Jay, Coroner and Public Administrator; John M. Jones, Sheriff; Raleigh E. Rhodes, Attorney-at-Law; George A. Clark, Editor Madera Tribune; James E. Nugent, Editor Madera Times; W. H. Larew, Attorney-at-Law, E. E. Wilcox, County Auditor; J. T Conley, Court Reporter; Leonard B. Fowler, Attorney-at-Law, Geo G. Goucher, Attorney-at-Law and ex-State Senator; W. E. Phillips, Pastor M E. Church South; W B McElwee, Pastor First Presbyterian Church; S. Sledge, Supervisor; George Teaford, Supervisor; W. A. Ellis, Supervisor; F. D. Brown, Supervisor, and D. B. Fowler, Supervisor—all of Madera County, California.

Mr. Greer presented the following petition from Parlors of the Orders of Native Sons and Native Daughters of the Golden West, and moved that the petition of California Parlor No. 1 be printed in the Journal, together with the names of the many other Parlors that present the same petition, and that said petitions be referred to Committee on Ways and Means.

So ordered.

WHEREAS, An effort will be made at the coming session of the Legislature to secure a suitable appropriation for the purchase of additional ground adjoining Sutter's Fort, in the City of Sacramento, and also for the improvement of the ground surrounding the same; now, therefore, be it

*Resolved*, By California Parlor No. 1, N. S. G. W., that we indorse the proposition and ask the representatives from this county, both in the Assembly and in the Senate, to favor the said proposition and to do all in their power to secure an appropriation for said purpose; be it

*Further resolved*, That a copy of this resolution, certified by the Recording Secretary of this Parlor, be forwarded to each member of the Assembly and Senate from this county.

The above is a full, true, and correct copy of a resolution passed by California Parlor No. 1, N. S. G. W., on the 11th day of December, 1902, and a copy thereof is hereby sent to you, pursuant thereto.

Dated December 11, 1902.

CHAS. A BOLDEMANN,
Recording Secretary of California Parlor No. 1.

[SEAL]

*Native Son Parlors.*

California, Sacramento, Marysville, Stockton, Pacific, Yosemite, Sunset, Santa Rosa, Woodland, Mission, Los Angeles, San Francisco, St Helena, Hydraulic, Auburn, Los Osos, Napa, Watsonville, Invincible, Stanford, Vallejo, Granite, Yerba Buena, Golden Star, Golden Nugget, Santa Lucia, Lassen, Glen Ellen, Eden, San Lucas, Broderick, National, Piedmont, Mountain, Quincy, Gabilan, Alcatraz, San Marcos, Cambria, Sequoia, Washington, Byron, Keystone, Observatory, Menlo, Precita, Olympus, Liberty, Presidio, Athens, Corona, Alder Glen, Marshall, and Twin Peaks.

*Native Daughter Parlors.*

Ursula, Alta, Joaquin, Laurel, Bonita, Marguerite, Eschol, Califia, Santa Cruz, Manzanita, Naomi, Chispa, Camellia, Ruby, Winona, Golden State, Fremont, Mariposa, Dardanelle, Amapola, San José, El Pescadero, Yosemite, Forrest, Piedmont, La Estrella, Woodland, San Miguel, Calaveras, Pine Burr, Copa de Oro, Aloha, Geneva, San Luista, La Bandera, Sutter, Los Pimientos, Visalia, La Vespero, Fern, Reina del Mar, Blue Lake, Monte Robles, Genevieve, and Alta Vallis

SPECIAL ORDER RE-SET.

Mr. Dunlap moved that the special order of to-day be made a special order for Wednesday, January 28, 1903, immediately after the reading of the Journal.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR. SPEAKER: Your Committee on Ways and Means begs leave to submit its report for the two weeks ending January 24, 1903, as follows:

Bills have been referred to this committee as follows:

| | | |
|---|---|---|
| Jan. 19, | Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike | $59,680 00 |
| 19, | Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company | 8,875 00 |
| 19, | Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite | 410 00 |
| 19, | Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner | 4,810 00 |
| 19, | Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard | 1,040 00 |
| 19, | Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor | 3,350 00 |
| 19, | Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum | 2,085 00 |

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| Jan. 19, | Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum | $590 00 |
| 19, | Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W B. Waldron | 3,835 00 |
| 19, | Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W S Hooper | 4,450 00 |
| 19, | Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum | 640 00 |
| 19, | Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer | 460 00 |
| 19, | Assembly Bill No 96—An Act to appropriate $815 to pay the claim of C. A. Weaver | 815 00 |
| 19, | Assembly Bill No 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw | 3,730 00 |
| 19, | Assembly Bill No 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of San Joaquin County, now held by George Hornage | 465 00 |
| 19, | Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans who served honorably during the Civil War | 10,000 00 |
| 19, | Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture, etc., for State Normal School at Los Angeles | 15,000 00 |
| 19, | Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray expenses incident to National Encampment, G. A. R. | 25,000 00 |
| 19 | Assembly Bill No. 231—An Act to appropriate the sum of $1,416.50 for purchase of ballot paper for Secretary of State's office | 1,416 50 |
| 19, | Assembly Bill No 232—An Act to appropriate $2,000 to pay for stationery, fuel, lighting, etc., for Legislature and State officers during remainder of fifty-fourth fiscal year | 2,000 00 |
| 19, | Assembly Bill No. 235—An Act making an appropriation for the purchase of law books for Attorney-General's office for remainder of fifty-fourth fiscal year | 250 00 |
| 19, | Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses, Attorney-General's office, fifty-fourth fiscal year | 600 00 |
| 21, | Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said Society," approved March 25, 1901 | ---------- |
| 21, | Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing Clerk of Supreme Court to employ stenographer, etc. | ---------- |
| 21, | Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage | 500 00 |
| 16, | Assembly Joint Resolution No. 2—Relative to the entertainment of President Roosevelt | 3,000 00 |
| 22, | Assembly Bill No. 339—An Act to reimburse the Durham Fund for moneys borrowed from said fund by the Directors of the Deaf, Dumb, and Blind Asylum | 15,000 00 |
| 22, | Assembly Bill No 368—An Act appropriating money to pay the expenses of maintaining an exhibit at the exhibition at St. Louis in 1904 | 100,000 00 |
| 22, | Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California" | 50,000 00 |
| 22, | Assembly Bill No. 372—An Act to authorize the appointment of a secretary to the Chief Justice of the Supreme Court | ---------- |
| 20, | Assembly Bill No 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co. | 46,980 00 |
| 22, | Assembly Bill No. 374—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit at Exposition at St. Louis in 1904 | 150,000 00 |
| 20, | Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session | 20,000 00 |
| 22, | Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes | 5,000 00 |
| 21, | Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, and making an appropriation to pay the right of way and the cost and expenses of obtaining same | 60,000 00 |

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| Jan. 21, | Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, etc." | ---------- |
| 21, | Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building at Southern California State Hospital, and to make an appropriation for same | $110,000 00 |
| 21, | Assembly Bill No 47—An Act to appropriate $8,000.00 for extension of the laundry building, and to purchase additional machinery, etc., for Southern California State Hospital | 8,000 00 |
| 23, | Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor | 6,757 58 |
| 23, | Assembly Bill No. 390—An Act to appropriate $500.00 to pay the claim of Charles Williams | 500 00 |
| 23, | Assembly Bill No. 400—An Act to appropriate $2,365.00 to pay the claim of the Farmers' Exchange Bank of San Bernardino | 2,365 00 |
| 23, | Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, and appropriating moneys therefor | ---------- |
| | | $727,604 08 |

*Bills Reported Favorably.*

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|---|---|---|
| Jan. 21, | Assembly Bill No. 84 | $59,680 00 |
| 21, | Assembly Bill No. 85 | 8,875 00 |
| 21, | Assembly Bill No. 86 | 410 00 |
| 21, | Assembly Bill No. 87 | 4,810 00 |
| 21, | Assembly Bill No. 88 | 1,040 00 |
| 21, | Assembly Bill No. 89 | 3,350 00 |
| 21, | Assembly Bill No. 90 | 2,085 00 |
| 21, | Assembly Bill No. 91 | 590 00 |
| 21, | Assembly Bill No. 92 | 3,835 00 |
| 21, | Assembly Bill No. 93 | 4,450 00 |
| 21, | Assembly Bill No. 94 | 640 00 |
| 21, | Assembly Bill No. 95 | 460 00 |
| 21, | Assembly Bill No. 96 | 815 00 |
| 21, | Assembly Bill No. 98 | 3,730 00 |
| 21, | Assembly Bill No. 124 | 465 00 |
| 21, | Assembly Bill No. 270 | ---------- |
| 22, | Assembly Bill No. 373 | 46,980 00 |
| 20, | Assembly Bill No. 375 | 20,000 00 |
| 21, | Assembly Bill No. 10 | 60,000 00 |
| 21, | Assembly Bill No. 43 | 110,000 00 |
| 21, | Assembly Bill No. 47 | 8,000 00 |
| 21, | Assembly Bill No. 390 | 500 00 |
| 21, | Assembly Bill No. 400 | 2,365 00 |
| | | $343,080 00 |

*Bills Recalled.*

Jan. 22, Assembly Bill No. 11 ---------- ----------

*Recapitulation.*

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|---|---|
| Total amount of appropriations referred to this committee to date | $727,604 08 |
| Total appropriations reported favorably | 343,080 00 |
| Total appropriations remaining in hands of the committee | 384,524 08 |

Respectfully submitted.

DUNLAP, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR SPEAKER: Your Judiciary Committee, having had under consideration Assembly Bill No. 127—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876—report the same back, and a majority recommend the adoption of one amendment, and that it do pass as amended.

Also: Assembly Bill No 409—An Act to amend the Civil Code by adding an additional section to Chapter XI, Title XI, to be numbered Section 231, relating to adoption—report the same back, and recommend that it do pass.

JOHNSON, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Lumley: Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claims of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Referred to Committee on Constitutional Amendments.

By Mr. McCartney: Assembly Bill No. 508—An Act to amend Section 718 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to lease or leases of town or city lots.

Read first time, and referred to Committee on Judiciary.

By Mr. Higgins: Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled an Act to establish a uniform system of county and township government, relating to the office of County Detective, creating the same and fixing the salary thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Greer: Assembly Bill No. 510—An Act to amend Section 1211 of the Political Code, relating to defective and void ballots.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 511—An Act to amend Sections 1197 and 1205 of the Political Code as amended March 20, 1899, relating to election ballots and manner of voting.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 512—An Act to amend Section 1215 of the Political Code, relating to general restrictions on election officers, voters, and others.

Read first time, and referred to Committee on Election Laws.

By Mr. Houser: Assembly Bill No. 513—An Act creating the office of Public Defender, in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Mott: Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Johnstone: Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read first time, and referred to Committee on Education.

By Mr. Boisson: Assembly Bill No. 516—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 518—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 519—An Act appropriating money to pay the expenses of adequately presenting the resources and progress of the State of California, at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners to take charge thereof.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 520—An Act to repeal an Act entitled "An Act to create and establish a commission for revising and reforming the laws, and for the appointment of the members of the said commission, to be known as the Commission for Revision and Reform of the Laws," etc.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 522—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Knight: Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Read first time, and referred to Committee on Public Health and Quarantine.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1903.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered and known as Sections 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

GREER, Chairman.

ASSEMBLY SPECIAL FILE.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Passed on file.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Passed on file.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make an appropriation for the same.

Passed on file.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Passed on file.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article V of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Passed on file.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of

location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for the retention hereafter by such officers for such services.

Passed on file.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district

Passed on file.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and to provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883, said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor."

Passed on file.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Passed on file.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts; the ascertainment and discharge of their indebtedness, and the distribution of their property.

Passed on file.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Passed on file.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the

Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Passed on file.

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Passed on file.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment

recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Passed on file.

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Passed on file.

Assembly Bill No. 33—An Act to amend the Civil Code, by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Passed on file.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water

supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Concurrent Resolution No. 5—Approving thirteen certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902.

Withdrawn by author.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Passed on file.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Passed on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Passed on file.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Passed on file.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Passed on file.

Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States, all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the twenty-seventh day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Passed on file.

Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Read second time.

On motion of Mr. Johnson, referred to Committee on Judiciary.

MOTION.

Mr. Johnson moved that Assembly Bills Nos. 439, 440, 441, 442, 443, 444, 445, 446, and 447 be referred to Committee on Judiciary.

Motion withdrawn.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

On motion of Mr. Brown, referred to Committee on Judiciary.

Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read second time.

On motion of Mr. Prescott, referred to Committee on Judiciary.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read second time.

MOTION TO POSTPONE.

Mr. Johnson moved that the consideration of Assembly Bill No. 441 be indefinitely postponed.

ADJOURNMENT.

Pending Mr. Johnson's motion, at twelve o'clock and thirty minutes P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 27, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, Waste, and Mr. Speaker—56.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Saturday, January 24, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Also: Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Also: Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

Also: Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP Chairman.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus the State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintift, versus the State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-street wharf in the City and County of San Francisco.

Also: Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Have had the same under consideration, and respectfully report the same back without recommendation (by request of the author).

Also: Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DORSEY, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 239—An Act regulating the hours of service on duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Also: Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALSH, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Board of Supervisors of the

several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 80.125 upon the register of the Superior Court of the City and County of San Francisco

Assembly Bill No 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant

Assembly Bill No 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants, or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art,"

approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

AMERIGE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof

Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

AMERIGE, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Higgins: Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Public Printing.

By Mr. Killingsworth: Assembly Bill No. 525—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read first time, and referred to Committee on Agriculture.

By Mr. McCartney: Assembly Bill No. 526—An Act providing the manner of payment of fees of the County Clerk in cases of petitions for letters of administration filed by Public Administrators.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township government," approved April 1, 1897, relating to the duties of Public Administrator.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 528—An Act to amend Section 81 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to duties of the County Treasurer concerning moneys and property received from the Public Administrator.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 529—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrators, by providing for the disposition by such offi-

cers of estates of deceased persons when such estates consist of personal property worth less than fifty dollars.

Read first time, and referred to Committee on Judiciary.

By Mr. Mahany: Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I thereof, a new section, numbered 496½, relating to the punishment of attempts to commit grand or petit larceny.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Read first time, and referred to Committee on Claims.

By Mr. Black: Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Read first time, and referred to Committee on Education.

By Mr. Stansell: Assembly Bill No. 533—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty ($1,130) dollars, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Read first time, and referred to Committee on Claims.

By Mr. Walsh: Assembly Bill No. 534—An Act to amend Section 274 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and of an Act amendatory thereof entitled "An Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article and section of said Part I, and substitute a new Part I to take the place thereof in said Code, relating to courts of justice and various officers connected therewith," approved April 1, 1880, fixing the status of official reporters of Superior Courts, providing for their compensation and the mode of payment thereof.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Susman: Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Read first time, and referred to Committee on Election Laws.

By Mr. Barnes: Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Read first time, and referred to Committee on Corporations.

By Mr. Dunlap: Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State

Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Soward: Assembly Bill No. 541—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Mr. Allen (by request): Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing for penalties for the violation thereof.

Read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Assembly Bill No. 543—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read first time, and referred to Committee on Labor and Capital.

WITHDRAWAL OF BILL.

Mr. Dunbar asked leave to withdraw Assembly Bill No. 63.

So ordered.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Mr. Howard moved that the Assembly do now consider Assembly Joint Resolution No. 4, out of order.

So ordered.

Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the

Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

Resolution read.

Mr. Howard submitted the following amendment:

Amend by adding, following after line eleven on page two: "*Resolved*, That the Clerk of the Assembly be instructed to forward a copy of the resolution to the President of the United States and the Secretary of the Interior."

Amendment adopted.

The following committee amendment was submitted:

Amend by striking out the words "and will be the means of furthering the designs of persons and corporations evilly disposed towards the welfare of this State."

Amendment adopted.

Assembly Joint Resolution No. 4 ordered to print, pending final passage.

UNFINISHED BUSINESS.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Consideration of Mr. Johnson's motion, made January 26, 1903, and pending at the hour of adjournment, that the consideration of Assembly Bill No. 441 be indefinitely postponed.

Mr. Johnson moved that the consideration of Assembly Bill No. 441 be continued until Wednesday, January 28, 1903, and that said bill retain its place on file.

So ordered.

SPECIAL ORDERS.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Passed on file.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Passed on file.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Passed on file.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating

to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Passed on file.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article V of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read third time, passed on file, and to retain place on file.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the recorders and mining recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Passed on file.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Drew, Duffey, Dunbar, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Susman, Traber, Walsh, Waste, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled

'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Hart, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, McCartney, McConnell, McMahon, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time, passed on file, and to retain place on file.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Passed on file.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Read third time.

Mr. Camp moved that the consideration of Assembly Bill No. 142 be indefinitely postponed.

Mr. Carter moved that the consideration of Assembly Bill No. 142 be made a special order for Tuesday, February 10, 1903.

Motion lost.

The question recurring on the original motion by Mr. Camp.

Motion lost.

Mr. Carter moved that Assembly Bill No. 142 be made a special order for Thursday, January 29, 1903.

Motion lost.

PREVIOUS QUESTION DEMANDED.

Messrs. Johnson, Traber, and Higgins demanded the previous question.

The question being, "Shall the main question be now put?"

Motion carried.

The question being on the final passage of Assembly Bill No. 142.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eleven o'clock and thirty-seven minutes A. M., Mr. Johnson moved a call of the House.

So ordered.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, Waste, and Mr. Speaker—54.

At eleven o'clock and forty-one minutes A. M., Mr. Stanton moved that further proceedings under the call of the House be dispensed with.

Motion lost.

At eleven o'clock and forty-three minutes A. M., Mr. Carter moved that further proceedings under the call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

So ordered.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Boisson, Burgess, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Goodrich, Higgins, Howard, Kelso, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, McConnell, Mott, Olmsted, Pann, Prescott, Soward, Stansell, Susman, Traber, Walsh, Waste, and Mr. Speaker—32.

NOES—Messrs. Allen, Amerige, Black, Brown, Camp, Carter, Copus, Duffey, Finn, Greer, Hart, Houser, Johnson, Johnstone, Knight, Mahany, Mattos, McCartney, McMahon, Murphy, Rolley, Siskron, and Stanton—23.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 142 was this day refused final passage.

MOTION.

Mr. Johnson moved that Assembly Bills Nos. 98, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90, and 91 be passed on file.

So ordered.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Passed on file.

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento.

Passed on file.

Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Passed on file.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Passed on file.

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Susman, Traber, Walsh, Waste, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132 to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Passed on file.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Read third time.

MOTION.

Mr. Bangs moved that a select committee of one be appointed for the purpose of amending Assembly Bill No. 186.

Motion carried, and so ordered.

Mr. Bangs was appointed such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof—with instructions, do now report that the instructions of the Assembly have been carried out.

BANGS, Committee.

Report adopted.

AMENDMENT No. 1.

On line nine, after the figures "39," insert: "In case it has determined to so provide, as permitted by Section 55 of this Act when the canal system has been completed, the board of directors may, and in case the canal system has not been completed."

Amendment adopted.

AMENDMENT No. 2.

On line sixteen, after the word "district," strike out "and," and insert in place thereof the words "such levy may be made without submission to a vote as provided in Section 59, or elsewhere in this Act. The board of directors shall."

Amendment adopted.

AMENDMENT No. 3.

On line seventeen, after the word "thereto," insert the words "levy an assessment."

Amendment adopted.

AMENDMENT No. 4.

On line twenty-one, before the word "The," insert the words "In case an assessment has been voted, as provided for in this Act, the board of directors shall also levy an assessment therefor, as provided for herein."

Amendment adopted.

Assembly Bill No. 186 ordered to print, re-engrossment, and third reading.

Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Baxter, Boisson, Brown, Burgess, Camp, Carter Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth,

Knight, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Walsh, Waste, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Assembly Bill No. 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Passed on file.

Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Passed on file.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897; and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Passed on file.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Passed on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Passed on file.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Passed on file.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Passed on file.

Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States, all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Passed on file.

Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Passed on file.

Assembly Bill No. 442—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 449, 472, 476, and repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Passed on file.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Read second time, and passed on file.

Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of pendency of civil actions.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Passed on file.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Passed on file.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

By inserting in line one, after the word "corporations," the following: "of the sixth class."

Amendment adopted.

AMENDMENT No. 2.

By striking out of line four the words "classes to which," also by striking out of line five the words "such corporations may respectively belong" and inserting instead thereof the words "sixth class."

Amendment adopted.

AMENDMENT No. 3.

Insert in line fourteen, after the word "corporations," the words "of the sixth class."

Amendment adopted.

AMENDMENT No. 4.

Amend the title by adding the following words: "of the sixth class."

Amendment adopted.

Assembly Bill No. 58 ordered to print, engrossment, and third reading.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Passed on file.

OATH OF OFFICE.

Hon. Wm. H. Gleeson, Assemblyman representing the Thirty-fourth Assembly District, heretofore excused from attendance on account of sickness, appeared this day and subscribed to the following oath of office administered by the Speaker of the Assembly:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Assemblyman, Thirty-fourth District, State of California, according to the best of my ability.

WILLIAM H. GLEESON.

Subscribed and sworn to before me, this 27th day of January, A. D. 1903.

CLIO LLOYD,
Chief Clerk Assembly, Thirty-fifth Session.

Attest: ARTHUR G. FISK, Speaker.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your committee reports herewith Assembly Bill No. 133, and recommends that same be withdrawn and that Committee Bill submitted herewith be substituted therefor and take its place on the file, and that said substitute bill do pass.

GREER, Chairman.

Mr. Greer moved the adoption of the report.

Report adopted.

HOUR OF ADJOURNMENT POSTPONED.

At twelve o'clock and twenty-seven minutes P. M., Mr. Higgins moved that adjournment be postponed ten minutes.

So ordered.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Roads and Highways: Assembly Bill No. 544—An Act to amend Subdivision 38 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file as substitute for Assembly Bill No. 133.

WITHDRAWAL OF BILL.

Mr. Johnstone asked leave to withdraw Assembly Bill No. 133, for which Assembly Bill No. 544, introduced by Committee on Roads and Highways, has been substituted.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Mattos: Assembly Bill No. 545—An Act to amend Section 1468 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Howard: Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an Industrial Institute and College for Girls, and to provide an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district—for the purpose of amending the bill.

So ordered.

Mr. Johnson submitted the following amendments:

AMENDMENT No. 1.

Amend the title by striking out the words "Forty-sixth," in line eight thereof, and inserting in lieu thereof the words "Forty-seventh."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "and Kings," in line fifty-six, page three of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Insert after line ninety-nine the following: "The County of Kings shall constitute Agricultural District Number Forty-six."

Amendment adopted.

Assembly Bill No. 350 ordered to print, engrossment, and third reading.

CONSIDERATION OF SECOND-READING FILE—(RESUMED).

Assembly Bill No. 36—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Passed on file.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file.

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

On motion of Mr. Allen, re-referred to Committee on Municipal Corporations.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Passed on file.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Passed on file.

Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

Passed on file.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Passed on file.

Assembly Bill No. 498—An Act to amend Sections 626, 626*a*, 626*f*, and 626*h*, of the Penal Code of the State of California, all relating to the protection and preservation of game.

Passed on file.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recorded in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Passed on file.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Passed on file.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Passed on file.

Assembly Bill No. 127—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jail or other institution; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Passed on file.

Assembly Bill No. 35—An Act to regulate contracts on behalf of the State, in relation to erection and buildings.

Passed on file.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Passed on file.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Passed on file.

## ADJOURNMENT.

At twelve o'clock and thirty-seven minutes P. M., on motion of Mr. McCartney, the Assembly adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 28, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson. Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walker, Walsh, Waste, Wright, and Mr. Speaker—63.

Quorum present.

### PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

### READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

### LEAVE OF ABSENCE.

On motion of Mr. McConnell, leave of absence until Thursday, January 29, 1903, was granted to Mr. Killingsworth.

### READING AND APPROVAL OF JOURNAL.

The Journal of Monday, January 26, 1903, was read, corrected, and approved.

### SPECIAL ORDERS.

Mr. Brown moved that the consideration of the special order set for this hour be continued until special orders of the day are considered by the Assembly.

So ordered.

### REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the recorders and mining recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Assembly Bill No. 33—An Act to amend the Civil Code, by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

AMERIGE, Chairman.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Mr. Soward moved that Assembly Bill No. 102 be passed on file.

So ordered.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Mr. Dunlap moved that Assembly Bill No. 143 be temporarily passed on file.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Also: Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Also: Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Assembly Bill No 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

MATTOS, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 247—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Also: Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State, or the officers and employés of State institutions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

OLMSTED, Chairman.

ON JUDICIARY.

ROOMS OF THE JUDICIARY COMMITTEE OF THE ASSEMBLY,
SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions—report the same back without recommendation.

Also: Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same—and a majority recommend that it do not pass.

Also: Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations—and recommend that it do pass.

Also: Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636*a*, relating to voluntary withdrawals of stock from land and building corporations (also called building and loan associations)—and report the same back, with one amendment, and recommend it do pass as amended.

Also: Assembly Bill No 164—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations—and report the same back, with two amendments, and recommend it do pass as amended.

Also: Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants—and recommend it do pass.

Also: Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés, in the State of California—and report the same back, with one amendment, and recommend that it do pass as amended by a majority vote.

Also: Assembly Bill No. 83—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations—and a majority recommend that it do not pass

Also: Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination—and report the same back, with four amendments, and recommend that it do pass as amended.

JOHNSON, Chairman.

ON JUDICIARY—(MINORITY REPORT).

ROOMS OF THE JUDICIARY COMMITTEE OF THE ASSEMBLY,
SACRAMENTO, January 26, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same—a minority of your committee files this their minority report, and recommend that it do pass.

HENRY E. CARTER.
F. D. SOWARD.
P. M. DREW.
J. G. COVERT.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Also: Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State.

Also: Assembly Bill No 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MATTOS, Chairman.

PETITION—(OUT OF ORDER).

Mr. Soward presented the following petition from citizens of the County of Tehama, and moved that it be received and printed in the Journal:

So ordered.

RED BLUFF, January 26, 1903.

*To the* HON. F. D. SOWARD, *Sacramento, California*:

DEAR SIR: We, the undersigned residents of Tehama County, California, do most respectfully request that you use your influence to prevent the passage of Assembly Bills Nos. 110 and 141, which will, if passed, not only work a serious injury to the fruit industry of this State, but will also prevent the children of poor families from earning a considerable sum of money each year by their labor.

We respectfully request that you oppose these bills and vote against them when they come up for passage. And we will ever pray, etc.:

F. A. Weast, W. L. Bransford, H. A. Patterson, G. W. Madison, Jr., H. C. Weitfeldt, W. H. Hughes, E. L. Bidwell, J. M. Osman, Wm. Perry, W. L. Cunningham, S. H. Transborn, C. B. Campbell, Geo. M. Stall, J. F. Linthicum, W. C. Spann, A. N. Bogard, John Trede, Paul Beuthe, C. A. Neate, J. R. Freeman, R. E. Coates, H. E. McGovern, D. B. Bresser, Geo. Greer, C. E. Tinkham, W. F. Luning, Louis Winter, M. J. Cheatham, C. P. Bailey, Geo. T. Jones, W. Hennings, Chas. T. Hepburn, Thos. W. Ching, Herbert Kraft Co., James Feeley Co., Wm. K. McFeely, A. C. Banning, R. N. Burt, D. S. Cone, T. H. Ramsay, J. R. Thuresson, Wm. O'Connor, H. S. Gans, R. Vestal, Thos. McMaster, H. P. Andrews, L. L. Beale, H. A. Drane, B. O. Fuller, O. E. Graves, H. C. Brooks, J. Landis, H. E. Bidwell, Ed. Kraft, J. I. Casale, Isaac Coates, F. J. Fauke, W. A. Brown, R. H. Elmore, Porter Bros. Co., C. Trede, P. A. Stoll, G. C. Wilkins, C. H. Darrough, Paul Stoll, G. W. Westlake, M. D., T. B. Manning, A. L. Brown, R. D. Dish, Elias D. Gardner, J. D. Sweeney, W. P. Johnson, J. A. Owen, M. D., R. S. Grier, C. S. Grier, W. A. Fish, C. P. Mayhew, N. I. Boone, D.D.S., R. M. Norvell, H. I. Sutherland, D. B. Epperson, Jr., J. W. Day, T. G. Day, J. F. Ellison, Albert Taylor, C. A. Campbell, H. C. Hughes, O. C. Combs, W. J. Kinley, Jas. Le Duc, A. J. Gault, J. J. Novall, A. P. Shipp, E. P. Kraft, C. F. Willard, Geo. W. Shaffer, W. W. Wheeler, M. R. Hook, F. L. Walbridge, A. M. McCoy, A. L. Smith, R. Fuller, W. B. Cahoone, N. B. Saunders, W. H. Cox, Geo. C. Garrett, H. Bressler, H. G. Kuhn, W. H. Fisher, W. S. Montgomery, D. W. Gedney, J. H. Bradley, F. C. Wolfe, F. R. Eldridge, F. M. Ward, M. Ward, D. D. Dodson, Will H. Clement, H. P. Stice.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 23, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Also: Senate Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of San Francisco.

F. J. BRANDON, Secretary.
By FRED L. THOMAS, Assistant Secretary.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 5—Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the fourth day of December, 1902.

Referred to Committee on Municipal Corporations.

## INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Knight: Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Read first time, and referred to Committee on Judiciary.

By Mr. Murphy: Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Baxter: Assembly Bill No. 550—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Mahany: Assembly Bill No. 551—An Act to protect trade and commerce against unlawful restraints and monopolies.

Read first time, and referred to Committee on Labor and Capital.

RESOLUTIONS.

By Mr. Johnson:

*Resolved*, That for and by reason of services rendered the Assembly in its organization by Clarke Howard, as an Assistant Minute Clerk at the desk, at the request of the Chief Clerk, he, the said Clarke Howard, is hereby allowed the same per diem as is paid the Assistant Clerks at the desk, said per diem to be for the term of one day ending January 5, 1903, and payable out of the appropriation for the contingent expenses of the Assembly The Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés and Employés.

By Mr. Murphy:

WHEREAS, The name of our late lamented President, William McKinley, will ever be held in affectionate remembrance by all classes of American citizens, and his life and character ever held up to the youth of our land as an inspiration to good deeds and lofty aims; and

WHEREAS, The McKinley Carnation League having called upon all admirers of our late Chief Executive to observe the anniversary of his birthday, Thursday, January 29th, by wearing his favorite flower, the carnation, in the lapel of their coats;

*Resolved*, That the Assembly of the State of California indorses the suggestion of the McKinley Carnation League, and hereby calls upon all citizens of California to observe the natal day of William McKinley in the manner above indicated.

Resolution read.

Mr. Murphy moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Dorsey:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to purchase for the use of the committees named below, the number of copies of each book set opposite the name of each committee, the same to be paid for out of the Contingent Fund of the Assembly:

For Committee on Banks and Banking, 5 copies of Magee's State Banks and Bank Officers.

For Committee on Corporations, 9 copies of Son on California Corporations.

For Committee on County and Township Governments, 13 copies of Henning's County Government (2d edition).

For Committee on Municipal Corporations, 7 copies of Finlayson's Street Laws of California.

Resolution read, and referred to Committee on Ways and Means.

MOTION TO RECONSIDER.

Mr. Johnson moved a reconsideration of the vote whereby Assembly Bill No. 142 was on yesterday refused final passage.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—56.

NOES—None.

MOTION.

Mr. Johnson moved that Assembly Bills Nos. 142, 98, 96, 95, 92, 94, 93, 84, 86, 87, 88, 89, 90, and 91 be made a special order for Tuesday, February 3, 1903, after the reading of the Journal.

So ordered.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Olmsted:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Whittier Reform School, at Whittier, California, have visited the same.

The following members are entitled to mileage for the same, to wit: 1,000 miles:

| | |
|---|---|
| Olmsted | $100 00 |
| Barber | 100 00 |
| Bliss | 100 00 |
| Carter | 100 00 |
| McKenney | 100 00 |
| Murphy | 100 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S. H. Olmsted, chairman of said committee, for the sum of six hundred ($600) dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Read, and referred to Committee on Mileage.

By Committee on Attachés and Employés:

*Resolved*, That the following-named persons be allowed the sums set opposite their respective names for services heretofore rendered, and the State Controller is hereby directed to draw his warrant for those herein named, and the State Treasurer is directed to pay the same out of the contingent expenses of the Assembly:

| | |
|---|---|
| C. J. Peterson, Bill Filer, from January 5 to 20, inclusive, 16 days at $4 | $64 00 |
| George Gasper, Engineer, January 6 to 14, inclusive, 9 days at $4 | 36 00 |
| Thomas Sheehan, Fireman, January 6 to 14, inclusive, 9 days at $3 | 27 00 |

Resolution read.

Mr. Black moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Gleeson, Greer, Hart, Houser, Howard, Johnson, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Waste, Wright, and Mr. Speaker—52.

NOES—Messrs. Johnstone, Prescott, and Walsh—3.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker, for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California, in the Superior Court of

Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway, for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter, for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Dorsey moved that Assembly Bill No. 237 be recalled from Committee on County and Township Governments and referred to Committee on Judiciary.

So ordered.

Mr. McKenney moved that Assembly Bill No. 425 be recalled from Committee on State Prisons and Reformatory Institutions and be referred to Committee on Ways and Means.

So ordered.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Drew: Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29.

Read first time, and referred to Committee on Ways and Means.

RESOLUTION—(OUT OF ORDER).

By Mr. Wright:

*Resolved*, That the Committee on Contested Elections be and they are hereby authorized to employ such assistance as may be necessary to conduct a recount of the ballots in the several election contests coming before said committee.

Resolution read.

Mr. Wright moved the adoption of the resolution.

Mr. Walsh moved to amend by referring the resolution to Committee

on Attachés and Employés, with instructions to said committee to designate such help as may be necessary.

Mr. Olmsted moved to amend the amendment as follows:

That said committee be instructed to furnish such help at once.

Amendment accepted by Mr. Walsh.

Mr. Dunlap moved to amend the amendment as follows:

That Mr. Stanton designate the help to be detailed.

The question being on the amendment as amended.

Amendment carried.

The question being on the resolution as amended.

Resolution adopted.

By Mr. Carter:

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, There is now before the Senate of the United States for ratification a treaty with Cuba, providing for reciprocity in articles comprising many of the leading industries of California; and

WHEREAS, Such reciprocity arrangement with Cuba or any other foreign country is regarded by the people of California as being destructive to the interests of her beet sugar, raisin, citrus, and dried fruit industries, in which large amounts of capital have been invested under the assurance that the same would be safeguarded by the protective tariff as other industries have been protected; and that any reciprocal policy other than the policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for foreign markets, is detrimental to the industries of California; therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That we respectfully instruct Senators George C. Perkins and Thomas R. Bard, representing the State of California in the United States Senate, to vote against said treaty.

*Resolved*, That a copy of these resolutions be transmitted by the Sergeant-at-Arms, by telegraph, to Senators George C. Perkins and Thomas R. Bard, at Washington, D. C.

Read, and referred to Committee on Federal Relations.

Mr. Carter moved that the Committee on Federal Relations be instructed to report the resolution back to-morrow morning, with their recommendation, and that the resolution be made a rush order to print.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Brown: Assembly Bill No. 553—An Act to amend Section 1033 of the Code of Civil Procedure of the State of California, relating to costs, and the service and filing of cost bills.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 554—An Act to amend Section 663 of the Civil Code of the State of California, relating to personal property, so as to more fully define the term "personal property."

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 555—An Act to amend Section 896 of the Code of Civil Procedure of the State of California, relating to costs, and the service and filing of cost bills.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 556—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunlap: Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read first time, and referred to Committee on Ways and Means.

By Mr. McKenney: Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

SPECIAL ORDER—REPORT OF COMMITTEE ON RULES.

Mr. Brown moved the adoption of the report, and rule, as amended.

The question being on the adoption of the committee report, and rule, as amended.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and forty minutes A. M., Mr. Brown moved a call of the House.

Motion seconded by Mr. Johnson.

So ordered.

The roll was called, and the following members answered to their names:

Messrs Allen, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Traber, Walsh, Waste, Wright, and Mr. Speaker—53.

At ten o'clock and forty-four minutes A. M., Mr. Brown moved that further proceedings under the call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

The roll was called, and the report and amended rule adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—57.

NOES—None.

REPORT OF STANDING COMMITTEE.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend that Rule 69 of the Standing Rules of the Assembly be amended by adding thereto the following:

There shall be a members' lobby made by erecting a railing with three gates immediately back of the last row of seats, under the direction of the Speaker. The three gates shall be opposite the gates in the first railing, and no person shall be admitted in the space between the two railings except on the written invitation of a member. There shall be a Gatekeeper to each of the gates, and the Gatekeepers shall go on duty at eight o'clock in the morning and remain on duty till the close of each day's session. Their time of duty shall be arranged by the Committee on Attachés and Employés.

The Speaker is charged with the enforcement of this rule.

BROWN, Chairman.

MOTIONS.

Mr. Stansell moved that the privileges of the floor be extended the Hon. John C. Lynch, ex-Speaker of the Assembly.

So ordered.

Mr. Dunlap moved that the Assembly do now consider Assembly Bill No. 143.

So ordered.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ellis, Goodrich, Greer, Hart, Howard, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenny, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Susman, Walsh, Waste, Wright, and Mr. Speaker—50.

NOES—Messrs. Carter, Houser, and Stanton—3.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

OLMSTED, Chairman.

MOTION.

Mr. Knight moved that Assembly Bill No. 441 be passed temporarily on file.

So ordered.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Passed on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Passed on file.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to

appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Mr. Camp submitted the following amendments:

AMENDMENT No. 1.

Amend title by inserting the word "and" between the words "transfers" and "promotions," in line five, and by striking out the words "and removals" at the beginning of line six.

Amendment adopted.

AMENDMENT No. 2.

Strike out all after the word "examinations," in line twelve, and insert in place thereof the following: "*Provided, however*, that honorably discharged soldiers and sailors from the Army and Navy of the United States in the late Civil War, that are residents and citizens of this State, shall be entitled to preference in appointment and promotion."

Amendment adopted.

Assembly Constitutional Amendment No. 6 ordered to print.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article IV of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

At ten o'clock and fifty-five minutes A. M., Mr. Bliss in the chair.

THIRD-READING FILE.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Passed on file.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Susman, Traber, Waste, and Wright—51.

NOES—None.

Title read and approved.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Burgess, Camp, Carter, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McMahon, McMartin, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Susman, Traber, Walsh, Waste, and Wright—49.

NOES—Messrs. Copus, Covert, Mattos, and Stansell—4.

Title read and approved.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McMahon, McMartin, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Susman, Traber, Walsh, Waste, and Wright—50

NOES—Mr. Mattos—1.

Title read and approved.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Read third time.

On motion of Mr. Soward, passed on file.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Duffey, Dunbar, Dunlap, Ells, Gleeson, Goodrich,

Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Walsh, Waste, Wright, and Mr. Speaker—50.

NOES—Messrs. Dorsey, Drew, Finn, Howard, Lewis of San Francisco, McMartin, and Traber—7.

Title read and approved.

At eleven o'clock and twenty-two minutes A. M., Speaker Fisk in the chair.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Passed on file.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Passed on file.

Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of pendency of civil actions.

Passed on file.

Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffy, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Walsh, Waste, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations.

Passed on file.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district.

Passed on file.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnstone, Kelso, Knight, Lewis of

Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—53.
NOES—None.

MOTION.

Mr. Howard moved that a select committee of one be appointed by the Speaker for the purpose of amending the title of Assembly Bill No. 168.

Motion carried, and so ordered.

Mr. Howard appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California—with instructions, do now report that the instructions of the Assembly have been carried out.

HOWARD, Committee.

Report adopted.

COMMITTEE AMENDMENT NO. 1.

Amend the title by adding after the word "California" the words following: "relating to the organization of reclamation districts."

Amendment adopted.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Dunlap:

*Resolved*, That Assembly Bills Nos. 448, 449, and 450 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—56.
NOES—Mr. Carter—1.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 448, 449, and 450.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 448, 449, and 450 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years

Also: Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Also: Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

And do now report the same back, and recommend that they do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Read second time.

Read third time, and considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Siskron, Soward, Stanton, Susman, Walsh, Waste, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Read second time.

Read third time, and considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Siskron, Soward, Stanton, Susman, Walsh, Waste, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

Read second time.

Read third time, and considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, Mott, Murphy, Olmsted, Pann, Prescott, Siskron, Soward, Stanton, Susman, Traber, Walsh, Waste, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

By Mr. Bangs: Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by the direct vote of the people.

Referred to Committee on Federal Relations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MATTOS, Chairman.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 442—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 449, 472, 476, and repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Mr. Allen moved that Assembly Bill No. 442 be re-referred to Committee on Judiciary.

So ordered.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

On motion of Mr. Johnson, passed on file.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Dunbar: Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 563—An Act to provide an adequate sewerage, and septic tanks for the proper disposal of sewage, at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 564—An Act to provide for the building of fencing, and for the purchase of farming implements, tools, and equipment at and for the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Passed on file.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Passed on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Passed on file.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Passed on file.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to con-

nect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Passed on file.

Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed and expended by the State of California for the benefit of the United States, including all costs, charges and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointment of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Passed on file.

Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Passed on file.

Assembly Bill No. 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Passed on file.

Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Passed on file.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Mr. Walsh moved that Assembly Bill No. 447 be re-referred to Committee on Judiciary.

MOTIONS.

Mr. Drew moved that the time for adjournment be extended until after the consideration of the motion made by Mr. Walsh.

Motion lost.

Mr. McConnell moved that the Assembly take a recess until two o'clock P. M.

Motion lost.

Mr. Bliss moved to extend the time of adjournment fifteen minutes.

Motion lost.

ADJOURNMENT.

Pending the consideration of Mr. Walsh's motion, at twelve o'clock and thirty minutes P. M., the Speaker declared the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 29, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—70.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Dunbar, the further reading of the Journal was dispensed with.

LEAVES OF ABSENCE.

Leave of absence was granted until Friday, January 30, 1903, to the following members: Messrs. Gleeson, Duffey, and Lumley.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

WHEREAS, To-day is the sixtieth anniversary of the birth of William McKinley, the late President of the United States, whose life was full of goodness, whose death by an assassin's hand was untimely, and whose career fitly represents the possibilities of every American; and

WHEREAS, It is proper that the memory of a man so dear to the hearts of the people should be in some manner honored; therefore, be it

*Resolved*, That the hour of to-day's session from eleven o'clock and thirty minutes A. M. to twelve o'clock and thirty minutes P. M. be and it is hereby set apart for the making of remarks, by such members as may desire to deliver them, upon the services, life, and death of William McKinley

*Resolved further*, That when we adjourn this day we do so out of respect to his memory.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

So ordered.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, January 27, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 329—An Act to amend Section 15 of an Act entitled "An Act to amend Sections 2, 6, 11, 15, 17, and 18 of an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds,' approved March 23, 1893," approved March 9, 1895—report the same back, and recommend that the author have leave to withdraw it.

Also: Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Also: Assembly Bill No. 146—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Also: Assembly Bill No. 147—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Report the same back, and recommend that they do pass.

JOHNSON, Chairman.

WITHDRAWAL OF BILL.

Mr. Fisk asked leave to withdraw Assembly Bill No. 329.

There being no objection, so ordered.

SPECIAL ORDER SET.

Mr. Johnson moved that Assembly Bill No. 237 be made special order for Friday, January 30, 1903, immediately after reading of the Journal.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Also: Assembly Bill No. 118—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said society may receive compensation for the performance thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 45—An Act to prohibit the misuse of cocaine, opium, or morphine—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BARBER, Chairman.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 316—An Act authorizing the Regents of the State University to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by the author.

Also: Assembly Bill No. 427—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County, on the grounds of the University, for the accommodation of the students of the University; also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WASTE, Chairman.

WITHDRAWAL OF BILL.

Mr. Prescott asked leave to withdraw Assembly Bill No. 316.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

GOODRICH, Chairman.

ASSEMBLY JOINT RESOLUTION No. 7.

Relative to instructing Senators Perkins and Bard to vote against Cuban Reciprocity Treaty.

WHEREAS, There is now before the Senate of the United States for ratification a treaty with Cuba, providing for reciprocity in articles comprising many of the leading industries of California; and

WHEREAS, Such reciprocity arrangement with Cuba or any other foreign country is regarded by the people of California as being destructive to the interests of her beet sugar, raisin, citrus and dried fruit industries, in which large amounts of capital have been invested under the assurance that the same would be safeguarded by the protective tariff as other industries have been protected; and that any reciprocal policy other than the policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for foreign markets is detrimental to the industries of California; therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That we respectfully instruct Senators George C. Perkins and Thomas R. Bard, representing the State of California in the United States Senate, to vote against such treaty.

*Resolved,* That a copy of these resolutions be transmitted by the Chief Clerk by telegraph to Senators George C. Perkins and Thomas R. Bard at Washington, D. C.

Resolution read.

Mr. Carter moved the adoption of the report and the resolution.

The ayes and noes were demanded by Messrs. Johnson, Dunlap, and Brown.

The question being on the adoption of the resolution.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Bliss, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Walsh, Waste, and Mr. Speaker—54.

NOES—Messrs. Baxter, Black, Brown, Dunlap, Duryea, Howard, McMartin, Traber, and Weger—9.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392

Also; Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs The State of California."

Also: Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego,

State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Also: Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California, upon a judgment recovered in an action entitled "Commercial Bank of Madera (a corporation) vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district.

AMERIGE, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 110—An Act to regulate the employment of minors and women—have had the same under consideration, and by request of the author respectfully report the same back, and recommend that it be withdrawn.

Also: Assembly Bill No. 190—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and the author be permitted to withdraw the same. Your committee herewith presents a committee substitute for Assembly Bill No. 190, and recommends that the committee substitute do pass.

WASTE, Acting Chairman.

WITHDRAWAL OF BILL.

Mr. Camp asked leave to withdraw Assembly Bill No. 110.

So ordered.

INTRODUCTION AND REFERENCE OF BILL.

By Committee on Labor and Capital: Assembly Bill No. 565—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education, and to promote competency and skill among steam engineers in the State of California.

Read first time, and ordered on second-reading file.

Assembly Bill No. 190, for which Assembly Bill No. 565 was substituted, passed on file.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

*Resolved*, That W. F. Renfro be and he is hereby appointed Stenographer to Committee on Judiciary at the per diem allowed by law, payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is directed to draw his warrant in favor of said Renfro upon said appropriation and fund, and the State Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés and Employés.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

By Mr. Foster: Assembly Concurrent Resolution No. 7—Relative to employment of Joint Legislative Clerk.

Referred to Committee on Attachés and Employés.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC WORKS, STATE CAPITOL, AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. SPEAKER: Your Committee on Public Works, State Capitol, and Parks, to whom was referred Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 297—An Act to appropriate the sum of fifty thousand dollars ($50,000) for the purpose of putting, as near as possible, the attic of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 483—An Act to appropriate the sum of twelve hundred (1,200) dollars to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROLLEY, Chairman.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency: Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

F. J. BRANDON, Secretary.
By FRED L. THOMAS, Assistant Secretary.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Barnes: Assembly Bill No. 566—An Act to amend Section 1668, relating to physical culture and exercises.

Read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 567—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Read first time, and referred to Committee on Education.

By Mr. Higgins: Assembly Bill No. 568—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Bill No. 569—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered and known as Section 361½, relating to transfers of business franchises and property of corporations.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Killingsworth: Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Read first time, and referred to Committee on Judiciary.

By Mr. King: Assembly Bill No. 572—An Act to provide for the purchase of additional grounds for the Napa State Hospital, located near the City of Napa, State of California, and appropriating money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 573—An Act to provide for the construction of a dam in Kruse Cañon, in the County of Napa, for the improvement and the increase of the water supply of the Napa State Asylum.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 574—An Act to provide for the erection and furnishing of an eighty-room cottage for the Napa State Hospital, located near the City of Napa, and appropriating money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Lumley: Assembly Bill No. 575—An Act to amend Section 3337 of the Political Code, relating to exemption of members of unpaid fire companies.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson: Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read first time, and referred to Committee on Judiciary.

By Mr. Carter: Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Amerige: Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article VII of said Constitution.

Referred to Committee on Constitutional Amendments.

### SPECIAL MEMORIAL SERVICES.

At eleven o'clock and thirty minutes A. M., the hour fixed by Mr. Johnson's resolution, providing for special memorial observance in memory of the late President William McKinley, having arrived, the Speaker announced that proceedings were in order.

Mr. Killingsworth of Solano was recognized, and made an address. He was followed by Mr. Brown of San Mateo, and Mr. Murphy and Mr. Knight of San Francisco.

MOTION.

At this point Mr. Foster of Alameda moved that His Excellency Governor Pardee, who had entered the Assembly Chamber, be escorted to a seat on the rostrum, and that the Speaker appoint a committee of two to act as an escort.

It was moved and seconded, and the motion carried, that the Speaker appoint a committee of two to escort His Excellency Governor Pardee to the rostrum.

The Speaker appointed as such committee Mr. Foster and Mr. Killingsworth, who escorted the Governor to the rostrum.

ADDRESSES—(RESUMED).

Remarks were made by Mr. Prescott of San Bernardino, Mr. Camp of Los Angeles, Mr. Traber of Fresno, and Mr. Susman of San Francisco.

Mr. Johnson of Sacramento was recognized, and moved that His Excellency Governor Pardee be invited to address the Assembly.

So ordered.

The Governor then addressed the Assembly.

Further remarks were made by Mr. Black of Santa Clara, Mr. Goodrich of Los Angeles, Mr. Pann of Ventura, and Mr. Copus of San Francisco.

The hour for recess having arrived, the Speaker announced that he would entertain a motion to adjourn.

Mr. Johnson moved that the Assembly adjourn out of respect to the memory of the late President William McKinley.

Motion adopted unanimously by a rising vote.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 30, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walker, Waste, Weger, Wright, and Mr. Speaker—69.

Quorum present.

LEAVES OF ABSENCE.

Leave of absence was granted until Saturday, January 31, 1903, to the following members: Messrs. Wright, Camp, Mattos, Leininger, Ells, Dunbar, Finn, Black, Walsh, and Duffey; and until Monday, February 2, 1903, to the following members: Messrs. Waste, Hart, Susman, and McMartin.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, January 28, 1903, was read, corrected, and approved.

MOTION.

Mr. McLaughlin moved that Assembly Bill No. 102 be made a special order for Saturday, January 31, 1903, immediately after the reading of the Journal.

So ordered.

PETITIONS.

The Speaker announced that the following petitions had been received from the San Francisco Single Tax Society, which were ordered printed in the Journal:

*To the Honorable* GEORGE C. PARDEE, *Governor, and to the Honorable Members of the Senate and Assembly of the State of California:*

We, your petitioners, members of the San Francisco Single Tax Society, in regular session assembled, respectfully submit to you the following facts, and pray your aid in securing such relief as is hereinafter set forth, or relief in such other manner as may lie in your power:

WHEREAS, The commerce of San Francisco is hampered by excessive charges of pilotage, dockage, tolls, and wharfage, such as to place this port at a disadvantage when compared with others on the Pacific Coast, and,

WHEREAS, The farmers and miners of this State are equally interested with all other in maintaining and increasing our trade and commerce with all parts of the world; and,

WHEREAS, It is desirable that San Francisco be placed as nearly as possible at equal advantage with her northern sister, Seattle, where, according to the Shipping World Year Book, "pilotage is unnecessary." * * * "There are no harbor dues and no taxes whatever."

We therefore earnestly pray that the maintenance of the ports of this State be reformed and placed upon a strictly business basis; that provision be made whereby the aforesaid charges of pilotage, dockage, tolls, and wharfage may be abolished, that California ports may no longer be at a disadvantage with others, and that it may enable San Francisco to maintain and increase her proper place as the commercial metropolis of the Pacific Coast.

W. G. LAURIE, President.
FRED ELSASSER, Secretary.

*To the Honorable* GEORGE C. PARDEE, *Governor, and to the Senate and Assembly of the State of California:*

The following resolution was unanimously adopted at the last regular meeting of the San Francisco Single Tax Society:

*Resolved*, That all poll taxes in this State should be abolished; and be it

*Further resolved*, That a copy of this resolution be forwarded to the Governor, to the President of the Senate, and to the Speaker of the Assembly.

W. G. LAURIE, President.
FRED ELSASSER, Secretary.

SPECIAL ORDER.

Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

RESOLUTION.

By Mr. Dorsey:

*Resolved*, That Assembly Bill No. 237 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

PETITION.

Mr. Dorsey presented the following petition from citizens of the County of Kern, and asked that it be read before the Assembly took up for consideration the resolution.

So ordered.

Petition read.

*To the Senate and Assembly of the Legislature of the State of California, in regular session assembled:*

We, the undersigned, residents, citizens, and taxpayers of the County of Kern, State of California, do respectfully petition your honorable body as follows:

Owing to the great amount of litigation commenced in the County of Kern in the last three years, the calendar of the Superior Court of the said Kern County has become congested and overburdened with cases, all of the said cases being of great importance to the community at large as well as the litigants.

Owing to the fact of the discovery of oil in the County of Kern, millions of dollars have become invested, and as a result of the oil industry, new and important litigations are now pending in our court

It is absolutely impossible for one judge to hear and dispose of these litigations, giving to each case the time and study that its importance warrants

There are a great many cases now at issue that cannot be tried for months to come. This is an injustice to the community and to the litigants.

We therefore respectfully petition that legislation be enacted by your honorable body that will result in giving us another Superior Judge for the purpose of relieving the present situation.

And your petitioners will ever pray.

(Signed:) Bender & Hewitt, Albert Lindley, Lindley & Bennetts, C S. Young, E. T. Beck, W. E. Soule, J. W. Wiley, Paul Corti, J. J Anderson, J. L Depauli, D. M. Adams, E. H Loveland, V. E. Wilson, Paul Galtes, John M. Keith, W. H. Scribner, Conklin & Baker, J. T. Basyl, J. S. Drury, R. McDonald, J. E. Yancey, S. E. Edwards, O. V. Mattson, C. L. Claflin, F. U. Mitchell, J. A. Hughes, C. A. Barlow, T E. Taggart, R. A. Edmonds, Alexander Burness, S. L Mack, D. Hirshfeld, Lesser Hirshfeld, L. E Doan, E A. Baer, C. E. Baer, E W. Wright, Geo W Lloyd, C. E. Van Meter, Jno. Ivilarne, Fred Gunther, Frank R. Pitney, B. A. Hayden, E. H. White, T. M. McNamom, Fred E. Borton, C. S Meroney, J. H. Jordan, R. L McKinley, James Arp, C. N Borgwordt, Geo. W. McPherson, John J. Mack, Richard Hudmot, E S. Mosher, Charles N. Sears, E. P. Davis, J. E Davis, J. E. Miller, Chas. V Scott, Fred Somers, W H. Walker, J. M. Bobson, H L. Nelson, W. Scott, E. E. G. Luders, Geo. Hay, J. B. Hunt, I. D. Gamlel, Decker & Co, Geo. Haberfelde, Geo. A Morris, C. H. Dukes, F. M. Carlock, J. H. Harvey, O'Reilly & Brown, Cross-Augsberry, Lt. Co, N A. Blodget, Jewett & Blodget, per R. Shaw; R. M. Blodget, R McDonald, Kern Valley Bank, R. Phelps, C. Bickerdike, S W. Jewett, Arthur S. Crites, Laird & Packard, attorneys-at-law; S. S. Packard, attorney; M. A Duncan, E. L Hougham, Geo W. Price, H O. Hickox, A. C. Maude, Geo. H. Crafts, E. S St. Clair, Bakersfield Hardware Co., by R. J White, manager; C C. Stockton, A. M. Belnap, H. Jutson, A T. Lightner, G. A. Lupton, J. L. Frost, Andersen & Ross, R. H. Herron Co, by Chas H Allison, local manager; Frank B Rill, J. S Schonenbock, I. C. Sussman, F W. Robinson, C. H. Fox, A W. MacRae, Pacific Smelting Co, J. W. Scott, Kern County Brokerage Co, by Chas. T. Tryon, president, Ben L Brundage, H W. McCray, J F. Lucey, G T Nyphut, W. A. Eardley, W. T. Close. L. M. Cole, Dinkelspiel Bros, F. Gleason, C. Wisekopf, J. Davega, E. R. Cole, H. O. Robinson, F. M. Blanchard, Alfred Harrell, R. Kahler, Bakersfield Drug Co, per R. V. Davis; L. W. Blankman, F. B. Silverwood, C. E. Ball, A. S. Weston, S. Ed. Bailey, W D. Young,

C H. Congdon, N. L. Baker, A. Weaber, W. Brules, Jr., M. S. Armstrong, J. F. Wilson, Becker & Voght, J. J. Lopez, S. M. Morrison, Fred Nelson, John Kaar, S. W. Wible, John H. Young.

Mr. Dorsey moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Soward, Susman, Traber, Walker, Walsh, Weger, Wright, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Read second time.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Susman, Traber, Walker, Walsh, Weger, Wright, and Mr. Speaker—59.

NOES—None.

Title read and approved.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

### ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 222—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended

Also: Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HIGGINS, Chairman.

### ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred a resolution allowing statutory mileage to the Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Whittier Reform School at Whittier, California, and have visited the said institution, the following members are entitled to mileage for same, to wit, 1,000 miles:

| | |
|---|---|
| Olmsted | $100 00 |
| Barber | 100 00 |
| Bliss | 100 00 |
| Carter | 100 00 |
| McKenney | 100 00 |
| Murphy | 100 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S. H. Olmsted, chairman of said committee, for the sum of six hundred ($600)

dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BATES, Chairman.

Resolution read.

Mr. Olmsted moved the adoption of the report and resolution.

The question being on the adoption of the report and resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss. Boisson, Burgess, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Soward, Stanton, Susman, Traber, Walker, Weger, Wright, and Mr. Speaker—54.

NOES—Mr. Walsh—1.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 7, 1889.

Also: Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State, for general distribution, parasitical and predaceous insects which, in those countries, prey upon such species of fruit and tree pests as abound in the orchards of this State.

Also: Assembly Bill No. 245—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

TRABER, Chairman.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution introduced by Mr. Johnson:

*Resolved*, That W. F. Renfro be and he is hereby appointed Stenographer to Committee on Judiciary at the per diem allowed by law, payable out of the appropriation for the contingent expenses of the Assembly, and the State Controller is directed to draw his warrant in favor of said Renfro upon said appropriation and fund, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Acting Chairman.

Resolution read.

Mr. Johnson moved the adoption of the report and resolution.

The question being on the adoption of the report and resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Drew, Dunlap, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Soward, Stanton, Susman, Traber, Walker, Walsh, and Mr. Speaker—55.

NOES—Messrs. Dunbar, Weger, and Wright—3

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution introduced by Mr. Bliss:

*Resolved*, That for and by reason of services rendered Sergeant-at-Arms of the Assembly by John Kofod, at the request of the Sergeant-at-Arms, during and since the organization of the Assembly (January 5th to January 23rd, both inclusive, nineteen (19) days at three (3) dollars per diem), he, the said John Kofod, is hereby entitled to the sum of fifty-seven (57) dollars, and the Controller is hereby directed to draw his warrant for said amount in favor of John Kofod, payable out of the appropriation for contingent expenses.

Also:

*Resolved*, That the following-named person be and he is hereby elected an attaché of the Assembly, to serve during the thirty-fifth session, pay beginning January 5, 1903. Said attaché shall serve in the capacity indicated, and receive the per diem named for such position, which shall be paid out of the fund provided for contingent expenses of the Assembly, payment to be made in the same manner as the statutory officers of the Assembly are paid: John Kofod, Porter to Sergeant-at-Arms, $3

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Acting Chairman.

Resolution read.

Mr. Bliss moved the adoption of the report and resolution.

Mr. Walsh moved to amend that the resolution be referred to Committee on Ways and Means.

Amendment lost.

PREVIOUS QUESTION DEMANDED.

Messrs. Bliss, Stanton, and Higgins demanded the previous question.

The question being, "Shall the main question be now put?"

So ordered.

The question being on the adoption of the report and resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Seward, Stansell, Stanton, Susman, Traber, Walker, Walsh, Weger, Wright, and Mr. Speaker—60.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 240—An Act creating a fund for the benefit and support of high schools and providing for its distribution—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books; providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners"; authorizing them to revise, compile, and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such commissioners to appoint a secretary; prescribing the duties of such secretary

and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education, and continuing the present law for the distribution of State school text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

MATTOS, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence

Also: Assembly Bill No. 388—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 377—An Act to amend Section 321*a* of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the removal by corporations of their principal places of business—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ALLEN, Chairman

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO. January 30, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed: Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California, relating to the organization of reclamation districts.

AMERIGE, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California—have had the same under consideration, and respectfully report the same back, and recommend by majority vote that it be adopted.

Also: Senate Constitutional Amendment No 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences"—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a township.

Also: Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Have had the same under consideration, and a majority of said committee respectfully report the same back, and recommend that they do pass.

*Also: Assembly Bill No. 57—An Act to amend Section 3366 of the Political Code of* the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

WALSH, Chairman.

Mr. Johnson moved the adoption of the report.

Report adopted.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MATTOS, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 216—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 60—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative bodies of any incorporated city and county, city, town, or other municipality to obtain the necessary information from any corporation, company, or person supplying such municipality with gas, electricity, or other illuminating light, used either for lighting, power, or fuel, and to enable them to regulate the charges therefor and providing for regulating the charges therefor by such municipal authorities—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 50—An Act to provide for summary prosecution without a jury for the violation of such ordinances of municipal corporations as make criminal certain acts or omissions not already made criminal by the general criminal laws of the State—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

Also: Assembly Concurrent Resolution No. 4—Approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

McLAUGHLIN, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs—report the same back, and recommend that it do pass

Also: Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property—and report the same back, with three amendments, and recommend their adoption, and the adoption of amendments Nos. 1, 2, 3, and 5, reported by Committee on Mines and Mining Interests, and its passage as amended.

Also: Assembly Bill No 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon—and report the adoption of the three amendments reported by the Committee on Mines and Mining Interests, and recommend the passage of the bill as amended.

JOHNSON, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 43—An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No 47—An Act to appropriate $8,000 00 for the extension of the laundry building, and purchase of additional machinery therefor, for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Also: Assembly Bill No 116—An Act making an appropriation for the erection of a workshop at the home of the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 41—An Act to provide for the building of fences and construction of ditches and reservoirs and other improvements at the Southern California State Hospital, and to make an appropriation for the same

Also: Assembly Bill No 257—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw same.

CROMWELL, Chairman.

WITHDRAWAL OF BILL.

Mr. Prescott asked leave to withdraw Assembly Bill No. 41.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

F. J. BRANDON, Secretary.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Read first time.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read first time.

MOTION.

Mr. Johnson moved that Senate Bills Nos. 108 and 168 be substituted for Assembly Bills Nos. 146 and 147, the same being identical, and that they be given the same place on the Assembly file.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626*a*, 626*f*, 626*h* of the Penal Code of the State of California, relating to the preservation of game.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

F. J. BRANDON, Secretary.
By FRED L. THOMAS, Assistant Secretary.

Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626*a*, 626*f*, and 626*h* of the Penal Code of the State of California, all relating to the protection and preservation of game.

Read first time.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Fish and Game.

MOTION.

Mr. Greer moved to substitute Senate Committee Substitute for Senate Bills Nos. 101 and 201 for Assembly Bill No. 498, the same being identical.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Walsh: Assembly Bill No. 579—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Read first time, and referred to Committee on Claims.

By Mr. Killingsworth: Assembly Bill No 581—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Goodrich: Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of Clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Mott: Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Read first time, and referred to Committee on Election Laws.

By Mr. Weger: Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read first time, and referred to Committee on Judiciary.

By Mr. McCartney: Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney, and assistant prosecuting attorney, their appointment and terms of office.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Johnson: Assembly Bill No. 587—An Act to prevent delay in judicial proceedings.

Read first time, and referred to Committee on Judiciary.

By Mr. Bates (by request): Assembly Bill No. 588—An Act to provide for the distribution of all bills, constitutional amendments, resolutions, files, journals, and histories of the California Legislature while in session.

Read first time, and referred to Committee on Ways and Means.

By Mr. Rolley: Assembly Bill No. 589—An Act to protect the employés and traveling public on electric or other independently driven street cars.

Read first time, and referred to Committee on Labor and Capital.

MOTION.

Mr. Higgins moved that the privileges of the floor be granted to the Hon. Jud. C. Brusie, an ex-member of the Assembly.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Drew: Assembly Bill No. 590—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read first time, and referred to Committee on Irrigation.

By Mr. Knight: Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Read first time, and referred to Committee on Corporations.

At eleven o'clock A. M., Speaker pro tem. Carter in the chair.

By Mr. Wright: Assembly Bill No. 594—An Act to create an exempt firemen's relief fund in the several counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

Read first time, and referred to Committee on Municipal Corporations.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That the time for the Bill Filers to take the Senate and Assembly files and Journal files shall be fixed for three o'clock P. M. of each day, instead of four o'clock P. M., as heretofore fixed by this Assembly.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

Resolution adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 349—An Act to amend Sections 628, 629 632, 636, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same, as the contents are embodied in Senate Bill No. 150.

LEININGER, Chairman.

RESOLUTION.

By Mr. Mott:

*Resolved*, That for and by reason of services rendered the Assembly by Ed. J. Smith, as an Assistant Clerk at the desk, at the request of the Chief Clerk, he, the said Ed. J. Smith, is hereby allowed the same per diem as is paid the Assistant Clerks at the desk, said per diem to be for the term of ten days, ending January 29, 1903, and payable out of the appropriation for the contingent expenses of the Assembly The Controller is hereby directed to draw his warrant for said per diem, and the State Treasurer is hereby directed to pay the same; and be it

*Further resolved*, That said Ed. J. Smith be and he is hereby appointed an Assistant Clerk at the desk, at the same per diem as is paid the other Assistant Clerks at the desk, said per diem being payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Mott moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Duffey, Dunlap, Ells, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Prescott, Rolley, Soward, Stansell, Stanton, Susman, Traber, Walker, and Walsh—52.
NOES—Mr. Weger—1.

At eleven o'clock and fifteen minutes A. M., Speaker Fisk in the chair.

MOTIONS.

On motion of Mr. Johnson, Assembly Bill No. 441 was passed on file.

Mr. Greer moved that the Assembly do now consider Senate Committee Substitute for Senate Bills Nos. 101 and 201.

Objected to by Mr. Carter.

Mr. Greer moved that the rules be suspended and that the Assembly do now consider Senate Committee Substitute for Senate Bills Nos. 101 and 201.

The question being, "Shall the rules be suspended?"

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Boisson, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Johnson, Killingsworth, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Rolley, Stansell, Susman, Traber, Walker, Walsh, Weger, and Mr. Speaker—43.
NOES—Messrs. Amerige, Barnes, Brown, Burgess, Camp, Cromwell, Goodrich, Houser, Howard, John, Johnstone, Kelso, King, Lewis of Riverside, Pann, Prescott, and Soward—17.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session—and was presented to the Governor, at ten o'clock and ten minutes A. M.

AMERIGE, Chairman.

At twelve o'clock and twenty minutes P. M., Mr. Greer moved that the hour for recess be extended until the consideration of Senate Committee Substitute Bill is disposed of.

So ordered.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That Senate Committee Substitute for Senate Bills Nos. 101 and 201 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at twelve o'clock and forty-two minutes P. M., Mr. Greer moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson,

Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Rolley, Soward, Stansell, Stanton, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—65.

At one o'clock and twelve minutes P. M., Mr. Brown moved that further proceedings under call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock and twenty-two minutes P. M., Mr. Stansell moved that further proceedings under call of the House be dispensed with.

So ordered.

ROLL CALL—(RESUMED).

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

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Bliss, Boisson, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Stansell, Stanton, Susman, Traber, Walker, Walsh, Weger, and Mr. Speaker—55.

NOES—Messrs Amerige, Brown, Burgess, Camp, Goodrich, Houser, Johnstone, King, Lewis of Riverside, Prescott, Soward, and Wright—12

Senate Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626*a*, 626*f*, and 626*h* of the Penal Code of the State of California, all relating to the protection and preservation of game.

Read second time.

Mr. Soward submitted the following amendment:

Strike out the words "fifteenth day of October," in line four, page one, and insert instead thereof the words "first day of September."

Amendment lost.

Mr. Soward submitted the following amendment:

Add at end of Section 4, page two, after line eleven, the words: "*provided*, the Boards of Supervisors in their respective counties may, by ordinance, extend or shorten the close season for the above-named birds, or for any sort of game whatsoever, or for mountain trout."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Soward, King, and Barnes.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Burgess, John, King, and Soward—5.

NOES—Messrs. Allen, Barber, Bates, Baxter, Bliss, Boisson, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Stansell, Stanton, Susman, Traber, Walker, Walsh, Weger, and Mr. Speaker—53.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Fisk: Assembly Bill No. 595—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co., such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Read first time, and referred to Committee on Ways and Means.

By Mr. Knight: Assembly Bill No. 596—An Act to add a new section to the Code of Civil Procedure, to be numbered 1040, providing a method of relieving persons satisfactorily shown to be unable to prepay the same, from the necessity of prepaying the fees, costs, charges, and expenses fixed by law or rule of court, and incident to actions or special proceedings in courts of justice.

Read first time, and referred to Committee on Judiciary.

By Mr. Traber: Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Read first time, and referred to Committee on Ways and Means.

CONSIDERATION OF SENATE COMMITTEE BILL—(RESUMED).

Mr. Prescott submitted the following amendment:

Strike out all of sections two, three, and four of said bill.

PREVIOUS QUESTION DEMANDED.

Pending the question of the adoption of the amendment, Messrs. Greer, Higgins, and Bliss demanded the previous question.

Previous question ordered.

The question being on the adoption of the amendment.

Amendment lost.

Mr. Brown submitted the following amendment:

Amend Section 4 as follows: Strike out the period at the end of line eleven of printed bill in Section 4, and insert a semicolon in lieu thereof, and insert the following thereafter: "*provided further*, that the provisions of this section shall not apply to the possession of any hide, pelt, or skin of any deer that was killed in any state, territory, or district during the season when same may be lawfully captured, and the export of which is not prohibited by law in the state, territory, or district in which the same was killed."

Amendment lost.

PREVIOUS QUESTION DEMANDED.

Messrs. Johnson, Drew, and Higgins demanded the previous question.

Messrs. Drew and Higgins consenting, Mr. Johnson withdrew the motion.

Mr. Carter submitted the following amendment:

Amend by striking out the word "July" in line five of Section 626*f* and inserting the word "August" in place thereof.

Amendment lost.

Mr. Carter submitted the following amendment:

Amend as follows: Strike out the figures "15" in line four of Section 626*a* and insert in place thereof "first"

Also: Strike out the word "July" in line five of Section 626*a* and insert therein the word "August."

Amendment lost.

PREVIOUS QUESTION DEMANDED.

Messrs. Greer, Drew, and Higgins demanded the previous question.

Previous question ordered.

Senate Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626*a*, 626*f*, and 626*h* of the Penal Code of the State of California, all relating to the protection and preservation of game.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Bliss, Boisson, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Duffey, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Rolley, Siskron, Stansell, Stanton, Susman, Traber, Walker, Walsh, Weger, and Mr. Speaker—57.

NOES—Messrs. Amerige, Brown, Burgess, Camp, Johnstone, Lewis of Riverside, Prescott, Soward, and Wright—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Houser gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate Committee Substitute for Senate Bills Nos. 101 and 201 was passed.

ADJOURNMENT.

At one o'clock and forty-six minutes P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 31, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Weger, Wright, and Mr. Speaker—58.

Quorum present.

LEAVES OF ABSENCE.

Leave of absence was granted until Monday, February 2, 1903, to the following members: Messrs. Bliss, Bates, McMartin, Rolley, Knight, McNeil, Black, Lewis of Riverside, Moore, Wright, Camp, Mattos, Leininger, Ells, Dunbar, Finn, and Duffey.

PRAYER.

Prayer by the Rev. Dr. Reagor.

READING OF THE JOURNAL.

On motion of Mr. Mott, the further reading of the Journal was dispensed with.

MOTION TO RECONSIDER.

Mr. Johnson moved to now consider Mr. Houser's motion to reconsider action made January 30, 1903, whereby Senate Committee Substitute for Senate Bills Nos. 101 and 201 was finally passed.

So ordered.

Mr. Greer moved to lay motion to reconsider on the table.

So ordered.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Allen, the privileges of the floor were extended to the Hon. G. A. Wentworth, ex-member of the Assembly.

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, January 29, 1903, was read, corrected, and approved.

REPORT OF STANDING COMMITTEE.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DUNLAP, Chairman.

SPECIAL ORDERS.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read second time.

The following committee amendment was submitted:

In section one, line one, amend the word "five" to read "six."

Mr. Soward submitted the following amendment to the committee amendment:

Amend the amendment by striking out the word "six" and inserting instead thereof the word "ten."

Amendment to the amendment lost.

Mr. Soward submitted the following amendment to the committee amendment:

Amend the amendment by striking out the word "six" and inserting instead thereof the words "seven and one half."

Amendment to the amendment lost.

The question recurring upon the adoption of the committee amendment.

Amendment lost.

Assembly Bill No. 102 ordered to print, engrossment, and third reading.

## REPORTS OF STANDING COMMITTEES.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR PRESIDENT: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "W. R Guy, plaintiff, vs. The State of California, defendant," numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "M. D. Corey, plaintiff, vs. The State of California, defendant," numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Also: Assembly Bill No 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same

Also: Assembly Bill No. 231—An Act to appropriate the sum of $1,416 50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter based upon a judgment recovered by the said Robert R Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of Judgments of the Superior Court of Calaveras County, page 333.

Also: Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901

Also: Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway, for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31 1891, and regulating the procedure therein," approved March 23, 1901.

Also. Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Also: Assembly Bill No 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Also: Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, vs. The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof, appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GOODRICH, Chairman

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered 204, 205, 206, 207, 208, all relating to legal mileage in the State—report the same back, and recommend that it be referred to Committee on Mileage.

Also: Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Also: Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property

Report the same back, and recommend that they do pass

Also: Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor—report the same back, with five amendments, and recommend that it do pass as amended

Also: Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax—report the same back, with three amendments, and recommend its passage as amended by a majority

Also: Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written—report the same back, with one amendment, and a majority recommend its passage as amended.

Also: Assembly Bill No. 464—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Also: Assembly Bill No. 465—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks

Also: Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

And report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, Assembly Bill No. 271 referred to Committee on Mileage.

On motion of Mr. Johnson, Assembly Bill No. 434 referred to Committee on Ways and Means.

ON JUDICIARY—(MINORITY REPORTS).

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903.

MR. SPEAKER: The undersigned members of the Committee on Judiciary, to whom Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written—was referred for consideration, hereby file a minority report and recommend that said bill do not pass.

HENRY WARD BROWN.
F. E. DUNLAP.
PERCY S. KING.

Also: Assembly Bill No 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns. and to impose a license tax—a minority recommend that it do not pass.

J. G. COVERT.
F. E. DUNLAP.
A. M. DREW.

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 481—An Act providing for the loaning of books and documents in the State Library, and for the establishment of traveling libraries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

TRABER, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 259—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CROMWELL, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER. Your Committee on Irrigation, to whom was referred Assembly Bill No. 221—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agriculture or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents and employés who shall violate or attempt or threaten to violate the provisions of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Acting Chairman.

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making

provision for the payment of such bonds, and the disposal of their proceeds"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FOSTER, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 107—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during term of probation"

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during term of probation."

Read first time.

MOTION.

Mr. Johnson moved that Senate Bill No. 107 be placed on the file as number 118 on the file in lieu of Senate Bill No. 168, and that Senate Bill No. 168 be referred to Committee on Education.

So ordered.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Senate Bill No 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act

Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section Number 3611, relating to the general revenue of the State and to property exempt from taxation.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Senate Bill No 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 148—An Act to amend an Act approved February

28, 1887, entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Read first time, and referred to Committee on Corporations.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Read first time, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Also: Senate Bill No. 105—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Also: Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Also: Adopted Senate Concurrent Resolution No. 8—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Read first time, and referred to Committee on Election Laws.

Senate Bill No. 105—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Read first time, and referred to Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No 8.

Relative to the consent of the Legislature to the absence of his Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty (60) days.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California has consented, and does hereby consent, that his Excellency George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read first time, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 9—Relative to the death of Hon. F. C. Franck, of Santa Clara County.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Concurrent Resolution No. 9—Relative to the recent death of the Hon. F. C. Franck, of Santa Clara County.

Resolution read.

MOTIONS.

Mr. Johnson moved that the Assembly do now consider Senate Concurrent Resolution No. 9.

So ordered.

Mr. Walker moved that the Assembly do now concur in the adoption of the resolution.

So ordered.

SENATE CONCURRENT RESOLUTION No. 9.

Relative to the recent death of Hon. F. C. Franck, of Santa Clara County.

*Resolved by the Senate of the State of California, the Assembly concurring*, That a joint committee consisting of three Assemblymen and three Senators be appointed by the Speaker of the Assembly and the President of the Senate to draft resolutions of respect to the memory of the late ex-Assemblyman and ex-State Senator, Hon. F. C. Franck, a representative from Santa Clara County.

The Speaker announced the appointment of the following committee,

in pursuance of Senate Concurrent Resolution No. 9: Messrs. Walker, Ells, and Dougherty.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Higgins: Assembly Bill No. 598—An Act to add a new section to the Penal Code, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the Code.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

By Mr. Carter: Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city and county, or city or town.

Referred to Committee on Constitutional Amendments.

By Mr. Bangs: Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California, upon a judgment recorded in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 602—An Act to amend Section 2655 of the Political Code, relating to the distribution of road tax and road poll tax in each voting precinct.

Read first time, and referred to Committee on Roads and Highways.

By Mr. McCartney: Assembly Bill No. 603—An Act to amend Section 310½ of the Penal Code, as approved March 27, 1895, relating to barber shops, hairdressing establishments, and bath-houses being open on Sundays and parts of holidays.

Read first time, and referred to Committee on Judiciary.

By Mr. Copus: Assembly Bill No. 604—An Act to amend Section

1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Read first time, and referred to Committee on Education.

By Mr. Stanton: Assembly Bill No. 606—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Leininger: Assembly Bill No. 607—An Act to appropriate the sum of $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Read first time, and referred to Committee on Ways and Means.

By Mr. Walker: Assembly Bill No. 608—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation, and the appointment of receivers.

Read first time, and referred to Committee on Banks and Banking.

By Mr. McMahon: Assembly Bill No. 609—An Act to provide for an Examining Board of Plumbers in cities of the first and one half, second, third, fourth, and fifth classes; to prescribe the duties and powers of such board; to provide for the registration of plumbers in such cities, and to require ordinances with reference to plumbing and sewerage, and a permit for the same, and fixing penalties for violation of this Act.

Read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Read first time, and referred to Committee on Claims.

By Mr. Wright: Assembly Bill No. 611—An Act to amend Sections 2641, 2642, and 2645 of the Political Code of the State of California, and to add a new section to said Code, to be known as Section 2644.

Read first time, and referred to Committee on Roads and Highways.

## WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Duryea moved that Assembly Bill No. 473 be recalled from Committee on Claims and re-referred to Committee on Ways and Means.

So ordered.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 550—An Act to appropriate the sum of $20,000 for the purpose of erecting and

constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREER, Chairman.

RESOLUTION.

By Mr. Stanton:

*Resolved*, That G. J. Fink be and he is hereby substituted in place of Frank Sweeny, dropped from the roll, as Sergeant-at-Arms to Judiciary Committee, with the per diem allowed by law, and the State Controller is hereby directed to draw his warrant in favor of said Fink, and the State Treasurer is directed to pay the same.

Resolution read.

Mr. Stanton moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Boisson, Brown, Burgess, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Mahany, McCarthy, McConnell, McKenney, McLaughlin, McMahon, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Weger, Wright, and Mr. Speaker—53.

NOES—None.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Walsh moved that Assembly Bill No. 46 be recalled from Committee on County and Township Governments and re-referred to Committee on Judiciary.

So ordered.

Mr. Greer moved that Assembly Bill No. 298 be recalled from Committee on Claims and re-referred to Committee on Ways and Means.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following State Hospitals in this State, to wit: The Stockton State Hospital in San Joaquin County, the Southern California State Hospital at Highlands, San Bernardino County, the Agnews State Hospital at Agnew, Santa Clara County, and the Industrial Home of Mechanical Trades for the Adult Blind at Oakland, have visited the same and herewith present their bill of expenses of the trip as follows:

| | |
|---|---|
| Cromwell | $121 60 |
| Foster | 121 60 |
| McLaughlin | 121 60 |
| King | 121 60 |
| Duryea | 121 60 |
| Leininger | 121 60 |
| Wright | 121 60 |
| Moore | 121 60 |
| Weger | 121 60 |
| Kerrigan | 121 60 |
| Total | $1,216 00 |

And ask for the adoption of the following:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of F. A. Cromwell, chairman of the Committee on State Hospitals and Asylums, for the sum of $1,216, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

CROMWELL, Chairman.

Report and resolution read, and referred to Committee on Mileage.

RESOLUTIONS.

By Mr. Cromwell:

*Resolved*, That the Chief Clerk mail on Friday of each week the Daily History of the Assembly of that day to four persons or newspapers to be designated by each member of the Assembly.

Resolution read.

Mr. Cromwell moved the adoption of the resolution.

Resolution adopted.

By Mr. McConnell:

WHEREAS, On the 22d day of January, 1903, a respectful memorial was received by this Assembly from the honorable Council and Assembly of the Twenty-second Territorial Legislature of the Territory of Arizona, requesting this honorable body to petition our representatives in Congress to favor the passage of the Statehood Bill; and

WHEREAS, A similar memorial was received from the Fifty-fifth Legislature of the Territory of New Mexico, requesting similar action by this Legislature; and

WHEREAS, These memorials were referred to the Committee on Federal Relations, and no report has been received from said committee; therefore, be it

*Resolved*, That the Committee on Federal Relations be and they are hereby requested to report said memorials back to this House on next legislative day.

Resolution read.

The question being on the adoption of the resolution.

Resolution lost.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Claims: Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California.

Read first time, and referred to Committee on Ways and Means.

MOTION.

Mr. Howard moved that the rules be suspended, and that the Assembly do now consider Assembly Joint Resolution No. 4.

So ordered.

ASSEMBLY JOINT RESOLUTION NO. 4.

Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

*To the President of the United States, Congress of the United States, and the Department of the Interior:*

The Legislature of the State of California, now assembled, presents the following memorial:

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of Government land in this State, as proposed forest reserves; and

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves permanent reserves; and

WHEREAS, Many interests of the people of the whole State are involved in said proposed reservation, including mining, stock, and agricultural interests; and

WHEREAS, The permanent establishment of these reserves under the present existing reserve laws will cause great and lasting damage to many of the aforesaid interests, and will be the means of furthering the designs of persons and corporations evilly disposed towards the welfare of this State; now, therefore, be it

*Resolved*, That the Legislature of the State of California, representing the whole people of this State, request the President of the United States, the Department of the Interior, and the Commissioners of the General Land Office to defer all action tending towards the permanent establishment of said reserves pending investigation into the question by the Department of the Interior; and be it further

*Resolved*, That the Legislature of the State of California hereby requests the President of the United States, or the Department of the Interior, or Congress of the United States, whichever body may have such power, to immediately appoint a special commission to investigate and report the facts, conditions, and matters connected with and surround-

ing the said proposed forest reserve in the State of California, and that said commission be empowered to hear testimony, personally examine the proposed forest reservations, and report fully thereon as to all conditions and interests surrounding, involved in, and affected by the said forest reservations

Resolution read.

Mr. Howard moved the adoption of the resolution.

Resolution adopted.

UNFINISHED BUSINESS.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

On motion of Mr. Johnson, passed on file.

RESOLUTION—(OUT OF ORDER).

By Mr. Brown:

*Resolved*, That the Committee on State Prisons and Reformatory Institutions are hereby instructed and empowered to inquire whether prisoners confined in San Quentin and Folsom State Prisons are now or have been within the last year subjected to cruel and unusual punishments, and especially to what extent the strait-jacket is being used at said prisons upon prisoners confined in said prisons for the purpose of discipline or punishment; that said committee make this inquiry during their visit to said prisons which they have been directed to make by this Assembly; and said committee is hereby directed to report to the Assembly, in writing, the result of their investigations as soon as practicable

At eleven o'clock and five minutes A. M., the Speaker called Mr. Stansell to the chair.

Resolution read.

Mr. Brown moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Mott: Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Read first time, and referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

By Mr. Dunlap:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant on the State Treasurer, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly, in favor of Clio Lloyd, Chief Clerk, for $1,256, in payment of bills for eighty-five copies each of the Code of Civil Procedure, Political Code, Civil Code, and General Laws, and fifty-nine copies of Treadwell's Constitution, purchased by the Chief Clerk, under the authorization of the Ways and Means Committee resolution of January 20th.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs Allen, Amerige, Bangs, Barnes, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, McConnell, McLaughlin, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Weger, and Wright—51.

NOES—None.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Read second time.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Stansell in the chair, for the purpose of considering Assembly Bills Nos. 47 and 43.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Stansell in the chair.

Assembly Bills Nos. 47 and 43 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Stansell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

And do now report the same back, and recommend that they do pass.

STANSELL, Chairman.

Report adopted.

Assembly Bills Nos. 47 and 43 ordered to engrossment and third reading.

SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending Article XX of said Constitution, by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employés of the State, its cities and political subdivisions.

Passed on file.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose

to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article IV of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Carter moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Stansell in the chair, for the purpose of considering Assembly Bill No. 236.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Stansell in the chair.

Assembly Bill No. 236 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Stansell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 236--An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General s office for the remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that the same do pass.

STANSELL, Chairman.

Report adopted.

Assembly Bill No. 236 ordered to engrossment and third reading.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and

lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to prepare and construct all necessary staircase and approaches thereto.

Passed on file.

Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Stansell in the chair, for the purpose of considering Assembly Bill No. 483.

IN COMMITTEE OF THE WHOLE.

Mr. Stansell in the chair.

Assembly Bill No. 483 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Stansell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that the same do pass.

STANSELL, Chairman.

Report adopted.

Assembly Bill No. 483 ordered to engrossment and third reading.

SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Passed on file.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Heretofore passed; title read and approved.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins,

Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Mahany, McCartney, McConnell, McLaughlin, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, and Weger—44.
NOES—Messrs. Houser, King, and Traber—3

Title read and approved.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Read third time.

On motion of Mr. Snyder, passed on file.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, McCartney, McConnell, McLaughlin, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wright, and Mr. Speaker—47.
NOES—Messrs. Leininger and Weger—2.

Title read and approved.

At eleven o'clock and forty minutes A. M., Speaker Fisk in the chair.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Passed on file.

Assembly Bill No. 445—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of pendency of civil actions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells Foster, Goodrich, Houser, John, Johnstone, Kelso, Killingsworth, King, McCartney, McConnell, McLaughlin, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Transue, Walker, Wright, and Mr. Speaker—40.
NOES—Messrs Dougherty, Johnson, Leininger, Mott, Snyder, Stanton, Traber, Walsh, and Weger—9.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Foster, Goodrich, Higgins, Houser,

Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, McCartney, McConnell, McLaughlin, McMahon, Mott, Olmsted, Prescott, Pyle, Riskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Weger, Wright, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district.

Read third time.

MOTION.

Mr. Covert moved that a select committee of one be appointed for the purpose of amending Assembly Bill No. 350.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903.

MR. SPEAKER: Your select committee of one to whom was referred Assembly Bill No 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district—with instructions, do now report that the instructions of the Assembly have been carried out.

COVERT, Committee.

Report adopted.

AMENDMENT.

Amend by striking out the figures "46" on page four, line one hundred and three of the printed bill, and inserting in lieu thereof the figures "47."

Amendment adopted.

Assembly Bill No. 350 ordered to print and re-engrossment.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1, BY COMMITTEE ON JUDICIARY.

Disapproves of Amendment No. 4, proposed by Committee on Mines and Mining Interests.

Amendment adopted.

AMENDMENT No. 2, BY COMMITTEE ON JUDICIARY.

After the word "owner," in line twenty-one, page two of the printed bill, insert the words "of such mining claim or claims or real property worked as a mine or."

Amendment adopted.

AMENDMENT No. 3, BY COMMITTEE ON JUDICIARY.

After the word "aforesaid," in line twenty-seven, page two of the printed bill, insert the words "or of such mining claim or claims."

Amendment adopted.

AMENDMENT No 1, BY COMMITTEE ON MINES AND MINING INTERESTS.

Amend by inserting the word "well," with a comma thereafter, in line ten, page one of the printed bill, between the words "aqueduct" and "tunnel."

Amendment adopted.

AMENDMENT No. 2, BY COMMITTEE ON MINES AND MINING INTERESTS.

Amend by inserting in line seventeen, page one of the printed bill, after the word "claims," the words "or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process."

Amendment adopted.

AMENDMENT No. 3, BY COMMITTEE ON MINES AND MINING INTERESTS.

Amend by inserting in line nineteen, page two of the printed bill, after the word "claims," the words "or real property so worked as a mine."

Amendment adopted.

AMENDMENT No. 4, BY COMMITTEE ON MINES AND MINING INTERESTS.

Amend by striking out of lines twenty-one and twenty-two, page two of the printed bill, the words "of the building or other improvement," and insert in lieu thereof the words "of such mining claim or claims."

Amendment lost.

AMENDMENT No 5, BY COMMITTEE ON MINES AND MINING INTERESTS.

Amend by inserting in line twenty-five, page two of the printed bill, after the word "claims," the words "or real property worked as a mine."

Amendment adopted.

Assembly Bill No. 12 ordered to print, engrossment, and third reading.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out all of lines five, six, seven, eight, nine, and ten, and the words "furnished or performed" in line eleven, page one of the printed bill, and inserting in lieu thereof the following: "1192 Every building or other improvement mentioned in section one thousand one hundred and eighty-three of this Code, constructed upon any lands with the knowledge of the owner, or the person having or claiming any interest therein, and the work or labor of every character whatsoever done and materials

furnished, mentioned in said section, upon, in, or to any mining claim or claims, or real property worked as a mine, with the knowledge of the owner, or the person having or claiming any interest therein, shall be held to have been constructed, performed, or furnished."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line twenty-three, page two of the printed bill, after the word "claims," the following: "or real property used as a mine."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line twenty-seven, page two of the printed bill, after the word "claims," the following: "shall be deemed to be a fixture attached to such mining claim or claims or real property used as a mine, and "

Amendment adopted.

Assembly Bill No. 13 ordered to print, engrossment, and third reading.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Cromwell: Assembly Bill No 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons.

Read first time, and referred to Committee on State Hospitals and Asylums.

ADJOURNMENT.

At twelve o'clock and seven minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until eleven o'clock A. M. of Monday, February 2, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 2, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. King, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, January 30, 1903, was read, corrected, and approved.

LEAVES OF ABSENCE.

Leaves of absence were granted until Tuesday, February 3, 1903, to Messrs. Knight, Olmsted, Carter, Brown, Walsh, McKenney, Barber, Bliss, McConnell, and Murphy.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO. February 2, 1903

MR SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor—report the same back, with three amendments, and recommend its passage as amended.

Also: Assembly Bill No 395—An Act to provide for the appointment of a County Livestock, Dairy, Food, and Sanitary Inspector, prescribing his duties, powers, and compensation—report the same back, with six amendments, and recommend its passage as amended.

Also: Assembly Bill No 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor"—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of—and report the same back with four amendments, and recommend its passage as amended.

JOHNSON, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 215—An Act to create and establish two reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOORE, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Also: Assembly Bill No 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor

Also: Assembly Bill No 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNES, Chairman.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution, as follows:

Your Committee on State Hospitals and Asylums, authorized to visit the following State Hospitals in this State, to wit: The Stockton State Hospital in San Joaquin County, the Southern California State Hospital at Highlands, San Bernardino County, the Agnews State Hospital at Agnews, Santa Clara County, and the Industrial Home of Mechanical Trades for the Adult Blind at Oakland, have visited the same and herewith present their bill of expenses of the trip, as follows:

| | |
|---|---|
| Cromwell | $121 60 |
| Foster | 121 60 |
| McLaughlin | 121 60 |
| King | 121 60 |
| Duryea | 121 60 |
| Leininger | 121 60 |
| Wright | 121 60 |
| Moore | 121 60 |
| Weger | 121 60 |
| Kerrigan | 121 60 |
| Total | $1,216 00 |

And ask for the adoption of the following:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of F. A. Cromwell, chairman of the Committee on State Hospitals and Asylums, for the sum of $1,216, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BATES, Chairman.

Report adopted.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None.

ON STATE HOSPITALS AND ASYLUMS.

MR. SPEAKER: Your Committee on State Hospitals and Asylums have visited the Stockton State Hospital, the Southern California State Hospital, the Agnews State Hospital, and the Industrial Home of Mechanical Trades for the Adult Blind, and we do report as follows:

At Stockton, the committee inspected the land the purchase of which is contemplated by the State should Assembly Bill No. 200 receive favorable consideration by the Legislature and the Governor. This land comprises a tract of about 745 acres, about one half of which is rich bottom land adjacent to the San Joaquin River, capable of producing cereals, vegetables, and fruits in abundance. The other half of the tract appears to be soil of a character greatly inferior to that along the river, and more adapted for grazing than for agricultural purposes; being covered with a heavy growth of salt-grass, upon which cattle do well. This land is about six miles from the City of Stockton. As the City of Stockton now surrounds the State Hospital, and the removal of the hospital from its present site must necessarily be made in a few years, it appears that the intention of the Board of Managers of the Hospital is of a threefold nature: First, to acquire more land in order to supply sufficient quantities of hay, fruit, and vegetables for hospital consumption; secondly, to afford employment for patients whose condition is such that it were better for them to be employed; thirdly, that when the removal of the hospital from the City of Stockton becomes imperative, it may be represented to the State that an available site is already owned by the State, upon which the necessary buildings may be

erected. That more land is needed for the accommodation of this hospital is recognized by your committee, but we have not, as yet, given the bill sufficient consideration to warrant a final report upon the same at this time. We therefore ask for further time for the consideration of this measure.

Though the committee had no bill before them demanding an investigation of the internal needs or workings of the hospital, yet we felt it incumbent upon us to inspect the various wards and departments thereof. Upon an inspection, consuming about two and one half hours in the evening, and about the same period in daylight, we found the several departments, including the wards for males, those for females, the bakery, the kitchen, the laundry, and the grounds in a neat condition, the physicians and attendants courteous, and the unfortunate wards of the State in this hospital well cared for.

Your committee had before them for their consideration Assembly Bills numbered 41, 42, 43, and 47, calling for appropriations for $7,500, $33,000, $110,000, and $8,000, respectively, for improvements at the Southern California State Hospital. Upon visiting this hospital, we found the same greatly overcrowded. Male and female patients in large numbers were sleeping on the floors, in the corridors, and in the basement of the building. Wards designed for the accommodation of sixty patients, average one hundred and fourteen patients each. In rooms intended to be occupied by two patients, we found four or more. Into dormitories designed for ten or twelve persons, are crowded eighteen or twenty. A wing to the main building, intended for female patients, but not yet completed, will, when finished, accommodate one hundred and eighty patients. This will relieve the present congested condition of this institution, but will not afford adequate relief to meet the growing demands of this hospital. It is the sense of your committee that the State should take immediate action to ameliorate the conditions existing at this hospital.

Here your committee found the employés of the State faithful to their duties, and the patients as well cared for as conditions would permit.

At Agnews State Hospital, your committee found the various departments in good order, the physicians and attendants faithful in the performance of their duties, the patients, on the whole, well cared for. Your committee urges the appropriation asked for by this hospital for the erection of water towers and tanks on the grounds. The tanks now in use are built over the buildings, and by leaking and occasional overflow, are a constant source of damage to the buildings. In case of fire, their usefulness in supplying water to quench the flames may easily be reduced to naught. The home-like equipment of the cottages for patients belonging to this hospital, in each of which were about one hundred patients, apparently happy, and certainly enjoying comforts which the larger buildings cannot afford, impressed your committee most favorably as to the superiority of the cottage system of caring for the inmates of these institutions, and of affording opportunity for isolation of patients afflicted with contagious or infectious diseases. Reports upon the bills appertaining to this hospital have been submitted to the Assembly by your committee.

At none of the hospitals visited did your committee observe any provision for egress in case of fire, except by the ordinary mode of exit by doorways. We would therefore recommend that each State Hospital be equipped with a sufficient number of safe, practical, modern fire-escapes, to be provided from the contingent funds of the respective institutions.

At the Industrial Home of Mechanical Trades for the Adult Blind, your committee met conditions which, mildly described, reflect little credit to the great State of California, whose public institutions are an index to the generosity and progress of the commonwealth. At this place, your committee met one hundred and ten males and females whose misfortune compels them to be cared for by the State. Here the living houses are in poor repair; roofs leak badly; the houses are almost devoid of paint; cement walks within the inclosure are broken and present an irregular surface, making it dangerous for the blind to walk thereon. To say nothing of the present discomfort of the inmates, an appropriation is needed to stop further deterioration of property and to hide the evident marks of past neglect by the State. The inmates conduct their industrial operations in buildings in which a thrifty farmer would hesitate to quarter livestock which he values. The buildings in which their work is carried on are frail wooden structures, cold and cheerless, with no means for heating the same, and ill adapted as work-shops for the most favored artisans, not to mention their total unfitness for occupancy as working rooms by those whose pitiable condition demands the greatest comfort and conveniences obtainable. Your committee therefore urges such action by the Assembly as has been recommended by them in the bills pertaining to this institution.

Respectfully submitted.

CROMWELL, Chairman.
WRIGHT.
FOSTER.
WEGER.
LEININGER.
DURYEA.
MOORE.
McLAUGHLIN.
KING.

On motion of Mr. Dunbar, ordered printed in the Journal.

READING AND INTRODUCTION OF BILLS.

By Mr. McMartin: Assembly Bill No. 615—An Act to amend Section 1307 of the Civil Code.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Waste (by request): Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Higgins: Assembly Bill No. 618—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser: Assembly Constitutional Amendment No. 20—Proposed amendment to Section 1 of Article VI of the Constitution, relative to the judicial power of the State, and fixing the age limit of judicial officers.

Referred to Committee on Constitutional Amendments.

By Mr. Bangs: Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Traber: Assembly Bill No. 620—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read first time, and referred to Committee on Education.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Transue moved that Assembly Bill No. 520 be recalled from the Committee on Judiciary and re-referred to Committee on Commissions and Public Expenditures.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Johnson: Assembly Bill No. 621—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and care of asparagus rust, and in conducting experiments under the direction of such pathologist.

Read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Read first time, and referred to Committee on Judiciary.

By Mr. Fisk: Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 624—An Act to amend Section 90 of the Civil Code of the State of California, relating to dissolution of marriage.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 625—An Act to amend Section 456 of the Political Code of the State of California, defining the duties of District Attorney.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 626—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 627—An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 628—An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General.

Read first time, and referred to Committee on Judiciary.

MOTION.

Mr. Dunlap moved that Senate Bill No. 105 be recalled from Committee on Ways and Means.

So ordered.

SUBSTITUTION OF BILL.

Mr. Dunlap moved that Senate Bill No. 105 be substituted for Assembly Bill No. 231, number 151 on the file, the same being identical.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital

Assembly Bill No 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year.

BAXTER, Acting Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Dunlap: Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Read first time, and referred to Committee on Ways and Means.

By Mr. Siskron: Assembly Bill No. 630—An Act for the better protection of State, county, city and county, city, and town officers and employés, and to prevent the assignment of the warrants for salaries and compensation of such officers and employés.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR SPEAKER: Your Committee on Public Buildings and Grounds, authorized to visit the various State institutions at San Diego, Los Angeles, San Luis Obispo, San José, San Francisco, and Berkeley, herewith presents the accounts of expenses of the members of the committee, as follows:

| | |
|---|---|
| Pyle | $125 00 |
| Walker | 125 00 |
| John | 125 00 |
| McNeil | 125 00 |
| Bates | 125 00 |
| Steadman | 125 00 |
| Transue | 125 00 |
| Dougherty | 125 00 |
| Snyder | 125 00 |
| | $1,125 00 |

And we ask the adoption of the following:

*Resolved*, That the Controller is hereby directed to draw his warrant on the Treasurer in favor of F. W. Barnes, chairman of the Committee on Public Buildings and Grounds, for the sum of $1,125, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

BARNES, Chairman.

Referred to Committee on Mileage.

SPECIAL FILE.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton,

Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—66.
NOES—None.

Title read and approved.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Boisson, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Duryea, Finn, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr Speaker—56.
NOES—Messrs. Bangs, Baxter, Brown, Dougherty, Duffey, Gleeson, Mahany, and Snyder—8.

Title read and approved.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, and promotions of officers and employés of the State, its cities and political subdivisions.

Passed on file.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen, for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article IV of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos,

McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—65.

NOES—Mr. Houser—1.

Title read and approved.

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—63

NOES—None.

Title read and approved.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircase and approaches thereto.

Passed on file.

Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and for furniture, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Passed on file.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 443—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Duffey, Dunlap, Finn, Foster, Gleeson, Kelso, King, Lewis of Riverside, Lewis of San Francisco, McCartney, McKenney, McMartin, Moore, Pyle, Siskron, Snyder, Soward, Susman, Walker, Walsh, Waste, and Wright—33.

NOES—Messrs. Allen, Boisson, Drew, Dunbar, Duryea, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Killingsworth, Leininger, Mattos, McConnell, McLaughlin, McNeil, Mott, Pann, Prescott, Rolley, Stansell, Stanton, Steadman, Traber, Transue, Weger, and Mr. Speaker—30.

NOTICE OF MOTION TO RECONSIDER.

Mr. Houser gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 443 was on this day refused final passage.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district.

Passed on file.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read third time.

Mr. Soward moved that a special committee of one be appointed for the purpose of amending the bill.

The question being, "Shall a special committee of one be appointed?"

The ayes and noes were demanded by Messrs. Soward, Leininger, and Brown.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Baxter, Brown, Burgess, Dougherty, Duffey, Gleeson, Houser, Johnstone, Kelso, Leininger, Lewis of Riverside, Mahany, McKenney, Snyder, Soward, Transue, and Walker—18.

NOES—Messrs Allen, Amerige, Bangs, Barber, Bates, Black, Boisson, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Killingsworth, King, Lewis of San Francisco, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Steadman, Susman, Traber, Walsh, Waste, Weger, Wright, and Mr. Speaker—51.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar. Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Killingsworth, King, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—Messrs. Baxter, Brown, Dougherty, Duffey, Johnstone, Kelso, Leininger, Lewis of Riverside, McKenney, and Soward—10.

Title read and approved.

Assembly Bill No 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Passed on file.

Assembly Bill No. 11—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and for the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Passed on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Passed on file.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Cromwell moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 23.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 23 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma,

and making an appropriation therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendment was submitted:

Change the figure "9" in the last line to the figure "8."

Amendment adopted.

Assembly Bill No. 23 ordered to print, engrossment, and third reading.

Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Passed on file.

Assembly Bill 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Passed on file.

Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Passed on file.

Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Passed on file.

Assembly Bill No. 442—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 449, 472, 476, and repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Passed on file.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Passed on file.

ADJOURNMENT.

At twelve o'clock and twenty-six minutes P. M., on motion of Mr. Duryea, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 3, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78

Quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted until Wednesday, February 4, 1903, to Mr. Knight.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Saturday, January 31, 1903, was read, corrected, and approved.

SPECIAL ORDERS.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Heretofore read third time.

Mr. Johnson moved that a select committee of one be appointed for the purpose of amending Assembly Bill No. 142.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court now held by George Hornage, plaintiff, versus The State of California, defendant—with instructions, do now report that the instructions of the Assembly have been carried out.

CAMP, Committee.

Report adopted.

AMENDMENT.

Section 4. The amount herein appropriated shall not be available for the purposes of this Act until the first day of January, 1904, nor until the parties owning the judgment shall file a satisfaction of the judgment and a receipt in full for all demands with the State Controller.

Mr. Camp moved that a select committee of one be appointed for the purpose of amending Assembly Bill No. 142.

Point of order raised by Mr. Dunlap that two select committees of one can not be appointed to act at the same time on the same bill.

Point of order sustained.

Mr. Camp moved to amend the amendment submitted by Mr. Johnson, as follows:

Amend section two by inserting after the words "section two" the following: "Under the conditions and after the date and upon the contingencies stated in section one thereof."

Amendment adopted.

Amend section one by adding at the end thereof the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of July, A. D. 1904, nor unless at the time such warrant is drawn said judgment shall be standing not reversed or vacated and with no appeal therefrom pending."

Amendment adopted.

Mr. Soward submitted the following amendment to the amendment:

Strike out "July 1, 1904," and insert instead thereof "January 1, 1904."

Amendment accepted by Mr. Camp.

Amendment adopted.

The question being on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Brown, John, and Johnson.

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

AYES—Messrs. Amerige, Barber, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Cromwell, Finn, Foster, Goodrich, Houser, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, and Weger—38

NOES—Messrs. Allen, Bangs, Barnes, Bates, Bliss, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Gleeson, Hart, Higgins, Howard, John, Johnson, Kerrigan, Killingsworth, Lumley, McConnell, McKenney, McNeil, Prescott, Pyle, Stansell, Steadman, Transue, Walker, Walsh, Waste, and Mr. Speaker—34.

Assembly Bill No. 142 ordered to print and re-engrossment.

RE-COMMITTAL OF BILLS.

Mr. Dunlap moved that Assembly Bills Nos. 98, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90, and 91 be re-committed to Committee on Judiciary.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That commencing on February 5, 1903, the hour from two (2) to three (3) P. M. shall be devoted to the consideration of bills on the second-reading file, and no other business shall be in order during said hour.

BROWN, Chairman.

Mr. Brown moved the adoption of the report.

Report adopted.

PRIVILEGES OF THE FLOOR.

Mr. Dorsey moved that the privileges of the floor be extended to the Hon. J. W. P. Laird, an ex-member of the Assembly.

So ordered.

PETITION.

The following petition was presented by Mr. Killingsworth, and was ordered printed in the Journal:

SAN FRANCISCO, January 30, 1903.

*To the Honorable Senate and Assembly of the State of California:*

GENTLEMEN: The Manufacturers and Producers' Association of California, organized in March, 1895, and composed of producers and manufacturers throughout the State, and having for its purpose the encouragement of the manufacture, production, distribution, and consumption of California products of all kinds in accordance with the unanimous action of its Board of Directors on this date, respectfully but most earnestly petitions the enactment by your honorable bodies of "An Act for the promotion of the viticultural interests of the State, and making an appropriation therefor," now pending before you, to the end that the viticultural industry of the State, the welfare of which is of such vital consequence to all our people, shall be fostered and protected through the scientific experimental and research work provided for by said bill.

We respectfully represent to your honorable bodies that the most urgent necessity exists for the enactment of this measure. The time has arrived in the history of this industry when the State of California can no longer delay placing in the hands of its highest scientific authorities the study of viticulture and experimental work therein in all its aspects, which are imperatively demanded in the interests of this great source of wealth to the State.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

A. SBARBORO, President.
CHARLES E. BANCROFT, Secretary.

[SEAL]

REPORTS OF STANDING COMMITTEES.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No 30—An Act to amend Section 1132 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 22—An Act to amend Section 1132 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw same.

STANTON, Chairman.

WITHDRAWAL OF BILL.

On motion of Mr. Cromwell, Assembly Bill No. 22 was withdrawn.

ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903

MR SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Also: Assembly Bill No 160—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Also: Assembly Bill No 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HOUSER, Chairman

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Senate Bill No 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases—report the same back, with one amendment, and recommend its passage as amended

Also: Assembly Bill No. 541—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court—report the same back, and recommend its passage.

Also: Senate Bill No. 148—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," and to repeal all Acts and parts of Acts in conflict with this Act—report the same back and recommend its passage.

Also: Assembly Bill No 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit—report the same back, with five amendments, and recommend that it do pass as amended

Also: Assembly Bill No 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries—report the same back, with five amendments, and recommend that it do pass as amended

Also: Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of California—report the same back, with one amendment, and recommend its passage as amended

Also: Assembly Bill No. 48—An Act to amend Section 128 of the Civil Code of the State of California, relating to divorce—report the same back, with the recommendation that the author have leave to withdraw the same

Also: Assembly Bill No 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326, of the Penal Code of the State of California, relative to lotteries—report the same back, with two amendments, and recommend its passage as amended by a majority.

JOHNSON, Chairman

WITHDRAWAL OF BILL.

On motion of Mr. Pann, Assembly Bill No. 48 was withdrawn.

ON JUDICIARY—(MINORITY REPORT)

MR SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relative to lotteries—file this as a minority report, and recommend that it do not pass

F. D. SOWARD.
J. G. COVERT.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation

Also Assembly Constitutional Amendment No 16—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted

Also: Assembly Constitutional Amendment No 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend by majority vote that it be adopted.

Also: Assembly Constitutional Amendment No. 4—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Also: Assembly Constitutional Amendment No 1—To propose to the people of the State of California an amendment to Article XIII, Section 12, of the Constitution, to exempt voters from payment of poll tax.

Have had the same under consideration, and respectfully report the same back without recommendation.

McCARTNEY, Chairman

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 416—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BOISSON, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred a communication from the Territorial Legislature of New Mexico, relative to the Omnibus Statehood bill:

SANTA FÉ, NEW MEXICO, January 22, 1903.

*The Honorable Legislative Assembly of the State of California, Sacramento, California*

The following memorial was passed by a unanimous vote of both houses of the thirty-fifth Legislature of New Mexico to-day:

JOINT MEMORIAL NO. 55.

Your memorialist, the Legislative Assembly of the Territory of New Mexico, most respectfully represents that on the second day of February, A. D. 1848, by the treaty of Guadalupe Hidalgo, entered into between the United States and the Republic of New Mexico, the territory embraced within the territories of New Mexico was ceded to the United States. That by that treaty the Government of the United States solemnly pledged the people of the ceded territory that the same would be incorporated into the Union of the States and the people thereof admitted to the enjoyment of all rights of citizens of the United States. That the national conventions of the Republican and Democratic parties have repeatedly pledged the support of their representatives in the United States Senate and House of Representatives to the admission of the Territories of Oklahoma, and New Mexico, and Arizona to the sisterhood of States That the House of Representatives of the Congress of the United States has, in compliance with the treaty obligations of the United States and the political obligations of its members, passed a bill, "H. R. 12,543," to enable the people of Oklahoma, New Mexico, and Arizona to form constitutions and State governments and to be admitted into the Union on an equal footing of the original States That this bill has been transmitted to the Senate and is now pending in that honorable body without final action having been taken thereon That said bill embodies the hopes and aspirations of the people of New Mexico, who are well fitted to assume the form of government provided for in said bill, as evidenced by the fact that New Mexico has made as rapid educational progress during the last decade as any other part of the Nation, and has a common school system the peer of any in the Nation That within her boundaries there is taxable property of the value of more than two hundred million dollars That she has a sufficient population who have manifested their devotion and loyalty to the Government of the United States by furnishing more soldiers for the defense of the Government, according to population, in both the Civil and Spanish-American wars, than any State or other Territories in the Nation In the opinion of your memorialist, the people of Arizona and Oklahoma are likewise entitled to the blessings of statehood, which will be secured to them by passing said bill, and because the people of the Territories of Oklahoma, New Mexico, and Arizona have an inherent right to such admission by virtue of the principles entitled in the Declaration of Independence, because such admission is vouchsafed them by the policy pursued by the Government of the United States in the admission of nearly all the States to the Nation at a time when they were less fitted to assume self-government than are Oklahoma, New Mexico, and Arizona at the present time, because a territorial form of government is intolerable and obnoxious to a free and ambitious people, because it is an incongruity under American institutions and

should be maintained only so long as absolutely necessary to prepare its people for self-government, because it is a denial of the right of the people to take part in the affairs of the Nation, which requires allegiance and support from it, and because capital has not complete confidence in such a form of government and reluctantly lends its aid to the development of its resources. We, therefore, most respectfully petition your honorable body to memorialize the Senate of the Congress of the United States to pass at the earliest date possible, consistent with the rights of and courtesies due to every one of the members of that body, said bill, "H R. 12,543," now pending before that body and popularly known as the Omnibus Statehood bill. And we further respectfully petition your honorable body that you, by suitable resolution, request your representatives in the Senate of the United States Congress to aid the prompt passage of said bill by their vote And it is hereby

*Resolved*, By the Legislative Assembly of the Territory of New Mexico, that the President of the Council and the Speaker of the House of Representatives of this Legislative Assembly be directed to transmit a certified copy of this memorial to the legislative assemblies of the States hereby memorialized; and further resolved, that the President of the Council and Speaker of the House of Representatives be directed to telegraph a copy of this memorial to the legislative assemblies of the States hereby memorialized.

Signatures:

J. FRANCISCO CHAVIS,
President of Council.
NESTOR MONTOYA,
Speaker of House.
W. E. MARTIN,
Chief Clerk Council.
CHAS SAFFORN
Chief Clerk House

Have had the same under consideration, and respectfully report the same back, and recommend that no action be taken with regard to the same

GOODRICH, Chairman.

MOTION.

Mr. McConnell moved that the consideration of the report be made a special order for Thursday, February 5, 1903, immediately after the reading of the Journal.

Motion lost.

Mr. Goodrich moved the adoption of the report.

Report adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred a communication from the Territorial Legislature of Arizona, relative to the Omnibus Statehood bill

PHOENIX, ARIZONA, January 21, 1903

*The Speaker of House of Representatives, Sacramento, California*

*Be it resolved* By the Council and Assembly of the Twenty-second Territorial Legislative Assembly of the Territory of Arizona that we do hereby appeal to the Legislature of the State of California now in session to assist us in petitioning the United States Senate to pass the Omnibus Statehood bill, that the Chief Clerk of the Council be directed to telegraph a copy of this resolution to both branches of the California Legislature

J. C. EVANS, Chief Clerk.

Have had the same under consideration, and respectfully report the same back, and recommend that no action be taken with regard to the same.

GOODRICH, Chairman.

Mr. Goodrich moved the adoption of the report.

Report adopted.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 506—An Act appropriating the sum of $200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BARNES, Chairman.

Also:

SACRAMENTO, CAL., February 2, 1903.

*To the Honorable the Assembly of the State of California:*

Your Committee on Public Buildings and Grounds, excused by your honorable body to visit the following institutions: The San Diego Normal, Los Angeles Normal, San Luis Obispo Polytechnic School, San José Normal, San Francisco Normal and the Institution for the Deaf and Blind at Berkeley, asking for appropriations of public money, beg leave to present to you the report of our investigations and recommendations in relation to each of the aforesaid institutions

We left Sacramento on the evening train, Saturday, January 24th. We devoted all of our time to the actual investigation of the places we were instructed to visit and to the necessary traveling in order to reach them. We have made no extra trips, put in none of the time during which we were absent in sight-seeing, and have worked faithfully and conscientiously to the end that we might be able to make a full, fair, and careful report to your honorable body, of the institutions visited. We completed our investigations Friday afternoon and returned to Sacramento that same evening. Following is the report of the various institutions visited, in the order in which we visited them:

*San Diego State Normal School.*

Monday, January 26th, your committee visited the San Diego State Normal School. We were accompanied by several of the trustees and reached the institution shortly after school had been called. We met Principal Black, and spent several hours in having the needs and conditions of the school presented to us The first question of the needs for the completion of the Normal as originally outlined was carefully gone into The question was asked if it were not so that the Normals were turning out more teachers than there was a demand for in the State, and about what percentage of those graduated followed the profession of teaching for a period of years Principal Black informed the committee that the San Diego Normal was entirely unable to meet the demands made upon it for teachers, that all of its graduates who wished positions obtained them, and that he had letters from county superintendents and school boards with requests for teachers that he was unable to meet. He further informed the committee that about ninety per cent of those graduating taught for a period of years He also gave statistics showing that the increase in population in the State was at the rate of 40,000 a year, about 8,000 being children. Allowing one teacher for every twenty-five children, which is about the average number taught by one teacher, 320 additional teachers are required each year. The total number of teachers graduated by the five Normal Schools of the State foots up about that number a year, showing that there are many more positions to be filled than there are teachers graduated, as the places of those already in the profession are constantly being made vacant by death, change of profession, marriage, etc Of the ten per cent of the graduates of the San Diego Normal who are not teaching, a number are attending higher educational institutions, to fit themselves for the advanced work of the profession

There are 234 pupils in the Normal Department and 108 in the Training School of the San Diego Normal. Owing to the inadequacy of buildings and equipment, the school has been unable to give the course of instruction to prepare kindergarten teachers, which the law provides shall be given, and which is given in several of the other State Normal Schools. After carefully discussing the cost of erecting and equipping the new buildings asked for and completing the furnishing and equipment of the buildings already erected, your committee spent two hours in inspecting the condition and equipment of the buildings and the character and efficiency of the work being done

Your committee found the school sadly overcrowded, many of the rooms poorly furnished and equipped, and the facilities for heating and ventilating the buildings inadequate. The rooms occupied by the Training School are particularly crowded and inadequate, six small rooms, all of which have been formed by subdividing larger ones, forming the class rooms and assembly room of the entire Training School Many of them were poorly furnished, and the children crowded in an uncomfortable way. The work being accomplished, considering the difficulties under which both the Training School and Normal are laboring, was found to be thorough, efficient, and in line with modern educational thought and methods

The physical and chemical laboratories were next visited. The accommodations in the main building are so overtaxed that it was found necessary to erect a temporary frame building on the grounds for those purposes The building is unceiled, cheerless in appearance, unsubstantial, and of such a character as to render it very unsuitable for work in those subjects Part of it is used as a dark room for experimental work in light and photography. Owing to the temporary character and construction of the building, it is absolutely impossible to thoroughly darken it, thereby interfering considerably with the character of the work done Here, as elsewhere, we found the students active and alert, trying to get the most out of their work, but hampered and inconvenienced by the lack of proper accommodations.

The library was visited, found to be quite complete, but badly lacking in seats and tables for those using it The general assembly room was also visited, found to be overcrowded and furnished with old-fashioned and antiquated furniture, as well as being poorly heated. Your committee particularly commend the clean, healthful, and sanitary condition of the closets of the school, there being not the slightest offensive smell or suggestion about them.

The site of the proposed west wing was inspected, as well as the condition of the grounds. The grounds were donated to the State by the City of San Diego, and almost nothing in the way of improvement, walks, or adornment has been done. While beautiful grounds are desirable, and something along that line should eventually be done by the State, your committee did not consider it advisable to begin the improvement at the present time, as the condition of the grounds does not materially interfere with the efficiency of the school, and the improvement asked could be made more cheaply as well as effectually when the proposed buildings have been completed. We therefore recommend that the $10,000 in the bill for the improvement of the grounds be cut out, and also that the amount asked for heating and ventilation be reduced from $12,000 to $7,000, reducing the total appropriation asked from $102,500 to $87,500.

We believe that the proposed buildings are absolutely necessary to make the school thoroughly efficient, and that the equipment, as well as the furniture asked for, is badly needed. We therefore respectfully recommend that the appropriation providing for the same be favorably considered by the Assembly.

*Los Angeles State Normal School.*

We found the State Normal School at Los Angeles in a flourishing condition. The attendance is about 700—100 of whom will graduate this year The building is well located, in a desirable part of the city, and with necessary repairs would be well suited to the purpose for which it is intended. A portion of the building is twenty years old. The hall floors, of redwood, are worn to such an extent that it is unsafe for the students to pass over them. The roof and outside woodwork should be painted There should be new plumbing in the old building, and in fact the whole building should be repaired according to the plans of the Trustees, and that done at once, or the property will suffer. The water-closets in the main part would be a disgrace to a Chinese wash-house They are in such a condition that, if not attended to promptly, the City Board of Health will condemn them, as the State Board of Health has already practically done A small appropriation will put the building in good repair, and we trust it will be granted without opposition.

*California Polytechnic School*

Wednesday, January 28, 1903, the committee visited the California Polytechnic School at San Luis Obispo, which was established by an Act of the Legislature of 1901. By the provisions of the Act the appropriation of $50,000 was not made available until January 1, 1902. The trustees were appointed by Governor Gage during the latter part of January, 1902, and they entered at once upon their labors, first selecting a tract of land containing 281 acres, three-quarters of a mile from the city limits of San Luis Obispo, as a site for the new institution The land cost $7,709.30. The farming land contained in the tract was assessed for $60 per acre and was purchased for $40 per acre The hill lands purchased contained many valuable springs. This portion of the tract was purchased at $10 per acre.

It was deemed advisable by the Board of Trustees that a competent person should be employed, who could outline a course of study and take a personal supervision over the work of drafting plans for the building and shaping the destiny of the new institution. Accordingly, Prof Leroy Anderson of the State University was chosen as director.

In November, 1902, the Board of Trustees let the contracts for the construction of two buildings, one to be the administration and recitation building and the other a dormitory building These contracts cover the payment of all the construction work, excepting therefrom the painting, heating, and equipment of the two buildings. There is no money remaining in the fund to meet any contract for painting, heating, and equipment.

The annual report of the Board of Trustees of the school gives the following statement in reference to the aim and scope of the school:

"They (the trustees) wish to plan the work of the school in a way that will give a more thorough understanding of the principles and practices of the multitude of activities in which life in the country abounds, and thus to enhance the beauty and enlarge the comforts of such a life. In a school of this kind nothing will be lost sight of which will tend to develop and broaden the mind and make the eye and hand more skillful. The chief effort will be, as it should be in all schools, to teach men to be men; and, second, to help them to become masters of their particular vocation In planning an institution which will appeal to the industries of the country rather than of the city, the trustees believe that they are fully complying with the letter and spirit of the law, and that they are providing for a school that will be eminently useful in rearing generations of efficient and industrious citizens

"*Course of Study.*—The time is yet rather early to give a complete detail of the course of study to be offered. It is the hope of the board to eventually have a full four years' course For the beginning, however, we do not see our way clear to offer more than a two-year course, with a possible third year for specializing in the particular subject which the student may wish to pursue as his life work. A list of proposed subjects under their several heads is here given:

"Academic. English, arithmetic, algebra, geometry, trigonometry, chemistry, physics, botany, entomology, zoology, physiology, physical geography, history, economics, drawing, free hand and mechanical.

"Agriculture: Agriculture, horticulture, animal industry, dairying, irrigation, land surveying, gardening, floriculture, landscape gardening, forestry, construction of farm buildings.

"Domestic Science: Sewing, cooking, dressmaking, millinery, household economy
"Industrial: Carpentry, blacksmithing, plumbing, masonry, mechanics, electrical construction."

The two buildings already contracted for are in course of construction, the foundation for one being completed.

Assembly Bill No 179 asks for an appropriation of $18,000 for the completion and equipment of the two buildings now in course of construction. Of this amount $9 000 is made available at once, and $9,000 on and after July 1, 1903 The committee finds that the $18,000 asked for will be required for the completion and equipment of the building.

Assembly Bill No. 367 asks for an appropriation of $46,500 for the construction of additional buildings as follows: $28,500 for a domestic science building, $10,000 for a heating and lighting plant, and $8,000 for the erection of barns, shops, and outbuildings

The course of study outlined for the school makes it imperative that the domestic science building shall be constructed as soon as possible Without this building the Board of Trustees will be unable to carry out the general usefulness of the institution.

The lowest estimates obtained by the Board of Trustees justify the request for $10,000 for a heating and lighting plant, and the necessity for barns, shops, and outbuildings to make effective the character of instruction adopted by the Board of Trustees justifies the proposed appropriation for that purpose The bill carrying the appropriation of $46,500 does not go into effect until January 1, 1904.

*San José State Normal School.*

At the San José Normal School a very careful inspection of the buildings and grounds was given on Thursday, January 29, 1903. We found that in several places the roof leaked badly, and patches of plastering had dropped from the ceiling in consequence thereof. The stairways are in a splintered and somewhat dilapidated condition, and considerable of the flooring of the hallways is also in bad order, and should be either replaced or covered with linoleum, which would be quite expensive, as there is a surface of 1400 square yards to be covered.

Another feature which was found to be very bad was the ladies' toilets—only nineteen for 400 students, and these are of old pattern, and without doors. That such a condition has prevailed for so long a time is a shame to the State. For these improvements and repairs we do not think $5,000, the sum asked for in Assembly Bill No 126, is too much, therefore, we recommend it be allowed.

As regards the appropriation of $15,000 for a gymnasium building, we likewise recommend a favorable consideration of the same, for if we are to have teachers blessed with sturdy health and robust constitutions we must develop, by practical training, the physical body and keep it on a level with the mental.

We find that at this school a great amount of furniture and apparatus is on hand, stored away, and practically useless. For instance, there are about 800 desks, taken from the assembly room and replaced by new ones, and in our opinion the Trustees should dispose of these. In all, there is probably $1500 of such useless furniture and apparatus.

*San Francisco State Normal School.*

At San Francisco we found a Normal School being conducted in three separate buildings. These buildings have been abandoned by the San Francisco City Board of Education as unfit for use, and were rented at a nominal fee to the Board of Normal Trustees of San Francisco. That a school should be conducted there under the guidance of the State seems incredible. If it is the desire of the present Legislature to conduct a Normal School at San Francisco, then we recommend the purchase of a site and the erection of a building suitable for such purposes If such site and building can not be procured, then we recommend the abolishment of the school. As for efficiency of the teachers, and the standing of its graduates, the San Francisco Normal School is second to none in the State.

*Institution for the Deaf and Blind at Berkeley.*

Thursday, January 29th, your committee visited the Institution for the Deaf and Blind at Berkeley. We were met at the office by Dr. Wilkinson, who showed us through the different buildings, first explaining to us the needs of the institution. The only extra appropriation asked is for $15,000 to replace the amount taken from the Durham Fund. The necessity for using this fund was as follows: Several years ago, smallpox broke out in the school. It was absolutely necessary to segregate those infected from the other pupils. As there were no funds immediately available for such a purpose, and as the need of such a building was immediate, money was used from the Durham Fund for that purpose A neat, substantial brick building, isolated from the others, was erected, is in good repair, and ready for immediate use, if any infectious or contagious disease appears in the school

The department for the instruction of the blind was first visited. The pupils are here taught reading, writing, arithmetic, and other subjects, by the Braille system, as well as typewriting, by the touch system. They showed considerable proficiency in their work, and the committee was particularly impressed by the interest and kindness shown by the teacher to the children. One of the children, a girl of twelve, readily typed a letter dictated to her by one of the committee One of the stenographers employed by the Doctor is totally blind, and also gives instruction in singing and music on the piano to the blind pupils.

In the deaf and dumb department the pupils showed great proficiency in writing and drawing. They are also taught articulation and lip-reading. Several little deaf girls

answered questions quite readily by noticing the motions of the lips of the person asking The articulation class was visited, where the deaf and dumb are taught to articulate The Whipple system is the one mainly used. Professor Whipple, the inventor of the system, is the principal instructor, assisted by several others. The work done in this department is simply wonderful. One of the graduates of the institution was seen, who, originally deaf and dumb, by this system was able to comprehend what was said without any signs being made, and to articulate his replies almost as well as any one. All pupils in this department are taught the sign-language also.

The printing office was visited, where some of the deaf children learn type-setting, and are enabled on leaving the institution to become self-supporting. In the shops, carpentry work and cabinet-making are taught. The pupils make chairs, tables, book-cases, cabinets, and various other articles Most of these are of very creditable workmanship Those not needed in the school are sold, and the proceeds, above the cost of material, turned into the fund for maintaining the school.

The girls in the institution are taught sewing, cooking, housekeeping, and other domestic accomplishments, so that they can become a help and comfort to their people or be able to earn their own livelihood

The kitchen, dining-rooms and dormitories were thoroughly inspected, and found to be in a neat, healthful, and sanitary condition The older pupils, both boys and girls, make their own beds, and are responsible for the condition of their rooms. They also serve at table, help in the laundry department, and in the sweeping and care of the buildings.

Your committee particularly commends the earnestness, thoroughness, and devotion to duty, as well as the uniform kindness to the children, of Dr Wilkinson and the various teachers under his charge. We believe that the institution is doing a noble work for the unfortunate children of this State; that it is carefully and economically managed, and that the appropriation asked for is just and should be allowed.

BARNES, Chairman.
PYLE.
McNEIL.
WALKER.
SNYDER
TRANSUE
DOUGHERTY.
STEADMAN.
BATES.
JOHN.

On motion of Mr Barnes, ordered printed in the Journal.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Also: Re-engrossed Assembly Bill No 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act,' approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district.

AMERIGE, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality

Also: Senate Concurrent Resolution No 5—Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the fourth day of December, 1902.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

Mr. McLaughlin moved that the Assembly do now consider Senate Concurrent Resolution No. 5.

So ordered.

Senate Concurrent Resolution No. 5 read.

Mr. McLaughlin moved that the Assembly do now concur.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Kullingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

SENATE CONCURRENT RESOLUTION No. 5.

Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the fourth day of December 1902.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has ever since the eighth day of January in the year Nineteen hundred and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County, at an election held for that purpose on the twenty-sixth day of May eighteen hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty sixth day of January eighteen hundred and ninety-nine (Statutes of 1899, page 241) and which Charter has never been amended, and

WHEREAS, The Legislative authority of said City and County, namely, the Mayor and the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco eight certain amendments to the Charter of said City and County by the passage and approval of the seven following ordinances of said City and County, to wit:

Ordinance No 526, entitled "Describing and setting forth proposals, to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Sections 1, 2, 3, 4, 6, 7 and 8 of Article XII thereof, by repealing Section 5 of said Article, and by renumbering Sections 6, 7, 8, 9, 10 11, 12, 13 and 14 of said Article so that they shall be known respectively, as Sections 5, 6, 7, 8, 9, 10, 11, 12 and 13 of said Article XII, all relating to the acquisition of public utilities by the City and County, and by amending Section 29 of Article XVI of said Charter, relating to the construction and acquisition of municipal improvements by the City and County," passed July 14th, 1902, and approved July 21st, 1902

Ordinance No 527, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter I of Article VI of said Charter, relative to contracts made and entered into by the Board of Public Works of said City and County for work or improvements authorized or ordered by the Supervisors of said City and County," passed July 14th, 1902, and approved July 21st, 1902

Ordinance No 528, entitled "Describing and setting forth proposals to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 2, 4 and 16, respectively, of Chapter II of Article VI of said Charter, relating to street work and street improvement in said City and County," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 529, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter IV, Article IV of said Charter, relating to the salary of the assessor," passed July 14th, 1902, and approved July 21st, 1902

Ordinance No 530, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 29 of Chapter II, Article VI of said Charter, relating to the cleaning and sprinkling of the public streets," passed July 14th, 1902, and approved July 21st, 1902

Ordinance No. 535, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter II, Article II, of said Charter, by adding a new subdivision, to be known as Subdivision 36, relating to the relief of aged, indigent, and infirm exempt firemen who served in the

Volunteer Fire Department between the years 1850 and 1866," passed July 21st, 1902, and approved July 26th, 1902.

Ordinance No. 543, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 27, Section 1, Chapter II, Article II of said Charter, relating to the regulation of street railroads, tracks and cars," passed August 4th, 1902, and approved August 9th, 1902, and

WHEREAS Said seven ordinances aforementioned containing said eight proposed amendments to said Charter were in accordance with the provisions of Section eight of Article eleven of the Constitution of the State of California, published for twenty days, after their passage and approval, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the Official Newspaper of said City and County, and

WHEREAS The said legislative authority of said City and County, did by Ordinance No. 558, entitled "Calling a special election for the purpose of submitting to the qualified electors of the City and County of San Francisco, eight certain proposals to amend the Charter of said City and County," passed October 13th, 1902, and approved October 13th, 1902, called a special election to be held on Thursday the fourth day of December Nineteen hundred and two, for the purpose of submitting to the qualified electors of said City and County said eight proposed amendments to said charter; and

WHEREAS, Said special election was held in said City and County of San Francisco on the said fourth day of December 1902, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" Newspaper; and

WHEREAS, On the eighth, ninth, and tenth days of December 1902 at Meetings duly convened in accordance with law and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said special election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County, and

WHEREAS, At said special election so held on the fourth day of December 1902 seven of said proposed amendments were ratified by a majority (and more than three-fifths) of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors, and

WHEREAS Thereafter, to wit, on the fifteenth day of December, 1902, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of votes polled at the special election held in the City and County of San Francisco, State of California, on Thursday the fourth day of December A. D. 1902, for Charter Amendments," and also filed a duplicate thereof in the Office of the Secretary of the State of California, and

WHEREAS, The said seven amendments so ratified by the electors of the City and County of San Francisco at said Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section eight of Article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

AMENDMENTS TO THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO, RATIFIED BY A MAJORITY (AND MORE THAN THREE-FIFTHS) OF THE ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON THURSDAY, THE FOURTH DAY OF DECEMBER, 1902

That Subdivision 27, Section 1, Chapter II, Article II, of said Charter be amended so as to read as follows:

27 To regulate street railroads, tracks and cars, to permit two or more lines of street railways, operated under different managements, to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by said railways jointly for such number of blocks consecutively, not exceeding ten blocks; to fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads

That Section 1, Chapter II, Article II, of said Charter be amended by adding a new subdivision to be known as Subdivision 36, and to read as follows:

36 To allow not to exceed the sum of five thousand dollars a year for the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866

That Section 1 of Chapter four of Article four of said Charter be amended so as to read as follows:

Section 1. There shall be an Assessor of the City and County, who shall be an elector of the City and County at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all his services He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall each receive an annual salary of eighteen hundred dollars, twenty-one clerks, who shall each receive an annual salary of twelve hundred dollars; and during four months of the

year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.

That Section 2 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 2 Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this Article, be made in writing to the Board of Public Works by an owner or owners of property liable to be assessed for the same, or by their agents, or by the Board of Health for sanitary reasons, or by the Supervisors, expressed by resolution.

Such application need but in general describe or refer to the work or improvement applied for; and if the expense thereof or any portion of such expense is to be assessed upon private property, the Board of Public Works shall investigate the same, and may modify, amend, alter, or increase the same, as it may deem proper; and if the Board determine that the work or improvement so applied for, or as so modified, amended, altered or increased, is expedient, it shall so report to the Supervisors, the Supervisors shall not order any such improvement until the same has been recommended by said Board When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors order the doing of said work, or the making of said improvement.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, except in the case hereinbefore provided, and all such recommendations shall be made matters of record in the office of said Board

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation

That Section 4 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block, or more, and, in the case of a district, those owning more than one half of the superficial area of the district, exclusive of street surface, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall indorse thereon the date of their reception by him Such objections shall delay for six months any further proceedings in relation to the doing of said work or making said improvement, under the said resolution of intention unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and thereupon the proceedings shall be continued under the said resolution of intention, if said Board shall deem proper.

If, however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in case of a district, those owning at least two-thirds of the superficial area of the district, exclusive of street surface, shall make written objections to the said proposed work or improvement, after the expiration of the time hereinbefore fixed for making the objections in the first instance to the same (and which objections delayed for six months any further proceedings in relation to the doing of said work or making said improvement under said resolution of intention), and before the expiration of the said six months, no further proceedings shall be taken under the said resolution of intention. But if no such objections have been made, then the Board of Public Works, after the expiration of said six months, shall, if it deem proper, continue the proceedings under the resolution of intention aforesaid, notwithstanding the objections first made, as hereinbefore provided, or any further objections to the doing of said work or making said improvement.

But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, drains, cesspools, catch-basins or storm-water inlets, or of sidewalks, or of curbs, or any work or improvement on a street crossing, or on a street intersection, and written objections thereto have been delivered to the Secretary of the Board of Public Works within the time hereinbefore provided, by the owners of a majority of the frontage or of the district aforesaid, and in case of work or improvement on a street crossing or a street intersection, by the owners of a majority of the street frontage liable to be assessed therefor, the Board shall, at its next meeting, fix a

time for hearing said objections, not less than one week thereafter. The Secretary of the Board shall thereupon notify the persons making such objections by depositing a notice thereof in the Postoffice at the City and County, postage prepaid, and addressed to each objector or his agent when he appears for such objector At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

And when not more than two blocks on a street, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon such street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, proceedings for the doing of any work or improvement, upon said intervening ungraded or unimproved part of said street, or at the end of a street, shall not be stayed or prevented by any written or other objections, unless the Board shall deem proper.

And if one-half or more in width or in length, or as to grading, one-half or more of the grading work, of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, the Board may proceed as in this Chapter provided, to have the remainder improved, graded, or otherwise, notwithstanding any objections of property owners.

In all cases of work or improvement in this section hereinbefore provided, where the Board of Public Works is vested with power to continue proceedings in relation to any proposed work or improvement, notwithstanding any objections of property owners to the doing of the same, the Board may determine that such work or improvement is expedient, or that the public interest or convenience requires the doing of the same, and it may institute proceedings therefor and the provisions of Section 2 of this Chapter, requiring a written application to the Board in the first instance, to be made therefor, shall not be applicable thereto

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object Such petition of remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive

That Section 16 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 16 When any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk, in the City and County, none of which has been accepted by the Supervisors as in this Chapter provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court or place, or fronting on such portion of said sidewalk so out of repair as aforesaid, by a notice in writing, to be delivered to them or their agents to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk, in front of the property of which he is the owner, or tenant, or occupant The Board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the Board may make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following, whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the Board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant shall be liable to pay said contract price Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the Board Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the Board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same

That Section 29 of Chapter II, Article VI of said Charter be amended so as to read as follows:

Section 29 The Board shall cause the public streets to be properly cleaned and sprinkled and for that purpose may employ such laborers and other employés as may be necessary, and may, with the consent of the Supervisors, expressed by Ordinance, purchase teams, machinery, materials and other appliances as may be deemed necessary for said work, but the Board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and the funds at its disposal.

The Board may, if the public interest will be subserved, cause the cleaning and sprinkling of the public streets to be performed, either in whole or in part, by public contract. In such case the Board shall divide the city, or such portions of the city as it shall determine to have cleaned or sprinkled by public contract, into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning or sprinkling of such streets at the lowest cost.

The Secretary of the Board shall, under its direction, cause to be published for a period of ten (10) days a notice inviting proposals for cleaning or sprinkling each of said districts in accordance with the specifications on file at the office of the Board. Bids shall be made for each district separately All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts shall be applicable to said contracts

That Section 1 of Article XII of said Charter be amended so as to read as follows:

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the City and County of such public utility or utilities

In securing estimates of the cost of original construction and completion of water works, by the City and County, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining, from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the City and County.

That Section 2 of Article XII of said Charter be amended so as to read as follows:

Section 2 Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the City and County of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.

That Section 3 of Article XII of said Charter be amended so as to read as follows:

Section 3 Whenever a petition or petitions, each signed by electors of the City and County equal in number to fifteen per centum of all the votes cast in the City and County at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to immediately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the City and County at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petitions.

Nothing in this Section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an Ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided

That Section 4 of Article XII of said Charter be amended so as to read as follows:

Section 4 At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors by Ordinance, as hereinafter in Section 6 provided, shall call a special election at which the propositions of the Board of Supervisors and of the Mayor, if he formulate any, shall be submitted to the electors of the City and County

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired

upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the City and County, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor

That Section 5 of Article XII of said Charter be annulled and repealed.

That Section 6 of Article XII of said Charter be amended so as to be known as Section 5 of Article XII of said Charter, and to read as follows:

Section 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an Ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such Ordinance shall be published for at least two weeks in the official newspaper.

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem for the best interests of the City and County, enter into such negotiations and contracts as may be necessary for the acquisition of the same

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to warrant the issuance of municipal bonds for the acquisition of such public utilities, or any of them.

That Section 7 of Article XII of said Charter be amended so as to be known as Section 6 of Article XII of said Charter and to read as follows:

Section 6 Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an Ordinance calling such special election for such purpose

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article, may be submitted to the electors of the City and County No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election

That Section 8 of Article XII of said Charter be amended so as to be known as Section 7 of Article XII of said Charter and to read as follows:

Section 7. The Ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the City and County, the Ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the City and County shall issue for the payment of the cost of such utility or utilities, as in such Ordinance set forth (if the proposition or propositions therefor be accepted by the electors) Such election shall be held as provided by law for holding elections in the City and County

That Section 9 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 8 of Article XII of said Charter, viz:

Section 8. Such Ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be

incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

That Section 10 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 9 of Article XII of said Charter, viz:

Section 9 No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article, which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the City and County.

That Section 11 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 10 of Article XII of said Charter, viz:

Section 10 The bonds issued under the provisions of this Article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States The Supervisors shall decide at the time of the issue of the bonds in what lawful money of the United States said bonds shall be payable. Not less than one-fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the Supervisors together with the interest on all sums unpaid at such date.

The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than ten dollars nor greater than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and lowest denominations.

Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed four per centum per annum, payable annually, semi-annually, or quarterly, as the Supervisors may determine Such bonds, when issued, may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States as aforesaid to the highest bidder at not less than par, after having been advertised in the official newspaper They shall be sold under sealed proposals, and the Supervisors shall have the right to reject any or all bids made for the purchase thereof The proceeds of such sales shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the Ordinance authorizing their issue until such objects are fully accomplished after which, if any surplus remains, such surplus shall be transferred to the General Fund.

That Section 12 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 11 of Article XII of said Charter, viz:

Section 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer

That Section 13 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 12 of Article XII of said Charter, viz:

Section 12 At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually, a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 14 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 13 of Article XII of said Charter, viz:

Section 13 A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.

That Section 29 of Article XVI of said Charter be amended so as to read as follows:

Section 29 When the Supervisors shall determine that the public interest requires the construction or acquisition of any permanent building or buildings, improvement or improvements, land or lands, the cost of which in addition to the other expenses of the City and County will exceed the income and revenue provided for the City and County for any one year, they must by ordinance submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the Public Building Fund.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

This is to certify that we, E E Schmitz, Mayor of the City and County of San Francisco, and Chas. W Fay, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original ordinances proposing such amendments and submitting the same to the electors of said City and County at a Special Election called for that purpose on Thursday, the fourth day of December, Nineteen

hundred and two, and find that the foregoing is a full, true, correct, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

In Witness Whereof, we have hereunto set are hands and cause the same to be authenticated by the Seal of said City and County of San Francisco, this 14th day of January, Nineteen hundred three.

E. E. SCHMITZ,
Mayor of the City and County of San Francisco.

[SEAL]

CHAS. W. FAY,
Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring* (a majority of all of the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

### ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution, as follows:

Your Committee on Public Buildings and Grounds, authorized to visit the various State institutions at San Diego, Los Angeles, San Luis Obispo, San José, San Francisco, and Berkeley, herewith presents the accounts of expenses of the members of the committee, as follows:

| | |
|---|---|
| Pyle | $125 00 |
| Walker | 125 00 |
| John | 125 00 |
| McNeil | 125 00 |
| Bates | 125 00 |
| Steadman | 125 00 |
| Transue | 125 00 |
| Dougherty | 125 00 |
| Snyder | 125 00 |
| | $1,125 00 |

And we ask the adoption of the following:

*Resolved*, That the Controller is hereby directed to draw his warrant on the Treasurer in favor of F. W Barnes, chairman of the Committee on Public Buildings and Grounds, for the sum of $1,125, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BATES, Chairman.

Report adopted.

Resolution read.

Mr. Bates moved the adoption of the resolution.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—None.

### ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 340—An Act to protect employés and guarantee their rights to belong to labor organizations—have had the same under consideration, and respectfully report the same back, with the recommendation that it be re-referred to Committee on Judiciary.

PYLE, Chairman.

Assembly Bill No. 340 re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 589—An Act to protect the employés and traveling public on electric or other independently driven street cars.

Also: Assembly Bill No. 535—An Act limiring the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or of or for any political subdivision thereof, imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 295—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of or work done for the State of California, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any articles of food for public sale or consumption, for the appointment of a Bakeshop and Kitchen Inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLE, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Also: Assembly Bill No 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Also: Assembly Bill No. 566—An Act to amend Section 1668, relating to physical culture and exercises.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FOSTER, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Also: Assembly Bill No. 217—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Also: Assembly Bill No. 509—An Act entitled an Act to amend subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments, relating to the office of County Detective, creating the same, and fixing the salary thereof."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALSH, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

*To the Speaker and Members of the Assembly.*

Your Committee on State Prisons and Reformatory Institutions begs leave to report that six of the members, Messrs Olmsted, Barber, Bliss, Carter, McKenney, and Murphy, visited Whittier State School on Saturday, January 24, 1902, and inspected every department of that institution. By making this visit your committee was able to obtain much valuable information relative to its condition, its needs, and its management, which could not be otherwise obtained.

We find there are in the school, on an average, about 240 boys and 40 girls, in addition to about 170 who are out on parole In addition to giving these boys and girls a common school education (they spend one half of each day in the school room), one of the chief objects and aims is to train and prepare them to become useful citizens, and enable them to successfully conduct the battle of life by teaching them some occupation or trade. To properly do this the management asks that the manual training departments be enlarged. Military training is another good feature of the school, which is well maintained.

Water is all important in the southland, and we find that in addition to the water rights now owned by the institution, it pays annually $1,000 for the rental of five inches of water. This five inches can be purchased outright for $5,000, and the cost thereafter would be only a nominal sum for maintenance There is no doubt that this water and much more is needed by the institution to properly irrigate the land, and to supply this additional need the officers are asking an appropriation to pay for putting down a ten or twelve inch well, the installation of pumping plant, and the laying of pipes, etc. More horses, wagons, and farming implements are wanted to replace those which have outlived their usefulness.

At this institution the State owns 160 acres of excellent land, about 130 acres of which is under cultivation. A part is devoted to general farming, and raising of vegetables for consumption at the institution, and a part is in orchards—oranges, lemons, and deciduous fruits. As a whole, the farm is apparently in good condition, but the orange and lemon orchards need to be fumigated and fertilized.

The administration building is an excellent structure, is handsomely furnished, is in good repair, and is surrounded by well-kept grounds. In this building are domiciled not only the officers and employés, but also the older boys.

A new and commodious brick building has been erected to replace the kitchen and dining-room, which was recently destroyed by fire.

The smaller boys, who are not permitted to mingle with older ones, occupy a frame cottage near by.

Two buildings for the girls' department are located almost a mile distant from the administration building. They are substantial structures, and are in the main well equipped, but some improvements, including the putting in of bathtubs, are needed.

The library in this department, as shown to your committee, is certainly no credit to the institution, the books being few in number, old, and worn.

In addition to being instructed in cooking and other household duties, the noblest of callings, the girls are taught to make their own clothing and do other sewing.

New sewing-machines are needed in the tailoring and the girls' departments to replace old machines which have been in use for ten years or more and have lost their usefulness.

The blacksmith and machine shop consists of a very inferior frame structure, in which are two forges and a limited supply of tools. The carpenter shop is also a limited affair. An appropriation is asked for the construction and equipment of a building suitable for these purposes. For this building the brick is already on the ground, and it is the desire of the management that labor of construction be performed by the boys of the institution, thus very materially reducing the cost thereof.

One of the needs of the institution is a hospital building, where the sick can be properly cared for. The only apartments now available for this purpose are on the fifth floor of the administration building, adjoining apartments where a hundred or more boys sleep. In case of contagious disease, serious results might follow.

In the trades department, in addition to those already mentioned, are the printing office, shoe shop, tailor shop, and laundry.

The appropriations asked for, outside of $100,000 for maintenance, and a like sum for salaries, are not large, the aggregate being a little over $30,000.

Your committee believes this entire sum could be used to good advantage, but has not yet determined what, if any, portion of the sums asked for can be dispensed with, without serious injury to the institution.

Your committee is gathering further statistics and information, and in a few days will be able to report back to this House recommendations as to disposition of bills now before it.

OLMSTED, Chairman.

Mr. Olmsted moved that the report be printed in the Journal.

So ordered.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Also: Assembly Bill No 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Also: Assembly Bill No 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J R. Hanify against the State of California for damage sustained by the breakage of Fremont street wharf, in the City and County of San Francisco.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 372—An Act to authorize the appointment of a secretary to the Chief Justice of the Supreme Court of the State of California, and to provide for the payment of his salary—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw it.

DUNLAP, Chairman.

WITHDRAWAL OF BILL.

On motion of Mr. Johnson, Assembly Bill No. 372 was withdrawn.

ON WAYS AND MEANS—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 222—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended by Committee on Public Printing.

DUNLAP, Chairman.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 185 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany Mattos, McConnell, McKenney, McLaughlin, McMahon, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee

of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 185.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 185 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfe, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr Speaker—70.

NOES—None

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

AMERIGE, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 2, 1903.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 375—An Act making an appropriation for the contingent expenses of the Assembly.

GEO. C PARDEE,
Governor of the State of California.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Senate Bill No 41—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 41—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

## MESSAGE FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Assembly Bill No 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Board of Supervisors of the several counties of the State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Senate Bill No 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

Mr. Walsh moved that Senate Bill No. 15 be substituted for Assembly Bill No. 215, number 175 on the file, the same being identical.

So ordered.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Read first time, and referred to Committee on Ways and Means.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Ordered to enrollment.

Assembly Bill No. 132 —An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Board of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Ordered to enrollment.

Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

MESSAGE FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 2, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real prop-

erty within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions and the control and management thereof," approved March 5, 1887.

Mr. Wright moved that the Assembly do now concur in the following Senate amendments:

SENATE AMENDMENT No. 1.

Amend first section of Assembly Bill No 322 by changing the period after the word "Act" and before the word "approved," in line twelve, to a comma, and by changing the period after the word "thereof" and before the word "approved," in line twenty-three, to a comma.

SENATE AMENDMENT No. 2.

Amend title of Assembly Bill No 322 by changing the period after word "art" and before word "approved," in line sixteen, to a comma; also by changing the period after word "thereof" and before the word "approved," in line twenty-eight of the title, to a comma.

Amendments read.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 322?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Panu, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—65.

NOES—None.

MESSAGE FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Senate Bill No 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Senate Bill No 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

F. J BRANDON, Secretary of the Senate.
By FRED. L. THOMAS, Assistant Secretary.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Read first time, and referred to Committee on Education.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Read first time, and referred to Committee on Judiciary.

Mr. Higgins moved that Senate Bill No. 115 be substituted for Assembly Bill No. 222, number 120 on the file, the same being identical.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Baxter: Assembly Bill No 631—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Lumley: Assembly Bill No. 632—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 5 thereof, relating to the general permanent powers of Board of Supervisors.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 633—An Act to amend Section 315 of the

Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Read first time, and referred to Committee on Judiciary.

By Mr. Prescott: Assembly Bill No. 634—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, to prevent the sale or exchange of intoxicating liquors of any character for anything but lawful money of the United States, and providing a penalty therefor.

Read first time, and referred to Committee on Public Morals.

By Mr. Higgins: Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 636—An Act to amend an Act entitled "An Act providing for the sale of street railways and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 637—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interference with public fire alarms.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of said Constitution by repealing Sections 4 and 5 of said article, and by amending Section 1 of said article, relating to taxation.

Referred to Committee on Constitutional Amendments.

By Mr. Copus: Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California in reference to speed of street cars, and regulating the number of trucks and kinds of brakes to be used on those cars operated at a speed of more than eight miles per hour.

Read first time, and referred to Committee on Corporations.

By Mr. Amerige: Assembly Bill No. 639—An Act to provide for the classification of Supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Transue: Assembly Bill No. 640—An Act to prohibit the sale of pools and the conducting of pool rooms where bets or wagers are made or received on horse races or other contests, and providing penalties for violation of the provisions of this Act.

Read first time, and referred to Committee on Public Morals.

By Mr. Bliss: Assembly Bill No 641—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to

cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Read first time, and referred to Committee on Education.

By Mr. Mott: Assembly Bill No. 642—An Act to amend Section 806 of Article VI of Chapter VI of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," relating to Recorders' Courts and Recorders.

Read first time, and referred to Committee on Municipal Corporations.

At eleven o'clock and thirty minutes A. M., the Speaker called Mr. Dunlap to the chair.

By Mr. McCartney: Assembly Constitutional Amendment No. 22—Proposed amendment to Article XI of the Constitution, relative to the constitution, regulation, government, jurisdiction of police courts, public school system, boards of police commissioners, and justices' courts, and the election or appointment thereof, and the officers, employés and attachés thereof, and regarding the framing of charters of any consolidated city and county, and city or town charters.

Referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred:

SENATE CONCURRENT RESOLUTION No. 8.

Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty (60) days.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California has consented, and does hereby consent, that His Excellency George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term, for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Mr. Johnson moved that the Assembly do now consider Senate Concurrent Resolution No. 8.

So ordered.

Senate Concurrent Resolution No 8 read.

Mr. Johnson moved that the Assembly do now concur.

The question being, "Shall the Assembly concur?"

The Assembly concurred in the resolution.

SENATE CONCURRENT RESOLUTION No. 8.

Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty (60) days.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California has consented, and does hereby consent, that His Excellency George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term, for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984, upon the register of the Superior Court of Tulare County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Committee on Ways and Means: Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Read first time, and ordered on second-reading file.

By Mr. Cromwell: Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes.

Read first time, and referred to Committee on Judiciary.

PRIVILEGES OF THE FLOOR.

Mr. Dunbar moved that the privileges of the floor be extended to the Hon. Thomas J. Geary, an ex-member of the Assembly.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. King: Assembly Bill No. 645—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to the preservation of affidavits of registration.

Read first time, and referred to Committee on Judiciary.

By Mr. McNeil: Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Duryea: Assembly Bill No. 648—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Allen: Assembly Bill No. 649—An Act to provide for the use, at the option of indicated local authorities, of automatic ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and authorizing such local authorities to make rules and regulations for any and all ballot machines used at such elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Snyder: Assembly Bill No. 650—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Read first time, and referred to Committee on Military Affairs.

By Mr. Gleeson: Assembly Bill No. 651—An Act to amend Section 4161 of the Political Code, relating to public moneys in the hands of the County Treasurer.

Read first time, and referred to Committee on Judiciary.

By Mr. Rolley: Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Read first time, and referred to Committee on Corporations.

By Mr. King: Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

## WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Walsh moved that Assembly Bills Nos. 51, 53, 213, 453, 534, and 582 be recalled from Committee on County and Township Governments and re-referred to Committee on Judiciary.

So ordered.

## INTRODUCTION AND REFERENCE OF BILLS, ETC.—(RESUMED).

By Mr. Goodrich:

### ASSEMBLY JOINT RESOLUTION No. 9.

Memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. Alston G. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

WHEREAS, There is now pending before Congress a resolution introduced by Representative Alston G. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy; and

WHEREAS, In view of the fact that battleships of modern construction are necessary for the first line of defense of our long line of coast and general commercial and maritime interest; and

WHEREAS, The Naval War College has recommended a policy whereby the strength of our navy could be brought to a condition, within a fixed and definite period, that would make it strong enough to cope on our own or insular shores with any possible combination that is likely to be formed; and

WHEREAS, The coast line of California is greater in extent than that of any other State in the Union, a proper naval protection of our State is a matter of supreme interest and vast importance; therefore, be it

*Resolved*, That it is the sense of this Legislature that the purposes indicated in said resolution are wise and worthy of hearty support, and that the Chief Clerk of the Assembly is hereby instructed to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

Referred to Committee on Federal Relations.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. John:

WHEREAS, P. W. Fischer, father of Will H. Fischer, an accredited newspaper representative of this Assembly, representing the San Francisco Bulletin, passed away Monday at his home in Woodland; therefore be it

*Resolved*, That this Assembly herewith extends its sympathy to Will H. Fischer, said representative of the Bulletin, in his hour of sorrow.

Resolution read.

Mr. Duryea moved the adoption of the resolution.

Resolution adopted.

By Mr. Olmsted:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State Prison at San Quentin, California, as per resolution heretofore introduced and adopted, and the following are entitled to two hundred and four (204) miles mileage each, to wit: Messrs. Olmsted, Carter, McKenney, Bliss, Murphy, and Barber.

*Resolved*, That the State Controller is hereby authorized to draw his warrant for the amount of $122.40 in favor of S. H. Olmsted, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

OLMSTED, Chairman.

Referred to Committee on Mileage.

UNFINISHED BUSINESS.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Passed on file.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Re-referred to Committee on Judiciary.

MOTION.

Mr. Houser moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 443 was on yesterday refused final passage.

Mr. Walsh moved that the motion lay upon the table.

The question being, "Shall the motion lay upon the table?"

Motion lost.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 443 was on yesterday refused final passage?"

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Allen, Bates, Baxter, Black, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Finn, Foster, Houser, Howard, John, Johnstone, Kelso, Leininger, Lewis of Riverside, Mahany, McMahon, McMartin, Moore, Olmsted, Prescott, Siskron, Snyder, Soward, Susman, Walker, Walsh, Waste, Weger, and Wright—36.

NOES—Messrs. Bangs, Barber, Barnes, Bliss, Boisson, Carter, Copus, Dorsey, Duryea, Goodrich, Hart, Higgins, Johnson, Kerrigan, Killingsworth, King, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeill, Mott, Murphy, Pann, Pyle, Rolley, Stansell, Stanton, Steadman, Traber, Transue, and Mr. Speaker—34.

At eleven o'clock and fifty-eight minutes A. M., Speaker Fisk in the chair.

SPECIAL FILE.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, and promotions of officers and employés of the State, its cities and political subdivisions.

On motion of Mr. Camp, ordered returned to printer.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of the Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House; providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article V of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Passed on file.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Passed on file.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Passed on file.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Passed on file.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Passed on file.

Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. John moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 232.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 232 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year—and do now report, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 232 ordered to engrossment and third reading.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of

the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser. Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—69.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of sixteen hundred and seventy-five dollars and eighty-two cents ($1675.82), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| Emil Steinman | $10 00 |
| Mrs C. M McCall | 5 00 |
| H. S. Crocker & Co. | 152 95 |
| John Breuner Co. | 18 00 |
| J. O Coleman | 5 00 |
| Kane & Trainor | 22 50 |
| Capital Manufacturing Co. | 38 00 |
| Palm Iron Co. | 7 50 |
| F R Pulford | 81 90 |
| Yost Writing Machine Co. | 52 50 |
| Locke & Lavenson | 290 77 |
| Thomas Scott | 290 45 |
| Wyckoff, Seamans & Benedict | 63 00 |
| D. Johnston & Co. | 529 25 |
| Gus Meckfessel | 109 00 |
| Total | $1,675 82 |

Ordered printed in the Journal, and referred to Committee on Ways and Means.

SPECIAL ORDER SET.

Mr. Copus moved that Assembly Bill No. 72 be made a special order for Wednesday, February 4, 1903, at eleven o'clock A. M.

So ordered.

ADJOURNMENT.

At twelve o'clock and twenty-eight minutes P. M., on motion of Mr. Brown, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 4, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Higgins, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Monday, February 2, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 163—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Also: Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals, and under unsanitary conditions, to provide for the inspection of dairy cattle, dairies and factories for the production of dairy products, to improve the quality of dairy products of the State, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STEADMAN, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 177—An Act to establish a Department of Agriculture and to define its duties, and to provide for its support and administration, said Department of Agriculture to take the place of and to perform some of the duties, hereinafter designated, of the State Board of Agriculture and the State Board of Horticulture—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 525—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McNEIL, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

LEININGER, Chairman.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 489—An Act making an appropriation of $22,000, for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto

Also: Assembly Bill No 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WASTE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 504—An Act to amend Section 500 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public.

Report the same back, and recommend that they do pass.

Also: Assembly Bill No 268—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to game.

Also: Assembly Bill No 305—An Act to provide for the appointment by the Supreme Court of twelve commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Report the same back, with the recommendation that the authors have leave to withdraw the same

Also: Assembly Bill No 380—An Act to amend Section 791 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to notaries public—report the same back, and recommend that it do pass.

Also: Assembly Bill No 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators—report the same back, by a majority vote, and recommend its passage

Also: Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax

on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections of School Trustees—report the same back, and a majority recommend that it do pass.

JOHNSON, Chairman.

Assembly Bill No. 268 placed on file.

On motion of Mr. Pyle, Assembly Bill No. 305 was withdrawn.

ON JUDICIARY—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections of School Trustees—files this as a minority report, and recommends that the bill do not pass, for the following reasons, viz:

1. I do not believe the bill to be constitutional
2. If constitutional, I believe its passage would be unwise, because its purpose is and its effect will be to override and nullify the various city charters adopted under the Constitution.
3. It is special legislation, for it is designed for only one city.
4. It is not perfect in its details, and at present conflicts with other sections of the Political Code.
5. It is an attempt to force the people of one city to vote upon bonds against the wishes of the regularly elected City Trustees.
6. It permits two separate and independent boards to call bond elections in one city.

JOHNSON, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Also: Assembly Bill No 358—An Act to provide for the building and furnishing of a hospital building for the Whittier State School, at Whittier, California, and to make an appropriation for the same.

Also: Assembly Bill No. 359—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Also: Assembly Bill No. 361—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for the use of said school.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No 360—An Act making an appropriation of $6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Also: Assembly Bill No 362—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Also: Assembly Bill No 363—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Also: Assembly Bill No. 404—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School at Whittier, California, to purchase sewing-machines for the tailor shop and girls' department of said school.

Also: Assembly Bill No 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry

Also: Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry

Also: Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

OLMSTED, Chairman.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution, as follows:

Your Committee on State Prisons and Reformatory Institutions have visited the State Prison at San Quentin, California, as per resolution heretofore introduced and adopted, and the following are entitled to two hundred and four (204) miles mileage each, to wit: Messrs Olmsted, Carter, McKenney, Bliss, Murphy, and Barber.

*Resolved*, That the State Controller is hereby authorized to draw his warrant for the amount of $122 40 in favor of S. H. Olmsted, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BATES, Chairman.

Report adopted.

Resolution read.

MOTION.

Mr. Bates moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—Messrs Olmsted and Pann—2

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 435—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

FOSTER, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 228—An Act to provide for the protection of banks of Eel River against winter floods, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that the author be permitted to withdraw the same We present herewith a committee substitute for Assembly Bill No. 228, and recommend that the same do pass.

MOORE, Chairman.

WITHDRAWAL OF BILL.

On motion of Mr. McNeil, Assembly Bill No. 228 was withdrawn.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Swamp and Overflowed Lands and River Improvements: Assembly Bill No. 655 (Substitute for Assembly Bill No. 228)—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly concurrent resolutions have been correctly enrolled:

Assembly Concurrent Resolution No 1—Relative to opening and publishing the returns of the election of Governor and Lieutenant-Governor.

Assembly Concurrent Resolution No. 2—Relative to Committee on Inaugural Ball.

Assembly Concurrent Resolution No. 3—Relative to the inaugural ball.

And were presented to the Governor, February 4, 1903, at nine o'clock and thirty-six minutes A. M.

Also: That the following bill has been correctly engrossed: Assembly Bill No. 232—An Act to appropriate $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

AMERIGE, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 522—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Also: Assembly Bill No. 414—An Act to appropriate $40,000 out of any money in the State Treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOORE, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof, and by adding a new section thereto, to be numbered 2643*a*, relating to roads and highways.

Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee, or pledgee of such property will take, own and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties of such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in the building contracts," approved March 28, 1901.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Read first time, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which the permits shall be issued.

Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor and providing the conditions upon which such permits shall be issued.

Read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read first time, and referred to Committee on Commissions and Public Expenditures.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Steadman: Assembly Bill No. 656—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of the State Prisons," approved March 27, 1897.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Lumley: Assembly Bill No. 657—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Read first time, and referred to Committee on Public Morals.

By Mr. Bangs: Assembly Bill No. 658—An Act to amend Subdivision 2 of Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Prescott: Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912. 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Read first time, and referred to Committee on Military Affairs.

By Mr. Amerige: Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of Cali-

fornia upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Read first time, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 137—An Act entitled "An Act to appropriate the sum of $211 61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894."

Also: Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Also: Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of the State of California, number 592, issued July 9, 1858.

Also: Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Also: Assembly Bill No. 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D Fish

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Johnson: Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 342—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation owning any railroad in this State, or its property and franchises, or any part thereof, to any railroad company whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 591—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 300*a*, relating to corporations

Also: Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ALLEN, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Greer: Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Read first time, and referred to Committee on Election Laws.

By Mr. Walsh: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 664—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Read first time, and referred to Committee on County and Township Governments.

By Mr. Bliss: Assembly Bill No. 665—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known and numbered as Section 402¾, relating to the manufacture, sale. exchange, barter, dispensing, or giving away any cigarettes, cigarette papers, cigarette wrappers, within the State of California, and fixing a penalty therefor.

Read first time, and referred to Committee on Public Morals.

By Mr. Black: Assembly Bill No. 666—An Act to add a new section to the Political Code of the State of California, to be known as Section 1891, providing for the heating, lighting, and ventilating of public schoolhouses, and fixing penalties for a violation of the provisions thereof.

Read first time, and referred to Committee on Education.

By Mr. Ells: Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read first time, and referred to Committee on County and Township Governments.

UNFINISHED BUSINESS.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Heretofore read second time.

Mr. Knight submitted the following amendment:

Amend by inserting in printed bill, section two. line four, the words "or his agent" next after the word "person."

Mr. Knight moved the adoption of the amendment.

Amendment adopted.

Mr. Johnson withdrew his motion to indefinitely postpone.

Ordered to print, engrossment, and third reading.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending article twenty of said Constitution by adding thereto a section to be numbered section twenty-one, and relating to appointments, transfers, and promotions of officers and employés of the State, its cities and political subdivisions.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected

to each of the houses of said Legislature voting in favor thereof, hereby propose that article twenty of the Constitution of the State of California be amended by adding thereto a new section, to be known as section twenty-one, and reading as follows:

Section 21. Appointments, transfers, and promotions in the civil service of the State, and of all cities and political subdivisions thereof, shall be made according to merit and fitness, which shall be ascertained, so far as practicable, by competitive examinations; *provided, however*, that honorably discharged soldiers and sailors from the army and navy of the United States in the late Civil War, that are residents and citizens of this State, shall be entitled to preference in appointment and promotion.

Assembly Constitutional Amendment No. 6 read.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and thirty-six minutes A. M., Mr. Camp moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—75.

At ten o'clock and forty minutes A. M., Mr. Camp moved that further proceedings under call of the House be dispensed with.

Motion lost.

Mr. Johnson moved that Messrs. Grotefend and Lux be excused for the day, on account of sickness.

So ordered.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and forty-two minutes A. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

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

AYES—Messrs. Amerige, Bangs Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Dorsey, Dougherty, Drew, Duffey, Dunbar. Ells, Finn, Foster, Gleeson, Goodrich, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—61.

NOES—Messrs Allen, Boisson, Copus, Covert, Greer, Hart, Higgins, Johnson, McKenney, McNeil, Mott, Traber, and Weger—13.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Amendment read.

The following committee amendments were submitted:

AMENDMENT NO. 1.

Amend by striking out the comma (,) after the word "mileage," and inserting comma (,) after the word "legislature," on line twenty-five on second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "not" and "and" on line thirty-five, on second page, printed bill, and inserting in lieu thereof the following word "neither" before "such," and the words "nor number of such," after the words "per diem," in line thirty-five, section twenty-three, on second page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "and" on line sixty-one and the word "not" on line sixty-two, on third page, printed bill, and inserting in lieu thereof the following: The word "neither" before the word "such," and the words "nor the number of such" after the words "per diem" on line sixty-one, section twenty-three, on third page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend section twenty-three by adding to line twenty-six, printed page two, after the word treasury, the following words: "which compensation shall commence and be paid to all members of the legislature on and after the commencement of the biennial session of 1905."

Also, by adding the following words in line thirty-three, printed page two, after the word "legislature," as follows: "which compensation of said lieutenant-governor shall commence and be paid on and after the commencement of the biennial session of 1905"

Also, to amend line forty-two, printed page two, after the word "clerk," the following words: "one history clerk"

Also, to amend line forty-six, printed page two, by striking out the words "two history clerks" after the word "clerks," and adding instead thereof "one assistant history clerk."

Also, to amend line fifty-five, printed page three of said section, the following words: "and three additional attachés at not exceeding a per diem of five dollars each."

Also, to amend line sixty-seven, printed page three, by adding thereto, after the word "committee," "one history clerk"; also to amend lines seventy-three and seventy-four by striking out the words "two history clerks," and inserting instead thereof "one assistant history clerk"

Also, to amend line eighty-two, printed page three, by adding thereto the following words: "and five additional attachés at not exceeding five dollars each per diem."

Also, to strike out the word "four" after "exceeding," in line twenty-four, printed page two, and insert instead thereof the word "two."

Also, to strike out the word "five," on line thirty-two, page two, after the word "and," and insert instead the word "three."

Also, strike out the word "five" after the word "and," on line five, printed page three, and insert instead thereof the word "three."

Amendment adopted.

Assembly Constitutional Amendment No. 10 ordered to print.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Mr. Knight moved that Senate Constitutional Amendment No. 4 be substituted for Assembly Constitutional Amendment No. 8, the same being identical.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT No. 4.

A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to article nine, to be known as section twelve, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences"

*Resolved by the Senate, the Assembly concurring*, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that article nine of the Constitution of the State of California be amended by adding thereto a new section, to be known as section twelve, and reading as follows:

Section 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January 16, 1871, having its buildings located in the City and

County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—67

NOES—Messrs. Bangs, Burgess, Dorsey, Duffey, Houser, and Stansell—6.

SPECIAL ORDERS.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

Read second time.

The following committee amendment was submitted:

Add after the word "contained," in line seventeen, page one of printed bill, the following: "*Provided*, that nothing in this Act shall be construed to authorize force, violence, or intimidation."

Mr. Copus submitted the following amendment to the amendment:

Amend by striking out of section one, line seventeen of printed bill, the words "or intimidation," and inserting the word "or" after the word "force."

At twelve o'clock and twenty-eight minutes P. M., Mr. Johnson moved that the Assembly take a recess until two o'clock P. M.

Motion lost.

Mr. Copus moved that the time for adjournment be extended until one o'clock P. M.

So ordered.

The question being on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Copus, Johnson, and Amerige.

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

AYES—Messrs. Allen, Bangs, Barber, Boisson, Copus, Covert, Dorsey, Dougherty, Duffey, Dunbar, Dunlap, Ells, Finn, Greer, John, Kerrigan, Killingsworth, Knight, Lumley, Mahany, Mattos, McConnell, McMahon, McMartin, Moore, Murphy, Pann, Prescott, Rolley, Siskron, Snyder, Stanton, Susman, Walsh, Waste, Weger, Wright, and Mr. Speaker—38.

NOES—Messrs. Amerige, Barnes, Black, Brown, Burgess, Camp, Cromwell, Drew, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Kelso, King, Lewis of Riverside, McKenney, McNeil, Mott, Olmsted, Pyle, Soward, Traber, and Walker—25.

The question recurring upon the original amendment.

Adopted as amended.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts,

the ascertainment and discharge of their indebtedness, and the distribution of their property.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Board of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Assembly Bill No 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, institutions, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowlege of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions and the control and management thereof," approved March 5, 1887.

And were presented to the Governor, February 4, 1903, at eleven o'clock and fifteen minutes A. M.

AMERIGE, Chairman.

LEAVE OF ABSENCE.

Mr. Kelso was granted leave of absence until Friday, February 6, 1903.

ADJOURNMENT.

At one o'clock P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 5, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, February 3, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 218—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Also: Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Also: Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts," approved March 28, 1901.

And report the same back, with the recommendation that they do pass.

Also: Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State—report the same back, with the recommendation that it be sent to the Committee on Ways and Means

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging houses," approved March 1, 1889.

Also: Assembly Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Also: Assembly Bill No 467—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article, to be numbered 13, to be added to Chapter II, Title I, Part III of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

And report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, Senate Bill No. 144 was referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 161—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 122—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed: Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

AMERIGE, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 319—An Act creating a commission, to be known as the California Relief Commission, whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, etc—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that the same do pass as amended.

TRANSUE, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

OLMSTED, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 478—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that Senate Bill No. 310 be substituted therefor, and that the same do pass, the bills being identical.

OLMSTED, Chairman.

On motion of Mr. Olmsted, Senate Bill No. 310 was substituted for Assembly Bill No. 478, the same being identical.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 621—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass.

McNEIL, Chairman.

ON AGRICULTURE—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 621—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist—have had the same under consideration, and the undersigned minority respectfully reports the same back, and recommends that it do not pass.

F. M. WEGER.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be referred to Committee on Ways and Means.

JOHN, Chairman.

On motion of Mr. John, Assembly Bill No. 229 was referred to Committee on Ways and Means.

ON ATTACHÉS AND EMPLOYÉS.

*Resolved*, That the following-named persons be and they are hereby appointed and employed for the position at the per diem set opposite their respective names; said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; said appointments to date from the 4th day of February, 1903; and the State Controller is hereby authorized and directed to draw his warrants on the said fund in favor of the said following-named persons for the said per diems, and the State Treasurer is hereby authorized and directed to pay the same:

Frank Rose, Assistant Engrossing and Enrolling Clerk.....$5 00
Fred Schneider, Assistant Engrossing and Enrolling Clerk..... 5 00

*And be it further resolved*, That the name of Fred Schneider be dropped from the roll as Committee Clerk, and the name of Miss Alma Eldred be substituted and placed on the roll as Committee Clerk, in the place and stead of said Fred Schneider, at a per diem of $4 00.

BLACK, Chairman.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Duffey, Dunlap, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—Messrs. Dougherty and Drew—2.

COMMUNICATION.

Mr. Wright presented the following communication from the Chamber of Commerce of San José:

SAN JOSÉ, CAL., February 4, 1903.

*To* HON. ELI WRIGHT, HON. GEORGE S. WALKER, HON. MARSHALL BLACK, *Assembly Chamber, Sacramento, Cal.:*

Chamber of Commerce, Merchants' Association, and allied organizations of San José most cordially invite Governor George C. Pardee and Legislature of State of California to be the guests of San José, Friday and Saturday, this week. It will be our great pleasure to provide free railroad transportation, special train, banquet, hotel accommodations, valley carriage drive, and best hospitality our heads and hearts afford. Please reply immediately.

V. A. SCHELLER, President Chamber Commerce.

RESOLUTION.

By Mr. Wright:

*Resolved*, That the Assembly accept the invitation of the Chamber of Commerce, Merchants' Association, and allied organizations of San José to visit San José, as guests of said organizations, on Friday and Saturday of this week.

Resolution read.

Mr. Wright moved the adoption of the resolution.

Resolution adopted.

REPORT OF STANDING COMMITTEES—(RESUMED).

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 431—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

KING, Chairman.

Assembly Bill No. 431 passed on file.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities; to create, authorize, and empower a Board of Examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having sewer, water, or gas mains; to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections; to require ordinances by cities as to sewerage, water and gas connections, and for permits authorizing such connections; also fixing penalties for violation of this Act—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 523—An Act to regulate the use of illuminating gas—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 206—An Act to regulate the practice of chiropody, the registering and licensing of persons to carry on such practice, and to promote competency and skill among the practitioners of chiropody in the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 207—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Also: Assembly Bill No. 208—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding

thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and that the author be permitted to withdraw the same. We present herewith a committee substitute for Assembly Bills Nos. 207 and 208, and recommend that the same do pass.

FOSTER, Chairman.

On motion of Mr. Allen, Assembly Bills Nos. 207 and 208 passed on file.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Public Health and Quarantine: Assembly Bill No. 668 (Substitute for Assembly Bills Nos. 207 and 208)—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by amending Section 2, relating to the term of office of members of said board, and to insert three new sections, to be numbered 18, 19 and 20, relating to sanitary conditions of barber shops and barber schools, and the regulation thereof.

Read first time, and ordered on second-reading file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of sixteen hundred and seventy-five dollars and eighty-two cents ($1675.82), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| Emil Steinman | $10 00 |
| Mrs. C. M. McCall | 5 00 |
| H. S. Crocker & Co. | 152 95 |
| John Breuner Co. | 18 00 |
| J. O. Coleman | 5 00 |
| Kane & Trainor | 22 50 |
| Capital Manufacturing Co. | 38 00 |
| Palm Iron Co. | 7 50 |
| F. R. Pulford | 81 90 |
| Yost Writing Machine Co. | 52 50 |
| Locke & Lavenson | 290 77 |
| Thomas Scott | 290 45 |
| Wyckoff, Seamans & Benedict | 63 00 |
| D. Johnston & Co. | 529 25 |
| Gus Meckfessel | 109 00 |
| Total | $1,675 82 |

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Report adopted.

Resolution read.

Mr. McCartney moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Carter, Covert, Drew, Duffey, Duryea, Gleeson, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMahon,

McNeil, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—75.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 75—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass without amendment.

Also: Assembly Bill No. 612—An Act making an appropriation of $4,310 76 for transportation of officers and members of the National Guard of California.

Also: Assembly Bill No 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates, and other matters, for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books, granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

Also: Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211 61 to pay the claim of B A. Johnson for supplies furnished the National Guard of California during the month of July, 1894

Also: Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Also: Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School

Also: Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16, of Department Two of said Superior Court, at pages 28 and 29

Also: Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Also: Assembly Bill No 163—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DUNLAP, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 381—An Act relating to the keepers of intelligence offices, regulating the

business thereof, and repealing all Acts and parts of Acts in conflict therewith, and providing punishment for violations of the provisions thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 426—An Act to prevent misrepresentation of employment, and making it a misdemeanor to misrepresent conditions of employment—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

PYLE, Chairman.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BATES, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 418—An Act to amend Section 1366 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 432—An Act to amend Section 1366 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that author be permitted to withdraw same.

STANTON, Chairman.

Assembly Bill No. 432 ordered passed on file.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years

Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bills Nos. 237, 448, 449, and 450 ordered to enrollment.

Also.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day, upon motion duly made and carried, made a special file for Assembly bills, the same to be considered between the hours of two o'clock P. M. and three o'clock and thirty minutes P. M. of each day.

F. J BRANDON, Secretary of the Senate
By FRED L. THOMAS, Assistant Secretary.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. McLaughlin: Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the thirty-seventh class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 670—An Act to amend an Act entitled "An

Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the forty-fourth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Fisk: Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Read first time, and referred to Committee on Judiciary.

By Mr. Leininger: Assembly Bill No. 672—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from the mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Centre, in Trinity County; and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Brown: Assembly Bill No. 673—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of Trustees of school districts and Boards of Education in cities, and authorizing the establishment and maintenance of free kindergarten schools.

Read first time, and referred to Committee on Education.

By Mr. McCartney (by request): Assembly Bill No. 674—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Gleeson: Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read first time, and referred to Committee on Election Laws.

By Mr. Traber: Assembly Bill No. 676—An Act appropriating $3,775 to reimburse that certain fund known as the Jessup fund, formerly in the hands of and under the control of the Board of Directors of the State Home for the Feeble-Minded at Eldridge, in the State of California, which fund has been misappropriated.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. King: Assembly Bill No. 677—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace in townships.

Read first time, and referred to Committee on Judiciary.

By Committee on Military Affairs: Assembly Bill No. 678—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, 2099, of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of

Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read first time, and ordered on second-reading file.

By Committee on Roads and Highways: Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Read first time, and ordered on second-reading file.

By Mr. Houser: Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Read first time, and referred to Committee on Judiciary.

By Committee on Ways and Means: Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Read first time, and ordered on second-reading file.

By Mr. Johnson: Assembly Bill No. 682—An Act to regulate bank investment companies, meaning by bank investment companies every person, firm, association, or corporation engaged in the business of selling bonds, certificates, debentures, or other investment contracts on the installment or partial payment plan, connected with a plan for the redemption and retirement of the same from particular funds created by payments made upon such contracts; prescribing the amount and kind of deposit to be made with the State Treasurer, penalty for failure to make deposit, and providing a penalty for violation of this Act.

Read first time, and referred to Committee on Judiciary.

By Mr. Foster: Assembly Bill No. 683—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1895, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State,'" as amended March 23, 1901.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 684—An Act to prevent the propagation by seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Read first time, and referred to Committee on Agriculture.

By Mr. Murphy: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending Article XX, by adding a new section thereto, to be known as section number 22, relating to monopolies, or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

Referred to Committee on Constitutional Amendments.

By Mr. Rolley: Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court, in the City and County of San Francisco, State of California.

Read first time, and referred to Committee on Ways and Means.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Mattos, the privileges of the floor were extended to the Hon. J. W. Clark, an ex-member of the Assembly.

OATH OF OFFICE.

The following oath of office of Hon. Frederick Lux, Assemblyman from the Forty-first District, was received and ordered printed in the Journal:

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

I, Frederick Lux, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of member of the Assembly of the State of California, to the best of my ability.

FREDERICK LUX.

Subscribed and sworn to before me, this 31st day of January, A. D. 1903.

FRANK J. MURASKY,
Judge of the Superior Court in and for the City and County of San Francisco, State of California.

RESOLUTION.

By Mr. Traber:

WHEREAS, The Codes furnished to the members of the Assembly for their use do not contain the laws enacted by the Legislature during the extra session of 1900, and the regular session of 1901; and

WHEREAS, This fact causes the members considerable trouble and inconvenience; therefore, be it

*Resolved*, That the Chief Clerk is hereby authorized, empowered, and instructed to procure from the Secretary of State, 85 copies of the Statutes of 1900 and 1901, to be distributed to the members of the Assembly for their use, the cost thereof to be paid out of the Contingent Fund of the Assembly.

Resolution read, and referred to Committee on Ways and Means.

SUBSTITUTION OF BILL.

Mr. Olmsted moved that Senate Bill No. 310 be substituted for Assembly Bill No. 478 on file, the same being identical.

So ordered.

RESOLUTIONS.

By Mr. Mott:

*Resolved*, That W. C. Guirey be and he is hereby allowed three days' pay at the same per diem as is allowed the Assistant Clerks at the desk, the same being for services at the organization of the Assembly, for January 5, 6, and 7, 1903, payable out of the fund for the contingent expenses of the Assembly, and the Controller is hereby authorized to draw his warrant in favor of W. C. Guirey for said amount, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés and Employés.

By Mr. Cromwell:

WHEREAS, Various bills have been referred to the Committee on State Hospitals and Asylums calling for appropriations aggregating $349,500 for the Mendocino State Hospital, the California Home for the Care and Training of Feeble-Minded Children, the Napa State Hospital, and the Veterans' Home;

*Resolved*, That the Committee on State Hospitals and Asylums be and they are hereby authorized to visit the above-named State institutions for the purpose of enabling the committee to act intelligently upon the aforesaid bills, and to determine what, if any, can be dispensed with without material detriment to said institutions That members of said committee are hereby granted leave of absence for said purpose as follows: Messrs. Cromwell, Foster, McLaughlin, King, Duryea, Leininger, Wright, Moore, Weger, Kerrigan.

Resolution read.

Mr. Cromwell moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and forty minutes A. M., Mr. Cromwell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Bates, Baxter, Black, Bliss, Brown, Burgess, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Foster, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—57.

MOTIONS.

At ten o'clock and forty-seven minutes A. M., Mr. Pann moved that further proceedings under call of the House be dispensed with.

Motion lost.

Mr. Pann moved that the names of the absentees be called.

So ordered.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock A. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

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

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duffey, Dunbar, Duryea, Ells, Foster, Greer, Higgins, Howard, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Mahany, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—Messrs. Amerige, Brown, Camp, Dunlap, Houser, Johnstone, Lewis of Riverside, Lumley, Mattos, Mott, Murphy, Pann, Stansell, Susman, and Walsh—15.

RESOLUTION.

By Mr. Prescott:

*Be it Resolved*, That after each call of the ayes and noes, as recorded in the Journal, there shall follow the names of those "not voting" and those "absent with leave."

Resolution read, and referred to Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903

MR SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That the Clerk shall prepare daily a special file of bills passed by the Senate, and that the hour from three to four o'clock P. M. daily, commencing this day, shall be devoted to the consideration of bills upon said file.

BROWN, Chairman.

Resolution read.

Mr. Brown moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Lewis of Riverside: Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Read first time, and referred to Committee on County and Township Governments.

LEAVE OF ABSENCE.

On motion of Mr. Transue, Mr. Goodrich was granted leave of absence for the day, on account of sickness.

SPECIAL FILE.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

At eleven o'clock and ten minutes A. M., the Speaker called Speaker pro tem. Carter to the chair.

Speaker pro tem. Carter in the chair.

Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article IV of the Constitution, relating to the salary of members of the Legislature and attachés thereof.

Mr. Olmsted moved that Assembly Constitutional Amendment No. 12 be passed on file, to retain place on file, until after the consideration of Assembly Constitutional Amendment No. 10.

Motion lost.

Assembly Constitutional Amendment No. 12 read.

At eleven o'clock and thirty-eight minutes A. M., Speaker Fisk in the chair.

The question being on the adoption of the amendment.

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

AYES—Messrs. Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Cromwell, Drew, Foster, Higgins, Houser, Howard, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfe, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—58

NOES—Messrs Allen, Barnes, Dougherty, Duryea, Greer, John, Soward, and Stansell—8.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 12.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section twenty-three of article four of said Constitution, relating to the salary of members of the Legislature and attachés thereof.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Section 23 Each member of the Legislature, during his term in office, shall receive for his services, to be paid out of the public treasury, the sum of one thousand dollars for each regular session, and shall also receive mileage for each session at the rate of

five cents per mile, for one round trip only, from his residence to the place of meeting of the Legislature, together with the sum of twenty-five dollars for contingent expenses. For any extra session of the Legislature, each member shall receive, in addition to the mileage and contingent expenses herein provided, a per diem salary at the rate of eight dollars per day. No further payment of any kind shall be made to any member on account of his services or for expenses incurred as such member. The pay of no attaché shall be increased after he is elected or appointed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend that Standing Rule No. 40 be amended by adding thereto the following:

"A member introducing a bill or resolution, or the member having charge of the same in the absence of the introducer, shall have the privilege of opening and closing debate thereon."

BROWN Chairman.

SECOND-READING FILE—(RESUMED).

Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Constitutional amendment read.

The following amendments were submitted by Mr. Wright:

Strike out the word "repealing," in line three of title of said Assembly Constitutional Amendment No 11, and insert instead thereof the word "amending." Also, strike out all of line six after the word "amended" and insert the words "so as to read as follows."

The following amendment to the amendment was submitted by Mr. Johnson:

Amend by striking out all after the word "amended" in line six of the printed amendment, and insert in lieu thereof as follows, viz: "so as to read as follows:

"Section 12. No poll tax shall ever be levied upon the voters or persons entitled to become voters of this State. This section shall take effect January 1, 1907."

Mr. Murphy submitted the following amendment to the amendment to the amendment:

Amend by striking out of printed resolution all after the word "amended" in line six, printed bill, and inserting the following:

Section 12 The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed; *provided*, that such tax shall not be collected from any male inhabitant who presents a lawful certificate showing that he voted at the last preceding general election. Such certificate shall be issued by the officer or officers having custody of the voting lists after such election. Said tax shall be paid into the State School Fund.

Lost.

Mr. Knight submitted the following amendment to the amendment to the amendment:

Amend by striking out of the amendment offered by Mr. Johnson the words "voters, or persons entitled to become voters of this State," and inserting in lieu thereof the following: "citizens of the United States."

Lost.

Mr. Wright accepted the amendment submitted by Mr. Johnson.

The question being on the adoption of the amendment.

Amendment adopted.

Assembly Constitutional Amendment No. 11 ordered to print.

Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legis-

lature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—65.

NOES—None.

Title read and approved.

MOTION.

Mr. Stanton moved to take up messages from the Senate.

So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

Also: Passed Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Senate Bill No. 292—An Act in relation to municipal bonds

F. J. BRANDON, Secretary of Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

Ordered to enrollment.

Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read first time, and referred to Committee on Municipal Corporations.

Mr. Ells moved to substitute Senate Bill No. 17 for Assembly Bill No. 342, the same being identical, and that Senate Bill No. 17 be recalled from Committee on Municipal Corporations and ordered on second-reading file.

So ordered.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Ordered to enrollment.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Ordered to enrollment.

Senate Bill No. 292—An Act in relation to municipal bonds.

Read first time, and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Committee Substitute for Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713, and 713½, relating to giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted

Also: Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Also: Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Committee Substitute for Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713, and 713½, relating to giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

MOTION.

Mr. Higgins moved that Assembly Bills Nos. 224, 225, 382, and 383 be made special order for Friday, February 6, 1903, immediately after the reading of the Journal.

So ordered.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Brown, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M., Speaker Fisk in the chair.

RESOLUTION.

By Mr. Drew:

WHEREAS, A claim has been filed, known as Assembly Bill No. 676, for the purpose of appropriating $3,775 to reimburse a certain fund known as the Jessup fund, formerly in the hands of the Board of Directors of the State Home for the Feeble-Minded, situated at Eldridge, in the State of California; and

WHEREAS, It appears from the said claim that the said fund has by some one in authority at said Home been misappropriated and misapplied; therefore, be it

*Resolved*, That the Speaker of the Assembly appoint a committee of five, who shall within ten days from the date of their appointment proceed to investigate the misappropriation of said fund, and any other matters in connection with said institution that in the interest of the people of the State of California need investigation, and to report in not less than fifteen days from the date of appointment of said committee of this Assembly; be it further

*Resolved*, That the said committee have power to issue subpœnas and require the attendance of witnesses, take and hear evidence, require the production of any or all books, papers, public records, or other articles, and to hold sittings at such times and places as may be necessary, and to exercise all such powers as usually belong to committees of investigation created and appointed by this Assembly, and all such powers as are necessary or expedient to carry out the purposes and objects of the said committee; be it further

*Resolved*, That said committee be allowed a stenographer and a sergeant-at-arms from the attachés of this Assembly for the purpose of making said investigation.

Resolution read.

Mr. Drew moved the adoption of the resolution.

Mr. Dunlap moved that the consideration of the resolution be continued until Monday, February 9, 1903.

Mr. Mott moved to amend that the resolution be referred to Committee on State Hospitals and Asylums.

Mr. Dunlap accepted the amendment submitted by Mr. Mott.

The question being upon the amendment.

Amendment lost.

Mr. Mattos submitted the following amendment:

*Resolved*, That the resolution be amended to read as follows: That they be empowered to employ a stenographer and clerk from among the attachés now on the payroll of the Assembly.

Amendment lost.

The question recurring upon the adoption of the resolution.

Resolution adopted.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Passed on file.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 18.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 18 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE ON THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections prescribing its duties and powers, and appropriating money therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

After section six insert section seven, as follows:

"Section 7. The provisions of this Act shall not apply to the Veterans' Home of California, located at Yountville, Napa County, nor to the Woman's Relief Corps Home at Evergreen, Santa Clara County."

Section seven of printed bill to be section eight.

Section eight of printed bill to be section nine.

Amendment adopted.

AMENDMENT No. 2.

In section two, page two, line two, strike out words "necessary traveling and other" of printed bill, and insert in lieu thereof the following: "actual necessary."

Amendment adopted.

AMENDMENT No. 3.

Amend section one, page two, line nineteen, by striking out the words "caused by death, resignation or removal," in printed bill.

Amend section two, page two, line twenty-four, by striking out the words "and the Governor may appoint his successor with the advice and consent of the Senate," in printed bill.

Amend section three, page three, line ten, beginning with the word "all" by striking out down to and including the word "prescribed" in line twenty-two of printed bill, and inserting in lieu thereof the following: "All the persons or officers in charge of or connected with such institutions or with the administration of said funds are hereby required to furnish to the Board or its committee or secretary such information and statistics as they may request or require, and allow said Board, committee or secretary free access to all departments of such institutions and to all of their records. In order to secure accuracy, uniformity and completeness in such statistics and information, the Board may prescribe such forms of report and records by the State Commission in Lunacy regarding the State Hospitals for the Insane and by such other officers, boards or institutions as it may deem necessary, and also such forms of registration at all institutions referred to in this section as it may require. The State Commission in Lunacy on behalf of the institutions under its charge, and the officers of all other institutions and all officers, persons or boards in any way responsible for public funds used for the relief of the poor or the maintenance of any inmates of said institutions, are hereby required to follow such forms, records and registration so prescribed; provided, that the intent of this law is that, so far as possible, the Board shall make use of the

forms of report, record and registration now obtaining in the State Commission in Lunacy and other State boards and institutions."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 36—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by adding the words "in this subdivision," after the word "granted," in subdivision four, line thirty-one, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the words "*provided*, that any license taxes collected under a city ordinance shall be collected by the city or town marshal and paid into the city or town treasury for use of the city or town in which it is collected," after the word "otherwise," in subdivision ten, line forty-nine, second page, printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

On motion of Mr. Greer, ordered on special file.

Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

ASSEMBLY JOINT RESOLUTION No. 3.

Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

WHEREAS, A bill (H. R. 14,443) has been introduced in both houses of Congress for the establishment of a National Conservatory of Music and Art at the National capital at Washington, D. C., with subsidiary branches in the cities of San Francisco, Chicago and New York; and

WHEREAS, The establishment of such a conservatory is of vital importance to the future welfare of the youth of America; therefore, be it

*Resolved*, That we, the members of the Legislature of the State of California, in body assembled, do hereby memorialize and request our Representatives in Congress and instruct our Senators to urge upon their respective houses of Congress the advancement, promotion, and passage of the bill now before their respective bodies for the establishment of a National Conservatory of Music and Art by the National Government; and further, that a copy of this memorial be forwarded to each and every Representative in Congress and to the Senators of the United States.

Resolution read.

The question being on the adoption of the resolution.

Resolution adopted.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Read second time.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Read second time.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 85, 373, 390, and 400.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 85, 373, 390, and 400 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Also: Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Also: Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California, on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

And do now report the same back and recommend that they do pass

FISK, Chairman.

Report adopted.

On motion of Mr. Johnson, Assembly Bills Nos. 85, 373, 390, and 400 ordered to engrossment, and on return to be referred to Committee on Judiciary.

MOTION.

Mr. Brown asked unanimous consent to again consider Assembly Bill No. 199.

So ordered.

Mr. Brown moved that the Assembly reconsider its action whereby Assembly Bill No. 199 was read a second time and ordered to engrossment and third reading.

So ordered.

Assembly Bill No. 199 passed on file.

Assembly Bill No. 127—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jail or other institution; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 35—An Act to regulate contracts on behalf of the State, in relation to erection and buildings.

Passed on file.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Read second time, and ordered to engrossment and third reading.

At two o'clock and fifty-five minutes P. M., the Speaker called Speaker pro tem. Carter to the chair.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new

sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Read second time.

Pending the further consideration of the bill, Mr. Olmsted moved that the further consideration of the bill, and amendment, be postponed until Friday, February 6, 1903.

So ordered.

The Speaker pro tem. announced that consideration of the Senate special file was in order.

SENATE SPECIAL FILE.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Read second time, and ordered to third reading.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Read second time, and ordered to third reading.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Read second time, and ordered to third reading.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Read second time, and ordered to third reading.

Senate Bill No 105—An Act to appropriate the sum of $1,416.50, for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Passed on file.

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Read second time, and ordered to third reading.

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Read second time, and ordered to third reading.

Senate Bill No. 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and cost of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read second time, and ordered to third reading.

MOTION.

Mr. Johnson moved that the Assembly do now return to the consideration of the second-reading file.

So ordered.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 318.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 318 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Report adopted.

Assembly Bill No. 318 ordered to engrossment and third reading.

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 371.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 371 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Report adopted.

Assembly Bill No. 371 ordered to engrossment and third reading.

At three o'clock and forty-eight minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Read second time.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Read second time.

Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read second time.

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read second time.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Read second time.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of Califor-

nia," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Read second time.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Read second time.

Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California, in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read second time.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Read second time,

Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read second time.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Read second time.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court, numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior

Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Read second time.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read second time.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902 in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Read second time.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Read second time.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 3, 5, 346, 347, 494, 364, 365, 480, 476, 4, 477, 507, 420, 479, 469, 425, and 552.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 3, 5, 346, 347, 494, 364, 365, 480, 476, 4, 477, 507, 420, 479, 469, 425, and 552 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D Corey, plaintiff, vs. The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May, 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs The State of California"

Also: Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California, upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Also: Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3." page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No 19 of Department One of said Superior Court, at page 393.

Also: Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Also: Assembly Bill No 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs State of California, defendant.

Also: Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Also: Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333

Also: Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No 16 of Department Two of the said Superior Court, at page 29.

And do now report the same back, and recommend that they do pass.

FISK, Chairman.

Report adopted.

MOTION.

Mr. Dunlap moved that Assembly Bills Nos. 3, 5, 346, 347, 494, 364, 365, 480, 476, 4, 477, 507, 479, 420, 469, 425, and 552 be re-referred to Committee on Judiciary.

So ordered.

LEAVE OF ABSENCE.

Mr. Stanton asked leave of absence until Monday, February 9, 1903.

So ordered.

COMMUNICATION.

*Mr. Speaker and Members of the Assembly:*

I present herewith a release for twenty-one dollars, State money remaining in my possession, by reason of the warrant ordered drawn in my favor by your resolution of January 23d, being in excess of the amount required to pay for certain books which I was directed to purchase. I have deposited the above amount with the Treasurer, a receipt for which is held by the State Controller.

CLIO LLOYD, Chief Clerk.

CONTROLLER'S OFFICE, SACRAMENTO, CAL., February 5, 1903.

This is to certify that Clio Lloyd, Esq., Chief Clerk of Assembly, has paid the Treasurer of the State twenty-one dollars.

*Credited as Follows:*

To the General Fund.....$21 00

Being the amount of overplus of appropriation, Assembly, by resolution to purchase Constitutions and Criminal Laws, resolution of January 23, 1903 and that he is hereby discharged from all liabilities as to the same

E. P. COLGAN, Controller of State.
By W. W. DOUGLAS, Deputy.

[SEAL]

Ordered printed in the Journal.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damages sustained by the breaking of Fremont Street Wharf, in the City and County of San Francisco.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 70.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 70 was considered in Committee of the Whole

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 70—An Act making an appropriation to pay the judgment of J R. Hanify against the State of California for damages sustained by the breakage of Fremont Street Wharf, in the City and County of San Francisco—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 70 ordered to engrossment and third reading.

Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read second time.

On motion of Mr. Johnson, passed on file.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 239—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Read second time, and ordered to engrossment and third reading.

LEAVE OF ABSENCE.

Mr. McMartin asked leave of absence for the day.

So ordered.

MOTION TO ADJOURN.

At four o'clock and five minutes P. M., Mr. Pann moved that the Assembly do now adjourn.

Motion lost.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

On motion of Mr. Copus, made special order for Friday, February 6, 1903.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors in levying county school tax.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 247—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employés of State institutions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

On motion of Mr. Johnson, passed on file.

Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Read second time.

The following committee amendment was submitted:

After the word "called," in the title thereof, insert the word "mutual," so that it will read: "also called mutual building and loan associations."

Amendment adopted.

Assembly Bill No. 119 ordered to print, engrossment, and third reading.

Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636*a*, relating to voluntary withdrawals of stock from land and building corporations (also called building and loan associations).

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the parenthesis and the words "less entrance fee, if any," in lines eight and nine of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

After the word "called," in the title thereof, insert the word "mutual," so that it will read: "also called mutual building and loan associations."

Amendment adopted.

Assembly Bill No. 120 ordered to print, engrossment, and third reading.

Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the words "charge an entrance fee for each share of stock issued, not exceeding one dollar on each share, and may also," in lines fifty-two and fifty-three, page three of printed bill.

Amendment adopted.

AMENDMENT No. 2.

Add after the word "maturities," in line one hundred and seventy-six, page six of printed bill, the words "but the indebtedness thus incurred must not at any one time exceed twenty-five per centum of the assets of the association."

Amendment adopted.

Mr. Waste submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of the title, line one thereof, the word "one," and inserting the following in place thereof: "first."

Amendment adopted.

AMENDMENT No. 2,

Amend by striking out of section one, line one, the word "one," and inserting the following in place thereof: "first."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of page two, line seven, the word "incorporation," and inserting the word "corporation."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of page three, line forty-three, the word "any" where the word occurs the second time in said line, viz.: before the word "shares."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of page three, line forty-five, the word "begin," and inserting the word "began."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of page three, line forty-eight, the word "the," and inserting the word "his"

Amendment adopted.

AMENDMENT No. 7.

Amend page six, line one hundred and forty-six, by inserting the following word: "the" after the word "repay" and before the word "loan."

Amendment adopted.

The following amendment was submitted by Mr. Prescott:

Strike out from lines fifty-six, fifty-seven, fifty-eight, and fifty-nine all between and including the words "provided" and "corporation."

Amendment adopted.

Assembly Bill No. 164 ordered to print, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and twenty-nine minutes P. M., on motion of Mr. Traber, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 6, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKennev, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, February 4, 1903, was read, corrected, and approved.

SPECIAL ORDERS.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children to the public schools of the State.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Read second time, and ordered to engrossment and third reading.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Also: Assembly Bill No 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purpose of assessment and transfer—report the same back, with five amendments, and recommend its passage as amended.

Also: Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities or towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893—report the same back, with eight amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure"—report the same back, with two amendments, and recommend its passage as amended.

Also: Assembly Bill No 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893—report the same back, with recommendation that it do pass.

Also: Assembly Bill No 460—An Act to establish the fees of jurors in criminal cases in Justices' and Recorders' Courts—report the same back, with the recommendation that it do not pass.

JOHNSON, Chairman.

### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 611—An Act to amend Sections 2641, 2642, and 2645 of the Political Code of the State of California, and to add a new section to said Code, to be known as Section 2644—have had the same under consideration, and respectfully recommend that the same be withdrawn by the author, on account of a bill of same purport which has been before this committee.

Also: Assembly Bill No. 602—An Act to amend Section 2655 of the Political Code, relating to the distribution of road tax and road poll tax in each voting precinct—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GREER, Chairman.

## PETITION.

Mr. Duffey presented the following petition from the Pajaro Valley Orchardists' Association, and Pajaro Valley Board of Trade, which was ordered printed in the Journal:

WHEREAS, Certain legislation vital to the great fruit interests of our State is now pending in your honorable body, a synopsis of which is hereby appended:

"Outline of an Act to promote the horticultural interests of the State by creating the office of State Entomologist and appropriating money for its work.

"Section 1. Creating the office of State Entomologist, subject to appointment by the Governor, to have charge of the research work in economic entomology of the State and County Boards of Horticulture.

"Section 2. Providing for a salary of $2,400 per annum, to be paid from the same funds and in the same manner as other State officers. In case the Professor of Entomology of the University of California is appointed, three fourths of his salary shall be paid by the University and one fourth by the State, and in this case, the balance shall become available for the salary of one or more assistants to be appointed by the Board of Regents of said University.

"Section 3. Appropriating $5,000 for investigating the breeding grounds of the grasshoppers of the State

"Section 4. Appropriating $5,000 for investigating injurious insects in co-operation with the County Boards of Horticulture. At least half of the expenses of these investigations to be provided by the counties co-operating

"Section 5. Appropriating $5,000 for the collection and distribution to the schools of the State of sets illustrating the insects of economic importance, the schools applying for sets being required to pay the cost of preparing and mounting the specimens.

"Section 6. Requiring a biennial report to the Governor, which may be issued in parts in the form of bulletins;" and

WHEREAS, Large areas in our State devoted to fruit-growing are affected with pests which threaten to destroy this industry; and

WHEREAS, The fruit-growers are ignorant of efficient methods and means of destroying such pests; and

WHEREAS, The University of the State of California has at command experts competent and willing to conduct investigation necessary to ascertain the best remedies for such pests, but are prevented through lack of means from extending any aid in this most important work; and

WHEREAS, Great loss to the State has already occurred, to the amount of millions, and in many sections turned what might, with aid, have been a profit to a loss; therefore, be it

*Resolved*, That the Pajaro Valley Orchardists' Association, and Pajaro Valley Board of Trade, most respectfully urge you, and through you urge the California Legislature to give us the relief prayed for; and

*Be it further resolved*, That we heartily indorse and pray that you give what is known as the Hahn anti-trust law your hearty support; also to do what you can toward having the Watsonville new charter adopted; also Assembly Bill No. 416.

S. W. COFFMAN, Secretary;
IOWA H TUTTLE,
A. F. JUDD, Committee.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893—have had the same under consideration, and respectfully report the same back, with an amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 312—An Act to add a section to "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 121—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

McLAUGHLIN, Chairman.

### WITHDRAWAL OF BILL.

On motion of Mr. Bangs, Assembly Bill No. 602 was withdrawn.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANSELL, Chairman

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, read first time, and referred to committees as follows:

By Mr. Dunlap: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said Article XIII, and amending Section 1 of said article.

Referred to Committee on Constitutional Amendments, with rush order to printer.

By Mr. Soward: Assembly Bill No. 687—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Read first time, and referred to Committee on Judiciary.

By Mr. McKenney: Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California, recovered by Oscar R. Brown, in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Read first time, and referred to Committee on Ways and Means.

By Mr. Barber: Assembly Bill No. 689—An Act to amend Section 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 690—An Act to establish uniform rates to be charged by any company or corporation doing business within municipal corporations exceeding 2,500 inhabitants, in the State of California, for furnishing electric lights and electric horsepower to the inhabitants thereof, and establishing the method of fixing said rates, and providing for a penalty for a violation of the provisions of this Act.

Read first time, and referred to Committee on Corporations.

By Mr. Mahany: Assembly Bill No. 691—An Act to prohibit the sale of spirituous, or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Murphy: Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years and females in mines and smelters.

Read first time, and referred to Committee on Labor and Capital.

Also: Assembly Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XX by adding a new section thereto, to be known as Section No. 21, relating to the rights of labor, board of labor, conciliation and arbitration, prohibiting the employ-

ment of women and children, prohibiting and regulating the contracting of and convict labor, the political and commercial control of employés, and the exchange of black-lists, abrogating the right of the Legislature to limit damages in actions on account of death, and empowering the Legislature to provide for the health and safety of employés.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 693—An Act regulating the hours of employment in underground mines, in smelting and ore reduction works, and of hoisting in and about mines.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Leininger: Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. McMartin: Assembly Bill No. 695—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Read first time, and referred to Committee on Public Morals.

By Mr. King: Assembly Bill No. 696—An Act in relation to the time of execution of deeds by officers upon sales of property under judicial process, and establishing certain presumptions in relation to redemption from such sales.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunbar: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Johnson: Assembly Bill No. 698—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery," etc., approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. Howard: Assembly Bill No. 699—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1434, relating to change of venue in cases of estates and guardianships.

Read first time, and referred to Committee on Judiciary.

By Mr. Finn: Assembly Bill No. 700—An Act to amend Section 3246 of the Political Code of the State of California, regulating the hours of labor on street cars.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Higgins: Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county, and city and county supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Read first time, and referred to Committee on County and Township Governments.

WITHDRAWAL OF BILL.

On motion of Mr. Houser, Assembly Bill No. 165 was withdrawn.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern—and was presented to the Governor, February 5, 1903, at four o'clock and fifty minutes P. M.

Assembly Bill No 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years—and was presented to the Governor, February 6, 1903, at four o'clock and fifty-five minutes P. M.

Assembly Bill No. 449—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday—and was presented to the Governor, February 6, 1903, at four o'clock and fifty-seven minutes P. M

Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years—and was presented to the Governor, February 6, 1903, at five o'clock P. M.

AMERIGE, Chairman.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 273—An Act to add one new section to the Political Code of California, to be known as Section 416½, exempting mutual building and loan corporations organized under the laws of this State from paying fees to the Secretary of State for filing certificates of increase of capital stock—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Also: Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Also: Senate Bill No 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ALLEN, Chairman.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands—have had the same under consideration, and respectfully report the same back without recommendation.

KING, Chairman.

ON MINES AND MINING INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DURYEA, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 5—Relative to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys therein affected thereby to gather and compile data, information, statistics and maps showing the injurious effects of the creation of such reserves—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

Report adopted.

Resolution read.

Mr. Goodrich moved the adoption of the resolution.

Resolution adopted.

ASSEMBLY JOINT RESOLUTION No. 5.

Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics and maps showing the injurious effects of the creation of such reserves.

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of Government land in this State as proposed forest reserves; and

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves permanent reserves; and

WHEREAS, Many and divers interests of the people of the whole State are involved in the said proposed reservations, including mining, stock, and agricultural interests; and

WHEREAS, The financial interests of many counties of this State will be seriously disturbed and greatly impaired, should the said temporary withdrawals be made permanent reserves; and

WHEREAS, The permanent establishment of these reserves, under present existing reserve laws, will cause great and lasting damage to many of the aforesaid interests and counties, and will be the means of advancing the ulterior designs of persons and corporations, not well disposed toward the welfare of this State; now, therefore, be it

*Resolved*, That the Legislature of the State of California, representing the whole people of this State, requests the Boards of Supervisors and District Attorneys of the several and various counties affected by the creation of the proposed reserves, to take immediate and concerted action, looking to the gathering, compilation, and tabulation of data, information, statistics and maps, showing the injurious effects of the creation of such reserves, for presentation to the President of the United States, the Department of the Interior, and the Commissioners of the General Land Office.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Lewis of San Francisco: Assembly Bill No. 702—An Act to regulate the rate of interest payable in this State, and repealing Sections 1918 and 1919 of the Civil Code.

Read first time, and referred to Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés, in the State of California.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts

Assembly Bill No. 36—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health and life insurance, and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of recorders

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Assembly Bill No. 75—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the twenty-fifth day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Assembly Bill No. 127—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Assembly Bill No 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Assembly Bill No 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No 19 of Department One of said Superior Court, at page 392.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Assembly Bill No 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California"

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California." numbered 9555 upon the register of the Superior Court of the County of Sacramento

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book No. 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Assembly Bill No 4—An Act making an appropriation to pay a judgment for the sum of $8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W R Guy, plaintiff, vs. The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Assembly Bill No 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Assembly Bill No. 420—An Act to appropriate the sum of $1 315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the

Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901

Assembly Bill No 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391

Assembly Bill No 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation against the State of California, upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Assembly Bill No 476—An Act to appropriate the sum of $1,000 to pay the claim of M Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No 3 of judgments of the Superior Court of Calaveras County, page 333

Assembly Bill No 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No 16 of Department Two of said Superior Court, at page 29.

Assembly Bill No 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank versus The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof

Assembly Bill No. 239—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, city and counties, cities of the first and one-half class, and cities of the second class.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street Wharf in the City and County of San Francisco

Assembly Bill No. 544—An Act to amend Subdivision 38 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897

Assembly Bill No 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Assembly Bill No 247—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employés of State institutions.

Assembly Bill No 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

AMERIGE, Chairman.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committees on Attachés and Employés, to whom was referred:

ASSEMBLY CONCURRENT RESOLUTION No. 7.

Relative to employment of Joint Legislative Clerk.

WHEREAS, In the rush of legislative business consequent upon the many bills and measures before Assembly and Senate for consideration, and the limited time set apart for legislative work, grievous errors may appear in the records of either house; and

WHEREAS, It is due the Governor that the records show that the rules of each house, and the law, have been strictly adhered to in the passage of all bills ordered to enrollment, and transmitted him; therefore, be it

*Resolved by the Assembly, the Senate concurring*, That C. S. McMullen be and is hereby elected Joint Legislative Clerk, with a per diem of six dollars, payable each out of the contingent funds of Assembly and Senate, whose duty it shall be to daily expert the Journals and other records of each house, and to report for correction to the Speaker of the Assembly or President of the Senate any and all errors, omissions, etc., which he may discover.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLACK, Chairman.

Report adopted.

Resolution read.

Mr. Black moved the adoption of the resolution.

The question being on the adoption of Assembly Concurrent Resolution No. 7.

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

AYES—Messrs Bangs, Barber, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Drew, Duffey, Dunbar, Dunlap, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Waste, Wright, and Mr. Speaker—59.

NOES—Mr. Walsh—1.

ASSEMBLY CONCURRENT RESOLUTION No. 7.

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ANNOUNCEMENT BY THE SPEAKER.

The following committee is appointed, pursuant to a resolution presented by Mr. Drew and printed on page seventeen of Assembly Journal, Thursday, February 5, 1903: Messrs. Drew (chairman), Foster, Gleeson, Lewis of Riverside, and Lumley.

MOTION.

Mr. Wright moved that when the Assembly adjourns this day it shall be until eleven o'clock A. M. Monday, February 9, 1903.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith

Also: Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed or lithographed or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be procured or purchased unless such articles have been printed and bound or lithographed, or will be printed and bound and lithographed, and manufactured in the State of California, all job printing and lithographing and advertising under this section shall be done in the State of California.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, with eleven amendments, and a majority of said committee recommend that the same do pass as amended.

Also: Assembly Bill No. 306—An Act to amend Subdivision 13 of Section 7, relating to compensation of the Surveyor and his deputies and draughtsmen in counties of the second class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 401—An Act to amend Section 2643 of the Political Code, relating to the duties of Supervisors respecting roads—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WALSH, Chairman.

RESOLUTION—(OUT OF ORDER).

By Mr. Soward:

*Resolved*, That for and by reason of services rendered the Assembly by George Ashley as a Porter at the request of the Sergeant-at-Arms during and since the organization of the Assembly, January 5th to February 6th, both inclusive, thirty-three days at three dollars per day, he, the said George Ashley, is hereby entitled to the sum of ninety-nine dollars ($99 00), and the Controller is hereby directed to draw his warrant for said amount in favor of said George Ashley, payable out of the appropriation for the contingent expenses of the Assembly.

The said George Ashley has served as head Porter of the Assembly for four terms in succession, therefore he is well and favorably known, and recognized by many of the members now composing this honorable and distinguished body of legislators as having been and is now a faithful and vigilant attaché in the minute performance of every detail duty; and at every session for the last four terms in succession he has had the indorsement of the Sergeant-at-Arms.

Resolution read.

Mr. McCartney moved to refer the resolution to Committee on Attachés and Employés.

So ordered.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Walsh: Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

UNFINISHED BUSINESS.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

On motion of Mr. Greer, consideration of the bill and amendments continued until Monday, February 9, 1903.

SPECIAL FILE.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Amendment read.

The following committee amendment was submitted:

Amend by striking out the word "and" after the word "such," in line sixty-nine, printed bill, page three, section twenty-three.

Also: Amend by striking out the words "five dollars per diem" after the word "exceeding," in line ninety-one, printed bill, page four, and inserting instead thereof the words "a per diem of five dollars each."

Also: Amend by adding the word "of" after the words "per diem," in line sixty-two, printed bill, page three.

Assembly Constitutional Amendment No. 10 ordered to print.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend that Standing Rule No. 40 be amended by adding thereto the following:

"A member introducing a bill or resolution, or the member having charge of the same in the absence of the introducer, shall have the privilege of opening and closing debate thereon."

BROWN, Chairman.

Mr. Brown moved the adoption of the report and the rule.

Report and rule adopted.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto.

Passed on file.

Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Dougherty, Drew, Duffey, Dunlap, Finn, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin,

McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr Speaker—56

NOES—Messrs. Amerige, Bangs, Baxter, Brown, Covert, Dunbar, Ells, Foster, Gleeson, Howard, King, Knight, Lewis of Riverside, McConnell, Murphy, and Stansell—16.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

The Legislature of the State of California, at its thirty-fifth session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that Article XIII of the Constitution of the State of California be amended so as to read as follows:

Section 12. No poll tax shall ever be levied upon the voters, or persons entitled to become voters, of this State. This section shall take effect January 1, 1907.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Read second time.

MOTION.

Mr. John moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 179.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 179 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 179 ordered to engrossment and third reading.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and mate-

rials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Passed on file.

Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Read second time, ordered to engrossment and third reading.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

On motion of Mr. Johnson, passed on file.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

On motion of Mr. Johnson, passed on file.

Assembly Constitutional Amendment No. 4—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article XIII, so as to abolish poll taxes in the State of California.

Withdrawn by author.

At eleven o'clock A. M., the Speaker called Mr. McCartney to the chair.

Assembly Constitutional Amendment No. 1—To propose to the State of California an amendment to Article XIII, Section 12, of the Constitution, to exempt voters from payment of poll tax.

Amendment read.

Pending action, Mr. Wright moved that consideration of Assembly Constitutional Amendment No. 1 be indefinitely postponed.

So ordered.

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "shall."

Amendment adopted.

AMENDMENT NO. 2

Amend by striking out the word "be," in line twenty-three, second page, printed bill, and inserting in lieu thereof the following: "not exceed."

Amendment adopted.

Assembly Bill No. 499 ordered to print, engrossment, and third reading.

Assembly Bill No. 418—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "twenty-fifth" in line twenty-five, second page, printed bill, and inserting in lieu thereof the following: "twentieth."

Assembly Bill No. 418 ordered to print, engrossment, and third reading.

Assembly Bill No. 432—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read second time.

Mr. Johnson moved that Assembly Bill No. 432 be passed on file.

So ordered.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Passed on file.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Duffey, Dunbar, Ells, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—56.

NOES—None.

Title read and approved.

PRIVILEGES OF THE HOUSE.

Mr. Barber moved that the privileges of the floor be extended to the Hon. Martin Brady, ex-member of the Assembly.

So ordered.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Duffey, Dunbar, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—Messrs. Drew, Ellis, and Stansell—3.

Title read and approved.

At eleven o'clock and fifteen minutes A. M., Speaker Fisk in the chair.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

On motion of Mr. Johnson, re-referred to Committee on Judiciary.

Assembly Bill No. 441—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Bangs, Bates, Baxter, Black, Burgess, Camp, Covert, Duffey, Dunbar, Dunlap, Ellis, Finn, Goodrich, Hart, Houser, Howard, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lewis of Riverside, Lumley, McMahon, McMartin, McNeil, Moore, Murphy, Pyle, Rolley, Siskron, Soward, Stansell, Susman, Transue, Waste, and Wright—38.

NOES—Messrs. Amerige, Brown, Carter, Copus, Drew, Foster, Higgins, John, Johnson, Killingsworth, Mattos, McCartney, McConnell, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Steadman, Traber, Walker, Walsh, Weger, and Mr. Speaker—25.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Concurrent Resolution No 7—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves.

F. J. BRANDON, Secretary of the Senate.
By F. L. THOMAS, Assistant Secretary.

Senate Concurrent Resolution No. 7—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves.

Referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency):

Assembly Bill No 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

F. J BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 185 ordered to enrollment.

MOTION.

At eleven o'clock and fifty-four minutes A. M., Mr. Dunlap moved that the Assembly take a recess until two o'clock P. M.

Motion lost.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Mr. McMartin, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 9, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—68.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

LEAVE OF ABSENCE.

On motion of Mr. Traber, leave of absence for the day was granted to Mr. McKenney.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code relating to election ballots, their custody after election, and their final destruction.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

AMERIGE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor.

And were presented to the Governor February 6, 1903, at one o'clock and ten minutes P. M.

AMERIGE, Chairman.

READING OF THE JOURNAL.

On motion of Mr. Waste, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, February 5, 1903, was read, corrected, and approved.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals

Senate Bill No. 241—An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library.

Senate Bill No 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children

under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read first time.

On motion of Mr. Allen, Senate Bill No. 81 was substituted for Assembly Bill No. 127, number forty-nine on file, the same being identical.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read first time, and referred to Committee on Agriculture.

Senate Bill No. 241—An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library.

Read first time, and referred to Committee on State Library.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read first time, and referred to Committee on Commerce and Navigation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No 398—An Act to establish a State Dairy School and Experimental Farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STEADMAN, Chairman.

Mr. Walker moved that Assembly Bill No. 221 be re-referred to Committee on Irrigation, and retain its place on file.

So ordered.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, read first time, and referred to committees as follows:

By Mr. Drew: Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Olmsted: Assembly Bill No. 705—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 706—An Act to amend an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an 'Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

Read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 707—An Act to amend the Penal Code of the State of California, by adding one new section to Title X thereof, relating to public nuisance; said section to be numbered 370½.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 708—An Act to amend Section 330 of the Penal Code of the State of California, relating to prohibited games.

Read first time, and referred to Committee on Public Morals.

By Mr. McCartney: Assembly Bill No. 709—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 710—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 711—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 712—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller, and payments into the State Treasury.

Read first time, and referred to Committee on Judiciary.

By Mr. Soward: Assembly Bill No. 713—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner Range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

Also: Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Referred to Committee on Constitutional Amendments.

By Mr. Prescott: Assembly Bill No. 714—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work, and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Read first time. and referred to Committee on Judiciary.

Also: Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Read first time, and referred to Committee on Irrigation.

By Mr. Johnson: Assembly Bill No. 717—An Act to prevent the employment of special or other counsel in lawsuits, wherein the State is a party, by any special officer of State board or State commission.

Read first time, and referred to Committee on Judiciary.

On motion of Mr. Johnson, Assembly Bill No. 319 was re-referred to Committee on Ways and Means.

RESOLUTION.

By Mr. Rolley:

WHEREAS, The newspapers of the State of California have published to the world that the Pilot Commissioners of the Port of San Francisco have accepted large sums of money for the appointment of pilots for the Port of San Francisco; and

WHEREAS, The San Francisco Call, a newspaper printed and published in the City of San Francisco, asserts that it can and is ready and willing to prove said charges; therefore, be it

*Resolved*, That the Speaker of the Assembly appoint a committee of five (5), who shall within ten (10) days from the date of their appointment proceed to investigate said charges, and any other matters in connection with said Board of Pilot Commissioners, in the interests of the people of the State of California, that need investigation, and to report in not less than fifteen (15) days, from the date of appointment of said committee, to this Assembly; be it further

*Resolved*, That the said committee have power to issue summons and to require the attendance of witnesses, take and hear evidence, require the production of any and all papers, books, and public records or other articles, and to hold sittings at such times and places as may be necessary, and to exercise all such powers as usually belong to committees of investigation created and appointed by this Assembly, and all such powers as are necessary or expedient to carry out the purposes and objects of said committee; be it further

*Resolved*, That said committee be allowed a stenographer and sergeant-at-arms from the attachés of this Assembly for the purpose of making said investigation.

Resolution read.

Mr. Rolley moved the adoption of the resolution.

Mr. Allen moved that the resolution be referred to the Committee on Commerce and Navigation.

Mr. McMartin moved to amend that the resolution be referred to the Committee on Commissions and Public Expenditures.

Mr. Lewis of Riverside moved that the amendment by Mr. McMartin lay upon the table.

Mr. McMartin withdrew his amendment.

Mr. Rolley accepted the amendment to refer the resolution to the Committee on Commerce and Navigation.

There being no objection, so ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Mr. Johnson, the following report was ordered printed in the Journal:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1903.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit their report for the two weeks ending Saturday, February 7, 1903, as follows:

*Bills Referred to the Committee Since Last Report.*

| | | |
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| Jan. 23, | Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections | $10,000 00 |
| 27, | Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood | 2,385 00 |
| 27, | Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood | 45 00 |
| 26, | Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma | 6,000 00 |
| 26, | Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines" | 12,000 00 |

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| Jan. 26, Assembly Bill No. 32—An Act authorizing and providing the means of collecting and receiving moneys advanced by the State for the United States during the insurrection of 1861 | |
| 26, Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego | $8,000 00 |
| 26, Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort | 20,000 00 |
| 26, Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" | 25,000 00 |
| 26, Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein | 7,500 00 |
| 26, Assembly Bill No. 433—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State during the Rebellion | |
| 26, Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years | 8,500 00 |
| 26, Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years | 14,000 00 |
| 26, Assembly Bill No 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years | 7,000 00 |
| 27, Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320 in favor of "Bank of Commerce" | 1,320 00 |
| 27, Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation | 3,670 00 |
| 28, Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 in favor of Hakes Investment Company | 5,880 00 |
| 28, Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 in favor of M. D. Corey | 3,195 00 |
| 28, Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify | 260 71 |
| 28, Assembly Bill No 104—An Act making an appropriation to pay the claim of the County of Marin | 3,046 75 |
| 28, Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the judgment of Robert Y. Hayne | 5,487 00 |
| 28, Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders | 520 00 |
| 28, Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S Beedy and John T. Pidwell | 1,250 00 |
| 28, Assembly Bill No 346—An Act to appropriate $55 to pay the judgment in favor of Benjamin Lauer | 55 00 |
| 28, Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment in favor of Benjamin Lauer | 6,725 00 |
| 28, Assembly Bill No 500—An Act to appropriate money for the support of aged persons in indigent circumstances | |
| 28, Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank | 14,320 00 |
| 28, Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,655 in favor of W. R Guy | 8,655 00 |
| 28, Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter | 1,315 00 |
| 28, Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 in favor of John Raggio | 1,125 00 |
| 28, Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M Zirker | 1,000 00 |
| 28, Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway | 290 00 |
| 28, Assembly Bill No 479—An Act making an appropriation to pay the judgment of $370 in favor of Joseph Quirolo | 370 00 |
| 28, Assembly Bill No 480—An Act making an appropriation to pay the judgment of $550 in favor of William Going | 550 00 |
| 29, Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes | 12,000 00 |
| 29, Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson | 5,000 00 |
| 29, Assembly Bill No 297—An Act to appropriate the sum of $50,000 for the purpose of putting the attic of the State Capitol in a fireproof condition | 50,000 00 |
| 29, Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California | 250,000 00 |
| 29, Assembly Bill No 428—An Act to provide for the appointment of a Board of Colton Hall Trustees | 1,500 00 |

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| Jan. 29, | Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture | $1,200 00 |
| 29, | Assembly Bill No. 519—An Act appropriating money for Louisiana Purchase Exposition | 150,000 00 |
| 29, | Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory | 1,200 00 |
| 29, | Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, etc. | 100 00 |
| 29, | Assembly Bill No 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls | |
| 30, | Assembly Bill, No 552—An Act making an appropriation to pay a judgment for the sum of $6,880 in favor of Eli Henderson | 6,880 00 |
| 30, | Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery | 892 26 |
| 30, | Assembly Bill No, 116—An Act making an appropriation for the erection of a workshop at the Industrial Home of Mechanical Trades for the Adult Blind | 20,000 00 |
| 30, | Assembly Bill No. 222—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster | |
| 30, | Assembly Bill No. 240—An Act creating a fund for the benefit and support of high schools, and providing for its distribution | |
| 30, | Assembly Bill No 257—An Act to provide for improving the grounds of the Agnews State Hospital | 5,000 00 |
| 30, | Assembly Bill No 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital | 5,000 00 |
| 30, | Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries | 10,000 00 |
| 30, | Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, etc | 27,985 00 |
| 31, | Assembly Bill No 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, etc. | 107,200 00 |
| 31, | Assembly Bill No. 259—An Act to build and provide for furnishing cottage at Agnews State Hospital | 25,000 00 |
| 31, | Assembly Bill No 434—An Act to provide for appointment of Commissioners of Supreme Court, a secretary and a stenographer | 68,000 00 |
| 31, | Assembly Bill No. 550—An Act to appropriate $20,000 for erecting bridges, etc, on Sonora and Mono toll road | 20,000 00 |
| 31, | Senate Bill No 105—An Act appropriating $1,416 50 to purchase ballot paper for Secretary of State's office | 1,416 50 |
| Feb. 2, | Assembly Bill No 134—An Act to regulate sale of commercial fertilizers | 1,800 00 |
| 2, | Assembly Bill No 588—An Act to provide for distribution of bills, etc., of State Legislature | |
| 2, | Assembly Bill No. 595—An Act empowering State Board of Harbor Commissioners to pay claim of J D Spreckels & Bros. Co | 21,000 00 |
| 2, | Assembly Bill No. 597—An Act to pay judgment of G. W. Dowda | 3,840 00 |
| 2, | Assembly Bill No. 1—An Act to provide for completion and equipment of State Normal School at San Diego | 102,500 00 |
| 2, | Assembly Bill No. 37—An Act to amend Section 1874, Political Code, providing for permanent Committee on State Text-Books | 20,000 00 |
| 2, | Assembly Bill No. 125—An Act for repairs State Normal School, San José | 15,000 00 |
| 2, | Assembly Bill No 126—An Act for improvement and repairs State Normal School, San José | 5,000 00 |
| 2, | Assembly Bill No. 179—An Act making an appropriation for California Polytechnic School | 18,000 00 |
| 2, | Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School | 46,500 00 |
| 2, | Assembly Bill No. 408—An Act to amend Act entitled "An Act to protect domestic livestock from contagious and infectious diseases" | 12,000 00 |
| 3, | Senate Bill No 41—An Act appropriating $2,345.75 to pay claim Pacific S. S Co. for loss by collapse of pier at San Francisco | 2,345 75 |
| 3, | Senate Bill No 67—An Act for preserving James W. Marshall monument at Coloma | 2,500 00 |
| 3, | Assembly Bill No 293—An Act making appropriation to pay claim of Devlin & Devlin for legal services and expenses incurred at request of State Board of Examiners | 8,524 00 |
| 3, | Assembly Bill No 455—An Act adding section to Political Code providing private secretary to Chief Justice of Supreme Court and amending Section 739 Political Code, relating to officers and attachés of Supreme Court | |

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| Feb. 3, | Assembly Bill No. 506—An Act appropriating $200,000 for purchase of site, and for furnishing buildings for San Francisco State Normal School | $200,000 00 |
| 3, | Assembly Bill No. 600—An Act to appropriate $400 to pay claim of John E. Tucker on a judgment | 400 00 |
| 3, | Assembly Bill No. 601—An Act to appropriate $185 to pay claim of John E. Tucker, as administrator, etc., on a judgment | 185 00 |
| 3, | Assembly Bill No. 607—An Act to appropriate $2,400 to pay judgment of James T. Laird | 2,400 00 |
| 3, | Assembly Bill No. 612—An Act to appropriate $4,310.76 for transportation of officers and members N. G. C | 4,310 76 |
| 3, | Assembly Bill No. 38—An Act appropriating $300 to pay reward to C. W. King for arrest of "Indian Dick Hutchings," murderer | 300 00 |
| 3, | Assembly Bill No. 81—An Act to pay claim of H. W. Sitton on bond No. 592 of State of California, issued July 9, 1858 | 1,856 78 |
| 3, | Assembly Bill No. 137—An Act appropriating $211.61 to pay claim of B A. Johnson for supplies furnished N. G. C. in 1894 | 211 61 |
| 4, | Assembly Bill No. 162—An Act appropriating $2,345.75 to pay claim of Pacific Coast S. S. Co. for loss by collapse of pier No. 9 at San Francisco | 2,345 75 |
| 4, | Assembly Bill No. 163—An Act to establish California State Dairy School and Experiment Farm | 30,000 00 |
| 4, | Assembly Bill No. 177—An Act to establish Department of Agriculture, etc. | 30,000 00 |
| 4, | Assembly Bill No. 202—An Act to prevent sale of dairy products produced from diseased animals, etc. | 19,500 00 |
| 4, | Assembly Bill No. 238—An Act appropriating $650 to pay claim of O D. Fish | 650 00 |
| 4, | Assembly Bill No. 296—An Act appropriating $1,000 to pay claim of Sergeant-Major Eugene De Sparr | 1,000 00 |
| 4, | Assembly Bill No. 344—An Act for the purchase of land for State Fish Hatchery at Sisson, and for improvements thereto | 10,000 00 |
| 4, | Assembly Bill No. 357—An Act for completion of carpenter and other shops, and for equipment of same, at Whittier State School | 12,000 00 |
| 4, | Assembly Bill No. 358—An Act for building hospital at Whittier State School | 5,000 00 |
| 4, | Assembly Bill No. 359—An Act for purchase of water for Whittier State School | 5,000 00 |
| 4, | Assembly Bill No. 360—An Act for the drilling of a well, and for purchase of pipe, etc., at Whittier State School | 6,000 00 |
| 4, | Assembly Bill No. 361—An Act for purchase of horses, wagons, and farm implements at Whittier State School | 1,000 00 |
| 4, | Assembly Bill No 362—An Act for purchase of books for library at Whittier State School | 500 00 |
| 4, | Assembly Bill No 363—An Act for purpose of repairing bath-room, girls' department, at Whittier State School | 500 00 |
| 4, | Assembly Bill No. 404—An Act for purchase of sewing-machines, Whittier State School | 500 00 |
| 4, | Assembly Bill No. 414—An Act to appropriate $40,000 to drain Lake Earl, in Del Norte County | 40,000 00 |
| 4, | Assembly Bill No 422—An Act appropriating money for purchase of books for library at Preston School of Industry | 500 00 |
| 4, | Assembly Bill No. 423—An Act for purchase of bedding, furniture, and carpets for Preston School of Industry | 3,500 00 |
| 4, | Assembly Bill No. 435—An Act to prevent introduction and to provide for investigation and suppression of contagious and infectious diseases | 100,000 00 |
| 4, | Assembly Bill No 489—An Act appropriating $22,000 for improving grounds of Affiliated Colleges of U. C in San Francisco | 22,000 00 |
| 4, | Assembly Bill No. 531—An Act appropriating $5,000 to pay claim of Frank H Short for legal services | 5,000 00 |
| 4, | Assembly Bill No. 558—An Act appropriating money for maintenance and improvement of water system at Preston School of Industry | 8,000 00 |
| 4, | Assembly Bill No. 570—An Act making an appropriation for repairs and improvement at Industrial Home of Mechanical Trades for the Adult Blind | 5,800 00 |
| 4, | Assembly Bill No 629—An Act appropriating $257.05 to pay the claim of Dr C. H. Blemmer | 257 05 |
| 4, | Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses Attorney General's office | 600 00 |
| 4, | Senate Bill No. 70—An Act for the purchase of law books for Attorney General's office | 250 00 |
| 5, | Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, to repeal Section 422 and to add new Section 415, Political Code, relating to office of Secretary of State | |

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| Feb. 5, | Assembly Bill No 229—An Act for construction of new hotel in Yosemite Valley | $250,000 00 |
| 5, | Assembly Bill No. 473—An Act to pay claim of James French upon a judgment | 355 00 |
| 5, | Assembly Bill No. 621—An Act appropriating $5,000 to be expended by Regents of University of California to employ a plant pathologist to study asparagus rust | 5,000 00 |
| 6, | Assembly Bill No. 655 (Committee Substitute for Assembly Bill No. 228)—An Act for protection of the banks of the Eel River against high water | 5,000 00 |
| 6, | Assembly Bill No. 660—An Act to appropriate $550 to pay claim of M A. Forster on a judgment | 550 00 |

*Bills Introduced by this Committee.*

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| Feb. 3, | Assembly Bill No. 643—An Act making an appropriation of $400 to pay the claim of A. W North | 400 00 |
| 5, | Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of Attorney-General's office | 533 99 |
| | | $1,988,253 91 |

*Bills Reported Favorably*

| | | |
|---|---|---|
| Feb. 3, | Assembly Bill No. 643 | $400 00 |
| 5, | Assembly Bill No. 681 | 533 99 |
| 4, | Assembly Bill No. 124 | 10,000 00 |
| 2, | Assembly Bill No. 274 | |
| 2, | Assembly Bill No. 185 | 25,000 00 |
| Jan. 26, | Assembly Bill No. 371 | |
| 30, | Assembly Bill No. 231 | 1,416 50 |
| 26, | Assembly Bill No. 318 | 500 00 |
| 30, | Assembly Bill No. 232 | 2,000 00 |
| 28, | Assembly Bill No. 236 | 600 00 |
| 21, | Assembly Bill No. 364 | 2,385 00 |
| 21, | Assembly Bill No. 365 | 45 00 |
| Feb. 4, | Assembly Bill No. 18 | 10,000 00 |
| Jan. 30, | Assembly Bill No. 23 | 6,000 00 |
| 30, | Assembly Bill No. 419 | 7,500 00 |
| 26, | Assembly Bill No. 448 | 8,500 00 |
| 26, | Assembly Bill No. 449 | 14,000 00 |
| 26, | Assembly Bill No. 450 | 7,000 00 |
| 28, | Assembly Bill No. 469 | 1,320 00 |
| 28, | Assembly Bill No. 494 | 3,670 00 |
| 28, | Assembly Bill No. 3 | 5,880 00 |
| 30, | Assembly Bill No. 5 | 3,195 00 |
| Feb. 2, | Assembly Bill No 70 | 260 71 |
| Jan. 30, | Assembly Bill No. 187 | 5,487 00 |
| 28, | Assembly Bill No. 346 | 55 00 |
| 28, | Assembly Bill No. 347 | 6,725 00 |
| Feb. 3, | Assembly Bill No. 507 | 14,320 00 |
| Jan. 30, | Assembly Bill No. 4 | 8,655 00 |
| 30, | Assembly Bill No. 420 | 1,315 00 |
| 30, | Assembly Bill No 425 | 1,125 00 |
| 30, | Assembly Bill No. 476 | 1,000 00 |
| 30, | Assembly Bill No. 477 | 290 00 |
| 30, | Assembly Bill No. 479 | 370 00 |
| 28, | Assembly Bill No. 480 | 550 00 |
| Feb. 2, | Assembly Bill No. 275 | 5,000 00 |
| Jan. 30, | Assembly Bill No. 483 | 1,200 00 |
| 30, | Assembly Bill No. 538 | 1,200 00 |
| 30, | Assembly Bill No 539 | 100 00 |
| 30, | Assembly Bill No. 552 | 6,880 00 |
| Feb. 4, | Assembly Bill No 557 | 892 26 |
| 4, | Assembly Bill No. 75 | 107,200 00 |
| 4, | Assembly Bill No. 387 | 5,223 59 |
| 2, | Assembly Bill No. 222 | |
| 2, | Assembly Bill No. 434 | 68,000 00 |
| 4, | Assembly Bill No. 597 | 3,840 00 |
| 4, | Assembly Bill No. 37 | 20,000 00 |
| 4, | Assembly Bill No 179 | 18,000 00 |
| 4, | Assembly Bill No. 612 | 4,310 76 |
| 4, | Assembly Bill No. 137 | 211 61 |
| 4, | Assembly Bill No. 163 | 30,000 00 |
| | | $422,056 42 |

*Bills Reported Unfavorably.*

Jan. 30, Assembly Bill No. 194 ..... $1,250 00

*Bills Reported with Recommendation that They be Withdrawn.*

Feb. 2, Assembly Bill No. 372 .....

*Bills Recalled.*

Feb. 5, Senate Bill No. 105 ..... $1,416 50

*Recapitulation.*

| | |
|---|---|
| Total appropriations referred to this committee to date | $2,715,857 99 |
| Total appropriations reported favorably | 765,136 42 |
| Total appropriations reported unfavorably | 1,250 00 |
| Total appropriations withdrawn (A. B. 372) | |
| Total appropriations recalled | 1,416 50 |
| Total appropriations remaining in the hands of the committee | 1,948,055 07 |

Respectfully submitted.

DUNLAP, Chairman.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Brown, the privileges of the floor were extended to Hon. S. C. Smith, ex-member of the State Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 242—An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw same

Also: Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Also: Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Also: Assembly Bill No 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Assembly Bill No 580—An Act making an appropriation to pay a judgment for the sum of $600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No 67 of Department Eight of said Superior Court, at page 575.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman.

SPECIAL FILE.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to prepare and construct all necessary staircases and approaches thereto.

Passed on file.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Passed on file.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Passed on file.

Senate Bill No 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—59.

NOES—None

Title read and approved.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII

of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs Amerige, Bangs, Barber, Black, Bliss, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Ells, Goodrich, Hart, Higgins, Houser, Howard, John, Kelso, Killingsworth, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, Murphy, Olmsted, Prescott, Pyle, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walsh, Waste, and Mr. Speaker—43.

NOES—Messrs. Allen, Bates, Baxter, Brown, Carter, Finn, Johnstone, Lewis of San Francisco, McNeil, Mott, Pann, Rolley, Soward, Stansell, and Walker—15.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Courts.

Assembly Constitutional Amendment No. 16 ordered recalled from Committee on Ways and Means.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

Amendment read.

Mr. Dougherty moved that a select committee of one be appointed to amend Assembly Constitutional Amendment No. 5.

So ordered.

The following committee amendments were submitted:

AMENDMENT No 1.

Insert, after the comma after the word "cities," in line twenty-one, the words "cities and counties."

Amendment adopted.

AMENDMENT No. 2.

Strike out, in line eighteen, page two, the word "and" at the end of the line, all of line nineteen, all of line twenty, and the words "board of equalization" in line twenty-one. Insert, after the comma after the word "counties," in line eighteen, the words "cities and counties." Strike out the comma after the word "districts," in line eighteen, page two.

Amendment adopted.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation—with instructions to amend, respectfully reports the same back, amended as per instructions.

DOUGHERTY, Committee.

Report adopted.

Assembly Constitutional Amendment No. 5 ordered to print.

REPORT OF THE STATE BOARD OF BARBER EXAMINERS.

*To the Senate and Assembly of the State of California*

We have the honor to present herewith to your honorable bodies the first biennial report of the "State Board of Barber Examiners" of California, accompanied by its recommendations and a report of its important transactions from the date of its organization to the 1st day of December, 1902. The bill was approved February 20, 1901.

The purposes of the bill are to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners.

The members of the board received their appointments from the Governor on the 27th day of May, 1901, and thereupon duly qualified, as such members, by filing their bonds and taking the constitutional oath of office, in accordance with law; and thereafter, to wit: on the 12th day of June, 1901, duly organized by the election of John J. Calish, of San Francisco, president; Frank Flemming, of Sacramento, treasurer, and P. W. Drake, of Los Angeles, secretary.

The board rented an office in the Emma Spreckels building, No. 927 Market Street, San Francisco, which is the main office of the board.

The Western National Bank of San Francisco, California, was designated as the bank of deposit of the board.

The board was in session from the 12th day of June, 1901, to the 1st day of September, 1902, and then adjourned to December 1, 1902. A special session of the board was called for the 19th day of November, 1902, and the board remained in session until the 1st day of December, 1902, for the transaction of important business that had accumulated. By reason of the long distances that have to be traveled by the board, it should be in continuous session throughout the year to meet the current demands upon it.

The board has gone into every county in the State accessible by railroad, and has traveled many miles by stage and private conveyance to other counties; it has traveled 35,889 miles, and has held meetings in every town of importance in the State.

The examinations by the board have been made in accordance with the provisions of Section 10 of the bill.

The certificates which were adopted by the board were bound in book form and each one numbered, with a record on the stub, giving the name of the person to whom it was issued and the date on which it was issued, with the names of the president and secretary of the board indorsed thereon.

In accordance with the provisions of Section 11 of the bill, a card was issued with each certificate, to be displayed in a conspicuous place where each person served could see it and thus learn if the barber was a registered practitioner: the card was indorsed by the names of the president and secretary of the board, with the number of his certificate, and date of issue.

Blanks are furnished by the board to all persons desiring to make application for certificates of examination and registration. The blanks require the applicant to certify to the board the length of time, town and State, and with whom he served as an apprentice; also the length of time he has worked as a journeyman barber, and in what State, and the condition of his health, with his present address. This information enables the board to ascertain the amount of experience each applicant has had, and furnishes it with facts that can be used to inquire further into the reputation and fitness of the applicant. On the examination of the applicant, if it satisfactorily appears to the board that he is above the age of eighteen years, of good moral character, free from contagious or infectious diseases, has either studied the trade for three years as an apprentice, under a qualified and practicing barber, or studied the trade for at least three years in a properly appointed and conducted barber school, under the instruction of a competent barber, or practiced the trade in another State for at least three years, and is possessed of the requisite skill in the trade to perform all the duties thereof or incidental thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of the trade, his name shall be entered in the register, and a certificate of registration shall be issued to him in accordance with law

The three years' apprenticeship which the law requires has fixed a standard of training and skill for barbers in every way superior to that of most of those who have entered the ranks of the trade during the past fifteen years The most serious obstacle that the trade has had to contend with for several years was the class of incompetent persons who have had the presumption to assert that they understood the trade and established themselves as proficient workmen. For several years they have practiced on the unsuspecting public until they have gained a crude knowledge of the trade at the risk of the public

The law will force out of the trade these incompetent barbers, much to the gratification of the public. Young men will in the future learn the trade from those most able to teach it, and serve a full apprenticeship before starting out for themselves. Employers will apprentice only those who are adapted to the trade, which fact will of itself insure a better class of workmen in the future.

The greatest evil which the barbers of this State have to contend with is the so-called barber schools. The principal one is located at No. 625 Clay Street, San Francisco It is a branch of what is called "The Moler System of Barber and Hairdressing Colleges" Similar branches are located at Chicago, New York, St. Louis, Minneapolis, and Omaha, with headquarters at Chicago The board, accompanied by a member of the San Francisco Health Department, visited the San Francisco branch of the Moler system to ascertain their manner of doing business They found the place to be filthy beyond description. The operating room, chairs, floors, workstand, cups, towels, and, in fact, everything in and about the place, were so filthy, that the appearance was deeply distasteful to a person possessing any notion of cleanliness. The towels

were dirty from long and constant use. Several students use the same lather brush and soap, and the cups presented a dirty appearance, indeed. Disease is almost certain to spread from this filthy use of the cups, razors, and tools.

The board is unprepared to give the number of graduates that receive their education in this school, but an estimate of several hundred a year would be nearly correct. Each of these students is required to pay a tuition fee of from thirty to forty dollars for a course of eight weeks, then they are presented with a school diploma.

When the law was passed, about seventy-five graduates from barber schools were conducting five-cent shops in the City of San Francisco. From its examination of the Moler school, the board came to the conclusion that it was not a proper place to learn the trade.

The board is of the opinion that the only way to procure a practical education in the trade is to learn it as an apprentice in a well-regulated shop.

The law provides that where an applicant has acquired his knowledge of the trade in a barber school, the board shall judge whether said school is properly appointed and conducted. Pursuant to that authority, on the 24th day of June, 1901, the board resolved to reject all applicants who had graduated from the Moler school, for the reason that the said school was not properly appointed and conducted, and did not give proper instructions.

The receipts of the board, from all sources, from the twelfth day of June, 1901, to the first day of December, 1902, were $10,789.70.

The disbursements by the board for the same period were $10,717.90, leaving a balance of $71.80, which sum is on deposit in the Western National Bank of San Francisco, California

A number of arrests have been made in various parts of the State, at the instance of the board, for violation of the law. In most cases the defendant paid his fine, and conformed to the requirements of the law.

John Porco, of Napa, caused a writ of mandamus to issue, directed against the board, compelling it to grant him a certificate, which writ was decided in favor of the board by the Superior Court of Napa County; the petitioner perfected an appeal to the Supreme Court, which is still pending and undetermined.

Subsequently, J. Millard, as the assignee of some 125 Chinese of San Francisco, instituted an action against the members of the board, praying for the return of the money paid by them for the certificate granted by the board; the said action is still pending and undetermined.

The board recommends:

That legislation be enacted to place the barber schools, respecting their sanitary condition, under the control of the State Board of Barber Examiners and State Board of Health.

That the State Board of Barber Examiners be empowered to make rules prescribing the sanitary requirements of barber shops, subject to the approval of the State Board of Health, and that the same must be displayed in a conspicuous place in every barber shop where the public can see them and observe whether they are being complied with.

In no barber shop shall there be more than one apprentice to two barbers authorized under the law

That each member of the State Board of Barber Examiners shall serve for three years.

That the term "apprentice" be defined.

That the card or insignia as now provided by law be renewable annually at a small cost.

That the board shall have power to revoke any certificate of registration granted by it under the Act: for (*a*) conviction of crime; (*b*) habitual drunkenness for six months immediately preceding the filing of the charge with it therefor; (*c*) gross incompetency; (*d*) the keeping of a shop, or tools, appliances, or furnishings thereof, in an unclean and unsanitary condition; (*e*) failure to comply with the requirements of Section 11 of the Act; provided, that before any certificate shall be revoked the holder thereof shall be given a written notice of the charge, and an opportunity to be heard in his own defense.

Very respectfully submitted.

STATE BOARD OF BARBER EXAMINERS.
JOHN J. CALISH, President.
FRANK FLEMMING, Treasurer.
P. W. DRAKE, Secretary.

San Francisco, Cal., December 31, 1902.

Ordered printed in the Journal.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Passed on file.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Ells, Finn, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McConnell, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Passed on file.

Assembly Bill No. 418—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections.

Passed on file.

Assembly Bill No. 432—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Passed on file.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Passed on file.

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read second time, and ordered to engrossment and third reading.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

On motion of Mr. Snyder, passed on file.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

On motion of Mr. Johnson, made special order for Wednesday, February 11, 1903, at eleven o'clock A. M.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Passed on file temporarily.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of San Francisco, Lumley, Mattos, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—55.

NOES—Messrs. Copus, Finn, Mahany, and McMahon—4.

Title read and approved.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time.

The following committee amendment was submitted:

Insert the word "hundred" after the word "twenty-four" at the end of line four in section two, on page two of printed bill.

Amendment adopted.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

BROWN, Committee.

Report adopted.

Assembly Bill No. 18 ordered to print and re-engrossment.

Assembly Bill No. 36—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Mr. McCartney moved to substitute Senate Bill No. 188 for Assembly Bill No. 36, the same being identical.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

And were presented to the Governor this day, at twelve o'clock M.

AMERIGE, Chairman.

NOTICE OF MOTION TO RECONSIDER.

Mr. Finn gave notice that he would on to-morrow move a reconsideration of the vote whereby the Assembly this day refused to adopt Assembly Constitutional Amendment No. 17.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

By adding, after the word "board," in line fourteen, page two, printed bill, the words "may, if it deem it to be for the good of such fire department, or."

Amendment adopted.

AMENDMENT No. 2.

Strike out from line fifteen, page two, printed bill, the words after "person," as follows: "or, at its discretion, without such application, may," and insert therein instead the words "providing he shall have attained the age of sixty years"

Amendment adopted.

AMENDMENT No. 3.

By adding to line sixteen, page two, printed bill, the word "active" before "service."

Amendment adopted.

AMENDMENT No. 4.

By inserting in line nineteen, page three, printed bill, the words "such mother and father" after the word "of," and by striking out the word "them" after the word "of."

Amendment adopted.

AMENDMENT No. 5.

By inserting after the word "town," in line four, page three, printed bill, the words "in active service."

Amendment adopted.

AMENDMENT No. 6.

By inserting after the word "them," in line ten of section seven, page three, printed bill, the words "such mother and father," and by striking out the word "them," in line ten, section seven, page three, printed bill.

Amendment adopted.

Senate Bill No. 188 ordered to print and third reading.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfey, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Passed on file.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Fisk in the chair.

THIRD-READING FILE—(RESUMED).

Assembly Bills Nos. 170, 127, 409, 318, 371, 70, 21, 239, 544, 300, 332, 301, 247, 424, 65, 119, 120, 164, 224, 225, 382, and 383 passed on file.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, and 442 passed on file.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Read second time.

The following amendment was submitted by Mr. Johnson:

Amend by striking out of section two the following: All of lines twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, and the words "the court" in line twenty-two of printed bill.

Amendment adopted.

Assembly Bill No. 444 ordered to print, engrossment, and third reading.

Assembly Bill No. 438—An Act to amend Sections 566, 567 and 569 of the Code of Civil Procedure, all relating to receivers.

Passed on file.

Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Passed on file.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Passed on file.

Assembly Bill No. 35—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Read second time.

The following committee amendment was submitted:

Amend by inserting after the word "let," in line twenty-three, page two, printed bill, the words "also in one paper published in the City of Sacramento."

Amendment adopted.

Assembly Bill No. 35 ordered to print, engrossment, and third reading.

Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read second time.

At two o'clock and twenty-five minutes P. M., the Speaker called Mr. Johnson to the chair.

MOTION.

Mr. Carter moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 187.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 187 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same—and do now report the same back, with amendments, and recommend that the same do pass as amended.

JOHNSON, Chairman.

Report adopted.

Mr. Carter offered the following amendments:

AMENDMENT No. 1.

By striking out of first line of title of printed bill the figures "$5,487" and inserting the following: "$5,000." Also, strike out of lines four and five of the title the words "with the interest thereon from the entry of said judgment to the time this Act takes effect."

Amendment adopted.

AMENDMENT No. 2.

By striking out of section one, line three of printed bill, the words "four hundred and eighty-seven" Also, strike out all of section one of the printed bill after the word "dollars," in line six, page one. Also, strike out of section two, line three, the words "four hundred and eighty-seven."

Amendment adopted.

Assembly Bill No. 187 ordered to print, engrossment, and third reading.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Passed on file.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Passed on file.

Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Passed on file.

Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Passed on file.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 83—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read second time.

Pending amendment, passed on file.

Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title to read as follows:
"An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure by adding thereto a new section, relating to taking depositions, to be numbered 2025½."

Amendment adopted.

AMENDMENT No 2.

Insert after the words "Section 1," in the first line of section one the following: "Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure is hereby amended by adding thereto a new section, to be numbered Section 2025½, to read as follows: 2025½."

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "Section 2," in line one of section two.

Amendment adopted.

AMENDMENT No. 4.

Strike out all of section three.

Amendment adopted.

Assembly Bill No. 111 ordered to print, engrossment, and third reading.

Assembly Bill No. 334—An Act to repeal Section 1562 of the Political Code of the State of California, relating to education.

Passed on file.

At two o'clock and thirty-eight minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 275.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 275 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 275 ordered to engrossment and third reading.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read second time.

The following committee amendment was submitted:

Amend by adding to section one, after the words "State Prison" in the last line thereof, the following: "providing that no work shall be done by such prisoners beyond a point four miles distant from said prison buildings."

Amendment adopted.

Assembly Bill No. 103 ordered to print, engrossment, and third reading.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "shall" in line fourteen, section five, fourth page, printed bill, and inserting in lieu thereof the word "may."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "four times" in line fifteen, section five, fourth page, printed bill, and inserting in lieu thereof the word "once."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "once" in line sixteen, section five, fourth page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "four days" in line eighteen, section five, fourth page, printed bill, and inserting in lieu thereof the following: "one day."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "six" in line eighteen, section five, fourth page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out section eight on pages eight and nine of printed bill and inserting in lieu thereof the following:

Section 8 Two or more school districts or cities may unite in the following manner to form a joint district for the maintenance of a joint parental school. When any board of education or board of school trustees has secured, in the manner as set forth in section seven of this Act, the consent of the legislative body of the city or school district in which said board of education or board of school trustees holds office for the union of two or more districts to form a joint parental school district, said board of education or board of trustees shall transmit such information to the board of supervisors of the county of which said city or school district or districts forms a part, setting forth at the same time the cities or districts with which said city or district seeks to unite for the maintenance of a joint parental school. When such information has been received by the board of supervisors from all the cities or school districts seeking to be united, it is hereby made the duty of the board of supervisors, by resolution, to declare such cities or school districts united for the maintenance of a joint parental school, to be known as the joint parental school district of —— (give the name of the school districts uniting). When the districts have been so united, the boards of education or boards of trustees of the cities or school districts so uniting shall appoint a board of trustees for the joint parental school district, to consist of five members (unless the number of cities or school districts uniting exceeds five), who shall be appointed from the membership of the boards of the several districts or cities uniting, by the respective boards in approximate proportion to the census children

between five and seventeen years of age, in the districts uniting; *provided, however*, that each district shall be represented by at least one member on the board of trustees of the joint parental school district. The members so appointed to serve for the remainder of the term of office for which they were elected on their respective boards of education or boards of trustees, and when vacancies occur on said boards of trustees of joint parental school districts, they shall be filled by the board making the original appointment. The superintendents of schools of each of the cities or school districts uniting shall be ex-officio members of the board of trustees of the joint parental school district, without the right to vote. In the management of a parental school within a school district, city, or city and county, the right to transport pupils to and from school at public expense, when, in the judgment of the board of education or board of school trustees the interest of the pupil demands it, is hereby conferred upon such boards.

All the powers and duties by any section of this Act conferred or imposed upon the boards of school trustees or boards of education of any city, or city and county, in the management of, and the securing of, funds for a parental school within a city, are hereby conferred upon and imposed upon the board of trustees of any joint parental school district in the management of and the securing of funds for the support of a joint parental school; *provided, however*, that in estimating the expense of maintenance of a joint parental school the amount of money needed for the payment of teachers' salaries and for the furnishing of school supplies, shall be included in the estimate of expenses; *and provided further*, that the estimates shall be transmitted to the Board of Supervisors of the county of which the joint parental school district forms a part. When such estimates shall have been so transmitted, it is hereby made the duty of the Board of Supervisors to levy a special tax upon the taxable property within the boundaries of the joint parental school district, sufficient to provide the facilities requested by the board of trustees of the joint parental school district, and for which such estimates shall have been furnished, and yearly thereafter when the estimate of the total expense of the maintenance of the joint parental school and the increased facilities shall have been furnished the board of supervisors, it shall be the duty of said board to levy a special tax, sufficient to maintain the school for a year. All taxes in this Act provided shall be computed and entered upon the tax roll and collected in the manner prescribed for the collection of taxes in section seven of this act; *provided*, that all moneys so collected shall be collected by the county tax collector and apportioned to the credit of the joint parental school district, and placed in the fund for which they were specially collected. If for sites or buildings, to be placed in the fund known as the joint parental school building fund, to be used exclusively for the purposes for which they were collected, the same as set forth in section seven of this Act.

The board of trustees of joint parental school districts shall organize by the election of one of their number as chairman, and by the election of a secretary who shall be the city superintendent of schools, or the secretary of a board of education, or the clerk of one of the boards of education, or boards of trustees of the cities, or school districts united, and such secretary shall serve without additional salary.

All moneys in a joint parental school fund shall be paid out on the order of the board of trustees of the joint parental school district for the purposes herein set forth and in the same manner that funds are paid from the ordinary school funds of a school district.

Amendment adopted.

Assembly Bill No. 27 ordered to print, engrossment, and third reading.

Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 118—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 45—An Act to prohibit the misuse of cocaine, opium, or morphine.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "every" in line one, section one, first page, printed bill, and inserting the word "any."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the words "except to regular licensed druggists" after the word "morphine" in line two, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "in" in line one, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "any way" in line two, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "any" before the word "cocaine" in line two, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "every" in line one, section two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by adding the words "or pharmacist" after the word "physician" in line one, section two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "or furnishes in" in line one, section two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the words "any way" in line two, section two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the word "any" before the word "opium" in line two, section two, first page, printed bill.

Amendment adopted.

Assembly Bill No. 45 ordered to print, engrossment, and third reading.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 190—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

Mr. Knight moved that Assembly Bill No. 380 be substituted for Assembly Bill No. 190, and that Assembly Bill No. 190 be dropped from the file.

So ordered.

Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 565—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 7, 1889.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State, for general distribution, parasitical and predaceous insects, which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 245—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Passed on file.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Passed on file.

Assembly Bill No. 240—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Passed on file.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books; providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance

of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

Read second time.

Mr. Lewis of Riverside moved that Assembly Bill No. 37 be re-referred to Committee on Education, with instructions to report a substitute bill.

Motion lost.

MOTION.

Mr. Drew moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 37.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 37 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books; providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing

his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendment was submitted:

Amend by striking out all of the printed bill after the enacting clause and inserting the following, so as to read as follows:

An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates and other matters for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties, and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary, describing the duties of such secretary, and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1 Section eighteen hundred and seventy-four of the Political Code is hereby amended to read as follows:

Section 1874 In compiling or causing to be compiled and adopted a uniform series of school text-books, for use in the common schools of the State, as required by section seven of article nine of the State Constitution, the State Board of Education shall, within thirty days after the passage of this Act, meet and appoint two members of said board as a permanent committee to be known as the Text-Book Committee, designating them not by name, but by the official positions which they respectively hold, and the two members thus appointed shall, with the Superintendent of State Printing, constitute a board of commissioners to be known as the State Text-Book Commissioners. Said commissioners shall immediately organize and enter upon the discharge of their duties, and shall have power, subject to the approval of the State Board of Education, to revise in whole or in part and to manufacture such text-books as are now in use, to compile or cause to be compiled under its direction, and to manufacture such other or additional text book or books as they may deem necessary or proper for use in the primary and grammar schools (the common schools) of the State, to purchase or hire plates, maps, and engravings of copyright matter, to contract for or lease copyrights, for the purpose of being used in compiling, printing and publishing such books; to provide for the payment of royalties or for the leasing of plates for the making of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform series of text-books for use in all the primary and grammar schools of the State of California. They shall have power, subject to the approval of the State Board of Education, to prescribe and enforce the use of a uniform series of text-books, and to adopt a list of books for supplementary use from which county and city and county boards of education shall select and adopt books for supplementary use in primary and grammar schools and for school district libraries in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code. As soon as any text-book shall have been compiled, printed, adopted and is ready for distribution, it shall be the duty of every county and city and county superintendent of schools in the State to order a sufficient number thereof to give at least one copy of every such book to every public school district library in the county or city and county in which he is superintendent, and payment therefor shall be made by him by drawing his requisition, without the order of the board of

school trustees, against the library funds of the respective districts in his county or city and county for the cost and remitting the same to the official who has charge of the sale of State school text-books In cities where the city school superintendent or city board of education is accustomed to draw requisitions upon the library funds, it is hereby made the duty of such superintendents or boards of education to order and pay for copies of books of the State series for their school libraries in lieu of the county superintendents

2. Instruction shall be given in the following subjects in the primary and grammar schools of the State in the several grades in which they may be required, viz: reading, writing, orthography, language lessons, and English grammar, arithmetic, geography, history of the United States, elements of physiology and hygiene, vocal music, elementary book-keeping, drawing, nature study, and civil government; and it shall be the duty of the said Text-Book Commissioners to revise such of the books of the present State series or publish such new ones in any of the above-mentioned subjects as may be necessary for the proper study and teaching of them, and for the purposes of compilation and publication may make use of any copyright matter deemed suitable, and may purchase or hire plates, maps or engravings of such copyright matter, may contract and arrange for the payment of royalties, and shall designate such book or books, when published, as belonging to and forming a part of the State series of school text-books, all subject to the approval of the State Board of Education.

3 Within ten days after organization, the said State Text-Book Commissioners shall elect a secretary, who shall be a man of recognized educational ability and experience, who shall have his office at the State Capitol in Sacramento in connection with that of the Superintendent of Public Instruction, and who shall keep the books, accounts, and all records of the said commissioners, and perform such other duties as may from time to time be required of him by said commissioners Said secretary shall receive a salary of twenty-one hundred dollars per annum, payable in the same manner and from the same fund as the salaries of the State officers are paid

4. The said Text-Book Commissioners may secure copyrights, in the name of the people of the State of California, to any book that may be compiled under this Act, and whenever any one or more of the State school text-books shall have been compiled, published, and adopted, the Superintendent of Public Instruction shall issue an order to all county and city and county boards of education by sending notice by registered mail to the secretaries of all such boards requiring the uniform use of said book or books in all the primary and grammar schools of this State, and when said order shall have thus been given and published, the same shall remain in force and effect for the term of eight years; *provided*, that said order for the uniform use of said book or books shall not take effect until the expiration of at least one year from the time of the completion, purchase, or the leasing of the electrotype plates of said book or books, but nothing in this Act shall be construed to prevent any county, city, or city and county from adopting any one or more of the State series of school text-books whenever said book or books shall have been published and is ready for distribution; *provided further*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use as hereinbefore provided, the State Text-Book Commissioners shall enter into a contract for eight years for use of the same, and shall require a good and sufficient bond of the owner of such plates, maps, or engravings, guaranteeing that the same shall be kept revised and up to date as may be required by the State Board of Education.

5 Any county, city and county, city, or school district that refuses or neglects to use the State series of school text-books in the grades and in the subjects for which they are intended, and at the time as required in the foregoing subdivisions of this Act, shall, upon satisfactory proof of such refusal or neglect, have the State money to which it is otherwise entitled withheld from it by the Superintendent of Public Instruction.

6. The Superintendent of State Printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be compiled and adopted by said Text-Book Commissioners and approved by the State Board of Education, and all such printing and binding shall be done in the State Printing Office The Superintendent of State Printing shall annually, on the 1st day of July, and oftener, if requested, submit to the said Text-Book Commissioners a detailed statement showing the number and name of books of the State series published by him during the year.

7. Whenever any book authorized to be published under this Act is ready for sale or delivery to pupils, the State Printer shall submit to the said Text-Book Commissioners, and they in turn to the State Board of Education, an itemized statement showing the exact cost of the material, printing, binding, and finishing of such book in editions of five thousand or more, and the State Board of Education shall thereupon determine and fix the price of such book, as required by law, by adding to the cost of manufacturing it the price contracted to be paid as royalty or for the use of the plates, maps, or engravings of the copyright matter therein contained, and said price shall be deemed to be the whole cost of publication of such book at Sacramento. The amount fixed for royalty or cost of plates of copyright matter shall, as the books are sold, be kept separate from other proceeds from the sale of State school text-books and deposited in the State Treasury to the credit of a fund to be designated and known as the "Text-Book Royalty Fund," the same to be paid out quarterly or semi-annually, as may be agreed, on the order of the said Text-Book Commissioners, in payment of royalties or hire of plates, maps, or engravings of copyright matter in the same manner as other claims upon the State Treasurer are paid.

8. The sum of twenty thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act Said appropriation, which shall be known as the "Text-Book Appropriation," shall be subject to the drafts of the said Text-Book Commissioners for the expenses incurred by them, except the salary of the secretary, which is otherwise provided for in this Act; *provided*, that all claims shall be presented to the State Board of Examiners for their approval; said appropriation shall be subject to the drafts of the said commissioners for all moneys needed for the payment of royalties, for the purchase or hire of such plates, maps, or engravings that may be necessary but which cannot be arranged to be paid for as provided in subdivision seventh hereof, for expert opinions as provided for in subdivision nine of this Act, for printing, stationery, postage, and expressage that will be required by said commissioners, and for manufacturing any edition of any book of the State series now in use, or which may hereafter be adopted for use in the primary and grammar schools It is provided that all moneys that have been received or that may hereafter be received from the sales of State series of school text-books, except that which is received in payment of royalties and provided in this Act to be deposited to the credit of the text-book royalty fund, shall be kept by the State Treasurer as a separate and distinct fund, to be known as the "State School-Book Fund," which fund shall be subject to the drafts of the said Text-Book Commissioners for all expenses incurred by the Superintendent of State Printing for all material, labor, and other expenses necessary in the mechanical work of printing and publishing State school text-books; all claims to be drawn after being certified to by the Superintendent of State Printing, as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the State School-Book Fund shall be presented to the State Board of Examiners in itemized form for their approval; and upon the approval of the State Board of Examiners, the State Controller is hereby authorized and directed to draw his warrant and the State Treasurer is hereby authorized to pay the same, in conformity with the provisions of this section.

9. Before selecting any text-book matter to be used in the compilation or revision of a State school text-book, the said commissioners may, subject to the approval of the State Board of Education, secure one or more educational experts to examine and give their opinions on the merits of any book or books or parts of a book that may be taken under consideration, and the claims for payment of such expert service shall be paid in like manner as other claims are paid out of the State text-book appropriation; *provided*, that the expense of such expert examination and opinion shall not exceed the sum of two hundred dollars for any one book.

10. The existing law which provides the manner and the means for the distribution of State school text-books is continued in force and effect.

SEC. 2. Section 1519 of the Political Code is hereby amended to read as follows:

Section 1519 The presence of a majority of the members of the State Board of Education shall constitute a quorum and a majority of the quorum shall be sufficient to adopt any resolution of the board.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

Amendment adopted.

The following amendments were submitted by Mr. Lewis of Riverside:

Amend by striking out all in line thirty-nine, page three, printed bill, after the word "code," and all in lines forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine and in line fifty to and including the word "text-books."

Amendment lost.

Amend by striking out all after the word "superintendent" in line forty-five, page three of printed bill, down to and including the word "text-books" in line fifty.

Amendment lost.

Amend by striking out all of paragraph five of section one, lines one hundred and nineteen to one hundred and twenty-eight, both inclusive, on page five of printed bill.

Amendment lost.

Amend by striking out all of section two, bottom of page seven and top of page eight, printed bill.

Amendment lost.

Amend by striking out all of paragraph three of section one, lines seventy-four to eighty-four, both inclusive, on page four of printed bill.

Amendment lost.

Assembly Bill No. 37 ordered to print, engrossment, and third reading.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 388—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read second time.

The following committee amendment was submitted:

Amend by inserting immediately following line seventeen, page two of said bill as printed, the following words: "Whenever any such change is made, a copy of the resolution or action of the board of directors authorizing the same, together with a copy of an affidavit of the publication above required, all duly certified by the president and secretary of the corporation with corporate seal affixed, shall be filed in each office where the original articles of incorporation are or any copy thereof is required to be filed."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words contained in lines twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and so much of line twenty-nine as will include the words "at the time of filing," in said line twenty-nine, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2

Insert on line thirty-three, second page of said bill as printed, the word "city," immediately following the word "town," in said line thirty-three of said bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting on line twelve, first page, printed bill, before the word "there," "in all of said cities."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting on line eleven, first page, printed bill, after the word "marshal," "or marshals are."

Amendment adopted.

AMENDMENT No 3.

Amend by inserting on line ten, first page, printed bill, after the word "containing," "a city or"

Amendment adopted.

Ordered to print, engrossment, and third reading.

SPECIAL FILE—SENATE BILLS.

Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

On motion of Mr. Johnson, passed on file.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Ells, Finn, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Waste, and Mr Speaker—52.

NOES—None

Title read and approved.

MOTION.

Mr. Drew moved that Assembly Bill No. 37 be made a rush order to print.

So ordered.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during term of probation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ells, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McCon-

nell, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, McCartney, McConnell, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Passed on file.

Senate Bill No. 105—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 105.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 105 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 105—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of

Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, McCartney, McConnell, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Allen, Barber, Bates, Black, Bliss, Boisson, Copus, Covert, Dorsey, Drew, Duffey, Ells, Finn, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McMahon, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Stanton, Steadman, Susman, Transue, Waste, and Mr. Speaker—41.

NOES—Messrs. Amerige, Bangs, Barnes, Baxter, Brown, Burgess, Carter, Dougherty, Goodrich, Howard, Lumley, Pyle, Soward, Stansell, Traber, Walker, and Walsh—17.

Title read and approved.

PRIVILEGES OF THE HOUSE.

Mr. Mott moved that the privileges of the floor be extended to the Hon. G. R. Stewart, an ex-member of the Assembly.

So ordered.

Senate Bill No. 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Duffey, Dunbar, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McConnell, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Read second time, and ordered to third reading.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the

provisions to be contained in building contracts," approved March 28, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Read second time, and ordered to third reading.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Read second time, and ordered to third reading.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to third reading.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read second time, and ordered to third reading.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Referred to Committee on Ways and Means.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Read second time, and ordered to third reading.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Read second time, and ordered to third reading.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code, approved March 21, 1872," relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Also: Adopted Senate Concurrent Resolution No. 10—Approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903.

F. J. BRANDON, Secretary of the Senate.
By I. S. Logan, Assistant Secretary.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Read first time, and referred to Committee on Corporations.

Senate Concurrent Resolution No. 10—Relative to charter of Salinas City.

Mr. Johnson moved that the Assembly do now consider Senate Concurrent Resolution No. 10.

So ordered.

Resolution read.

Mr. Johnson moved that the rules be suspended, and that the Assembly do now consider Senate Concurrent Resolution No. 10.

So ordered.

Mr. Steadman moved that the Assembly do now concur in Senate Concurrent Resolution No. 10.

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Ellis, Finn, Goodrich, Greer, Hart, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—60.

NOES—None.

SENATE CONCURRENT RESOLUTION No. 10,

Approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903.

WHEREAS, Salinas City, a municipal corporation in the County of Monterey, State of California, now is, and was at all of the times herein referred to a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and,

WHEREAS, At a special election duly held in said city on the eleventh day of August in the year one thousand nine hundred and two, in accordance with law and the provisions of section eight, article eleven of the Constitution of said state, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and,

WHEREAS, Said board of freeholders did, within ninety days after such special election, frame, prepare and propose a charter for the government of said Salinas City; and,

WHEREAS, Such a charter was, on the third day of November, in the year one thousand nine hundred two, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the Mayor of Salinas City, and the other copy thereof was filed with, and in the office of the County Recorder of the County of Monterey; and,

WHEREAS, Said proposed charter was thereafter published in the Salinas Daily Index, a daily newspaper of general circulation, printed, published and circulated in said Salinas City, for a period of twenty days and more, and the first publication thereof was made within twenty days after the completion of said charter; and,

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the Mayor and Common Council of Salinas City to the qualified voters of said Salinas City, at a special election, previously duly called and thereafter held in said city on the twelfth day of January in the year one thousand nine hundred three, and,

WHEREAS, At said last mentioned special election a majority of the qualified electors of Salinas City voting thereat did vote in favor of and duly ratified said charter so proposed; and,

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and,

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

## CHARTER OF SALINAS CITY.

### ARTICLE I.

BOUNDARIES, GENERAL POWERS AND LIABILITIES.

*Name, Powers and Liabilities.*

SECTION 1. The municipal corporation now existing, known as Salinas City, shall remain and continue a body politic and corporate, in name and in fact, by said name of Salinas City, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common

seal and alter the same at pleasure; may make and enter into contracts and incur indebtedness; may purchase, acquire, receive, hold and enjoy real and personal property, within and without its corporate limits, and may lease, sell, convey and dispose of the same for the common benefit; may purchase, construct, or otherwise acquire water works, artificial light works, street railroads and other public utilities and manage and operate the same; may determine and declare what are public uses and when the necessity exists of condemning land therefor and what land it is necessary to condemn; may receive bequests, gifts, or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts, or donations; and may do and perform all other acts necessary or incident to the exercise of the powers, by the charter or otherwise, granted to said city.

SEC. 2. All public buildings, land, property, rights of property, rights of action, money, revenue and income belonging or appertaining to Salinas City at the time this charter shall go into effect, shall continue thereafter to vest in, and belong to said city, and said city shall continue to have, hold, own and enjoy all such public buildings, real and personal property, rights of property, rights of action, money, revenue, income, books, documents, records, archives, claims, demands and things, in possession and in action, of every kind and description, theretofore owned, held by, or vested in said municipality; and said Salinas City shall thereafter continue to be subject to and liable for all of its prior obligations, debts, dues, duties and liabilities.

*City Boundaries.*

SEC. 3. The boundaries of Salinas City shall be and remain as now fixed and established and are described as follows: Commencing at a point north nine degrees and thirty minutes west, four thousand five hundred seventy-two and forty-eight one hundredths feet from the monument at the intersection of the center lines of Main and Gabilan streets in Salinas City, thence at right angles to the center line of said Main street, north eighty degrees and thirty minutes east, one thousand six hundred and one-half feet to the westerly side of the county road leading from Salinas City to Santa Rita; thence along the west side of said road north three degrees and thirty minutes east, three thousand three hundred and twenty-eight feet to a point opposite the northern line of Sherwood Park; thence south eighty-six degrees and forty-five minutes east one thousand one hundred forty-six and one-half feet to the northeastern corner of said park; thence following the course of the eastern side of said Sherwood Park south three degrees and fifteen minutes west, three thousand sixty-five feet to station; thence north eighty degrees and thirty minutes east, one thousand seven hundred seventy-four and one-half feet to the northeastern corner of Salinas City; thence south nine degrees and thirty minutes east, nine thousand one hundred forty-five feet to the southeastern corner of said city; thence south eighty degrees and thirty minutes west, nine thousand one hundred forty-five feet to the southwestern corner of said city; thence north nine degrees and thirty minutes west, nine thousand one hundred forty-five feet to the northwestern corner of said city; thence north eighty degrees and thirty minutes east, four thousand five hundred seventy-two and one-half feet to the place of beginning

*Ward Boundaries.*

SEC. 4. Salinas City is hereby divided into four wards, which shall be designated respectively, the First Ward, Second Ward, Third Ward and Fourth Ward, and are described as follows:

First Ward: The First Ward shall consist of all of that portion of Salinas City lying north of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street, San Juan street and the Santa Rita road.

Second Ward: The Second Ward shall consist of all of that portion of Salinas City lying north of the center line of Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street, San Juan street and the Santa Rita road.

Third Ward: The Third Ward shall consist of all that portion of Salinas City lying south of the center line of Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street and South Main street

Fourth Ward: The Fourth Ward shall consist of all of that portion of Salinas City lying south of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street and South Main street.

## ARTICLE II.

### LEGISLATIVE DEPARTMENT.

*The Council.*

SECTION 1. The legislative power of Salinas City shall be vested in a council consisting of eight members. Two councilmen shall be elected from each ward by the qualified electors thereof. Those first elected under the provisions of this charter shall so classify themselves, by lot, that one councilman from each ward shall go out of office at the end of two years, and the other at the end of four years, and thereafter, at each regular municipal election, one councilman shall be chosen from each ward to serve for a term of four years. A councilman must be a citizen of the State of California and a resident and duly qualified elector of Salinas City and of the ward from which he is chosen for one year immediately preceding his election.

SEC. 2. Any vacancy in the office of councilman shall be filled by appointment by the mayor, which appointment must be confirmed by the council. The person so appointed must possess all the qualifications herein prescribed for councilmen and shall hold office for the remainder of the unexpired term, or until the next regular municipal election, when a councilman shall be elected to serve during the remainder of such term

SEC. 3. The council shall meet on the first Monday of each month, unless that day be a legal holiday, when it shall meet on the succeeding day. Special meetings of the council may be called by the mayor at any time. He shall issue a call therefor, in writing, signed by himself, which shall specify the time and place for such meeting and the purpose for which it is called, and no business other than that specified in the call shall be transacted at such meeting. A copy of the call shall be personally served upon each member of the council then in Salinas City at least two hours prior to the time fixed for the meeting.

SEC 4 All meetings of the council shall be public, and when possible, shall be held in the City Hall of Salinas City; but if at any time circumstances shall render meeting at the City Hall impossible or impracticable, the council may, by ordinance or resolution, designate some other meeting place within the city.

SEC. 5. The mayor shall be the presiding officer of the council, but shall not vote except in case of a tie. The council shall, at its regular meeting in July of each year, elect from its own members a president pro tem, who may be changed by it at any time, and who shall preside over it during the absence of the mayor.

SEC. 6 A majority of all of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 7. The council may make and adopt rules for its proceedings and shall have power to enforce the same and may punish its members by reprimand, fine or expulsion for violation thereof, disorderly conduct in its presence, or malfeasance in office. The council shall also have the power to compel the attendance and examination of witnesses and the production of all books, records and papers relating to any business or investigation before it, and may punish disobedience of its subpœna, or refusal to testify, or disorderly or contemptuous conduct in its presence by a fine of not exceeding one hundred dollars, or by imprisonment for not exceeding five days, or by both such fine and imprisonment

SEC. 8. The council shall cause a journal of its proceedings to be kept by the city clerk, under its directions, and the vote shall be taken by "ayes" and "noes" and entered in the journal upon the passing of any ordinance, or the granting of any franchise, and in all other cases upon the demand of one member of the council.

SEC. 9. Every legislative act of the council shall be by ordinance and no ordinance shall be passed except by bill. No ordinance shall be passed or resolution adopted except the same receive the affirmative votes of a majority of the members of the council.

SEC. 10. Every bill, after it has been passed by the council shall be, forthwith, authenticated by the city clerk and presented to the mayor for his approval. The mayor shall return such bill to the city clerk within ten days after receiving it If he approve it, he shall endorse such approval thereon over his signature and the bill shall thereupon become an ordinance. If he disapprove it, he shall specify his objections thereto, in writing, which he shall also deliver to the city clerk If the bill be not returned with the mayor's approval or disapproval, within the time above specified, it shall become an ordinance with the same effect as though it had been approved. When a bill is returned without the approval of the mayor, the city clerk shall lay it, together with the mayor's objections thereto, before the council, at its next regular meeting. The objections shall be entered at length in the journal and the council shall proceed to reconsider and vote upon said bill If the bill be again passed by the affirmative votes of at least seven councilmen, that fact shall be certified by the city clerk and it shall become an ordinance with like effect as if it had been approved by the mayor; but if such bill fail to receive the affirmative vote of seven councilmen it shall be finally lost.

SEC. 11 The enacting clause of all ordinances shall be as follows: "The Council of Salinas City does ordain as follows:"

SEC. 12. No ordinance shall be revised, re-enacted, or amended by reference to its title, but the ordinance to be revised or re-enacted, or the section thereof to be amended, shall be re-enacted at length, as revised or amended.

SEC. 13 No ordinance granting a franchise shall be put upon its final passage within less than ten days after its introduction, nor at any time other than a regular meeting.

SEC. 14. No ordinance shall be repealed, except by an ordinance duly adopted for that purpose.

SEC. 15. All ordinances must, before going into effect, be published by one insertion in some newspaper, published and circulated in Salinas City, selected and designated by the council for that purpose.

SEC. 16 Every ordinance, unless otherwise provided by law or in such ordinance, shall take effect ten days after its passage and approval, provided that it has been published as herein required.

SEC. 17. All ordinances shall be deposited with the city clerk, who shall record them, at length, in a suitable book to be kept by him for that purpose.

SEC. 18. The council shall, within one year after this charter goes into effect, and every five years thereafter, cause the ordinances then in force to be classified, indexed and published in book form. Each city officer shall be furnished with a copy of such book, free of charge, and the remainder shall be kept for sale, by the city clerk, at a price to be fixed by the council

*Powers of the Council.*

SEC. 19. Subject to the provisions, limitations and restrictions in this charter contained, the council shall have power

1. To make and enact all ordinances not repugnant to nor inconsistent with the provisions of this charter, the constitution and laws of the State of California and the United States.

2. To acquire, by purchase or condemnation, such property as may be required for public use

3. To use, care for, manage, control, improve, lease and sell, all real and personal property belonging to Salinas City; *provided, however*, that said council shall have no power to pledge, hypothecate, or mortgage any of the property of said city.

4 To lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering and lighting thereof; to manage and control such streets, roads, highways and public places, and to regulate the use thereof; to regulate or prohibit the placing or maintaining of trees, hitching posts, signs, awnings and other obstructions therein, and to remove obstructions therefrom.

5. To require the owners of real property in the city to remove grass, weeds, and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise recovered from such owners.

6. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained and to prohibit the same within such limits.

7. To regulate the construction of buildings, structures, sheds, awnings, and signs within the city and to condemn the use or occupation of unsafe buildings and structures.

8. To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings

9. To examine, either in open session or by committee or commission, all books, papers, vouchers, reports, statements, documents and records of the several officers and employés of the city and any other person having care, custody, or control of any money, funds, or property belonging or appertaining to said city or any of its funds, trusts or uses.

10. To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employés of the city whose duties are not defined in this charter; and to impose additional duties upon those whose duties are herein set forth.

11. To fix the salary and prescribe the compensation of all officers and employés of the city whose salary or compensation is not fixed or prescribed in this charter.

12. To fix the fees and charges for official services not otherwise provided for.

13 To provide for holding municipal elections, give notice thereof, establish and alter election precincts, and appoint all election officers.

14. To ordain, make and enforce, within the city, all proper local police and sanitary regulations.

15 To define and prevent nuisances and to provide for the abatement or summary removal thereof.

16. To regulate the management of slaughter houses, chemical works, glue factories, laundries, tanneries and all other offensive trades, and all manufactories, works and business, of every description, which may endanger the public health, safety or comfort; and to restrict the same to fixed limits, or prohibit their maintenance within the city.

17. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire-works and other explosive substances and materials.

18 To regulate the storage of oil, hay, straw and other inflammable material within the city.

19 To regulate the use of steam and gas engines and steam boilers within said city.

20 To levy and collect, within the limits provided by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.

21. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein, and to fix the license tax upon the same, and to provide for the collection thereof.

22. To manage and control the city's finances and to examine all accounts, claims and demands against the city, and to allow and cause to be paid, or to reject the same, in whole or in part, as found just and legal or otherwise.

23 To provide for the purchase of any property levied upon under execution in favor of the city; *provided* that the amount paid for such property shall, in no instance exceed the amount of the city's judgment and costs.

24. To provide for the proper execution of all lawful trusts confided to the city.
25. To establish, maintain and manage public markets within the city.
26. To provide for the city's printing and advertising.
27. To provide for naming streets and numbering houses within the city.
28. To provide for the erection, maintenance and repair of all municipal buildings, and for the cleaning and lighting thereof
29. To provide suitable rooms and buildings for the courts, boards and officers of the city and supply the same with fuel; light and such furniture, books, stationery and other supplies as may be required for the convenient transaction of public business.
30. To provide for the preservation, maintenance, and extension of the city's sewer system; to make and enforce all proper rules and regulations for the management and use of the same; and, when necessary to the public health, to require buildings, structures, water-closets, urinals, sinks, etc., to be connected therewith.
31. To regulate or prohibit the excavation or construction and use of cesspools, privy-vaults, privy-pits, etc., within said city, or any part or parts thereof
32. To provide a seal for Salinas City, for the city police court, and for such officers and departments of the city government as may require the same.
33. To fix and prescribe fines, forfeitures, and penalties for the breach or violation of the city's ordinances, but no such penalty shall exceed a fine of five hundred dollars, or imprisonment for ninety days, or both such fine and imprisonment
34. To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.
35. To provide for the formation of a chain-gang of persons imprisoned upon conviction in the city police court and for the employment of such persons for the benefit of the city.
36. To establish and maintain a public pound; and to regulate or prohibit the running at large of animals within the city, and to provide for the impounding, sale, or destruction of such animals as may be found at large, in violation of its ordinances and regulations.
37. To regulate or prohibit the keeping of animals within the city or any district or part thereof.
38. To prevent any riotous assemblage or disorderly conduct within the city.
39. To organize, maintain, regulate, and control the police department and fire department of Salinas City.
40. To prohibit and suppress houses of ill-fame, prostitution or assignation and to punish the keepers and inmates thereof and all persons visiting the same for immoral purposes
41. To prohibit and suppress all indecent and immoral amusements, games and exhibitions and to punish persons taking part therein.
42. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony within the city; and to authorize the payment thereof.
43 To regulate or prohibit the establishment of cemeteries and the interment of the dead within Salinas City; to establish, maintain, govern and control cemeteries within or without said city and to provide for selling or leasing lots in such cemeteries.
44. To provide and maintain a morgue.
45. To require every person or corporation operating any railroad in the city to grade and pave the street between and for a distance of two feet on each side of the tracks and keep the same in good repair.
46. To regulate the speed with which steam engines, railway trains, tram cars, automobiles, vehicles drawn by horses, bicycles and other vehicles are driven through the city, or any part thereof.
47. To require persons and companies operating railroads in the city, to maintain flagmen, watchmen, gates, or bells, as it may deem necessary, to give warning of the approach of trains, at points where their tracks cross streets at grade
48. To grant the right to construct and maintain and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, and highways, within the city; to require all telegraph, telephone and electric light wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.
49. To make all rules and regulations necessary and proper for carrying into execution the foregoing, and all other power vested in the council by the provisions of this charter or by law.

SEC 20. Whenever the mayor shall prefer charges, in writing against any officer of Salinas City (other than a councilman) charging him with willful neglect of official duty, embezzlement of public money or funds, malfeasance or corrupt conduct in office, the council shall fix a time, not less than five nor more than twenty days distant for hearing the same The person accused must be, forthwith, served with a copy of the charges, together with notice of the time and place of hearing, and shall have the right to appear and defend, either in person or by counsel, to cross examine witnesses produced against him and to introduce evidence in his own behalf The hearing shall be public and if the accused be found guilty by the votes of three fourths of all the members of the council, he shall be removed from office and the vacancy so created shall be filled in the manner herein provided.

SEC. 21. The violation of any ordinance of Salinas City shall constitute a misdemeanor and all prosecutions therefor shall be in the name of the people of the State of California.

## ARTICLE III.

### EXECUTIVE DEPARTMENT.

*The Mayor.*

SECTION 1. The chief executive officer of Salinas City shall be the mayor He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city for five years immediately preceding his election.

SEC. 2. The mayor shall be the presiding officer of the council but shall have no vote except in case of a tie. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council; and he shall have the right to be present at the meetings of all of its standing and special committees.

SEC. 3. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of Salinas City are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, and tumults, for which purpose he may use the police force and, in case of necessity, may call upon the governor of the state for military aid.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employés of the city and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employés of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically and honestly administered and conducted. He may, at any time he deems necessary or expedient, appoint a proper person, who is an expert in matters of book-keeping and accounts, to examine the books, records, condition and affairs of any or all of the departments, boards, or officers of the city, and make a report thereon; and the person so appointed shall have full power and authority to examine all books, records and documents of, or pertaining to the department, board or office which he has been authorized to investigate.

SEC 5. When any defalcation, willful neglect of duty or other official misconduct by, or on the part of any officer or employé of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall cause legal proceedings to be instituted and prosecuted, in the name of Salinas City, against all persons failing, in whole or in part, to fulfill their agreements with said city.

SEC 7. The mayor shall, on the first Monday of each month, together with the city clerk and city attorney, count the money in the city treasury, ascertain whether it corresponds with the books of the city treasurer, and report the result to the council at its next meeting.

SEC. 8. The mayor shall appoint all officers of this city whose election or appointment are not, in this charter or by law, otherwise provided for; and when a vacancy occurs in any city office and no provision has been made herein for filling the same, the mayor shall appoint some qualified person who shall hold such office during the remainder of the unexpired term.

SEC. 9. The mayor, shall, at the end of each year of his official term and at such other times and as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

SEC. 10. The mayor shall have the power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

SEC. 11. The mayor shall sign all conveyances made by Salinas City and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment

SEC. 12 When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office, the president pro tem. of the council shall act as mayor during such temporary absence or disability When a vacancy occurs in the office of mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term.

*The City Clerk and Assessor.*

SEC. 13. There shall be a city clerk who shall be ex officio, city assessor of Salinas City. He shall be elected at each regular municipal election and hold office for a term

of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas for not less than five years immediately preceding his election

SEC. 14. Any vacancy in the office of the city clerk and assessor shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

SEC. 15 As city clerk:

1. He shall attend all meetings of the council and keep a journal of its proceedings and shall authenticate, by his signature and the corporate seal of the city, all ordinances and other official acts of said council.

2 He shall be the custodian of, and responsible for the corporate seal of the city and all books, papers, documents, records and archives thereof, not especially confided by law to other custody.

3. He shall have the power and authority to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of Salinas City.

4 He shall, in separate books to be kept for that purpose, record all ordinances of Salinas City, all contracts to which Salinas City or any officer thereof, in his official capacity, is a party, and all official bonds or other bonds given to, or for the benefit of said city, or in which it is interested.

5. He shall keep a complete set of books in which shall be set forth, in a plain and business-like manner, all financial transactions of Salinas City, so as to show the sources from which all of its income and revenue is derived; by whom all money is paid into its treasury; for what purpose, and in what manner all expenditures are made; the total amount of money in the city treasury at all times and the condition of each of its funds.

6 He shall file all claims and demands against the city which are required to be presented to the council and keep a record of the same, showing the name of each claimant, the date, amount and nature of the claim and the action of the council regarding it.

7. He shall draw and countersign all warrants upon the city treasury for the amount of all allowed and approved claims and for the salary of city officers and employés

8. He shall make out, sign and deliver to the city collector all licenses issued by Salinas City, keeping a strict and accurate account of the same.

9. He must examine and settle the accounts of all officers and persons indebted to Salinas City or holding money payable into the city treasury, and must certify to the city treasurer the amount to be paid, the name of the officer or person by whom such payment is to be made and the fund to which the same is applicable; and upon the presentation and filing of the treasurer's receipt therefor, give such officer or person a discharge and charge the treasurer with the amount so received.

10. He shall, together with the mayor and city attorney, on the first Monday of each month, count all the money in the city treasury.

11. He shall keep all books and public records in his custody properly indexed and open to inspection by the general public at all times when not actually in use

12. He shall report in writing to the council, quarterly, a full and detailed statement of all receipts and disbursements of the city during the past quarter and the state of each of the funds in the city treasury.

13. He shall make and deliver to the council, at its regular meeting in July of each year, a complete detailed report and statement of the finances of Salinas City for the last fiscal year showing the source and amount of all revenue received, the funds among which the same was distributed, the total amount of warrants drawn on and paid from each fund, and any unpaid warrants outstanding; the date, amount, nature, and purpose of all other disbursements; the condition of the city treasury, and each of its funds at the end of said year, and generally the financial condition of the city.

14. He shall also make and deliver to the council, with the aforesaid annual report, a careful estimate of the revenue which the city will receive, during the ensuing fiscal year, from all sources other than taxation; an itemized estimate of the necessary expenditures during such year; the amount required to be raised by taxation for each fund of the city treasury and the rates of taxation necessary to raise such amounts.

15 He shall make and keep posted in his office a list of all persons receiving salary or wages from the city, with the amount of such salary or wages received, monthly, by each; which list shall be revised as often as necessary to keep the same absolutely correct.

SEC. 16 As city assessor:

1. He shall prepare and, on or before the first Monday in July of each year, present to the council, a list of all real and personal property, taxable for municipal purposes, which was in Salinas City on the first day of the preceding March, with the true valuation of such property. He shall certify to the correctness of such list, which shall be known as the assessment roll of Salinas City.

2 He shall be present at all meetings of the city board of equalization; act as clerk of said board and keep a journal of its proceedings; furnish to said board all such information respecting the assessment roll and all matters relating thereto as it may request and enter upon the roll all changes and corrections made by the board.

3. After the tax rate has been fixed by the council, he shall compute and enter upon the assessment roll the amount of taxes due from each taxpayer; and on or before the first Monday of October of each year, he shall deliver such assessment roll, so completed, to the city collector.

SEC. 17. Said city clerk and assessor shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, by law, or by the ordinances of the city; and at the expiration of his official term he shall deliver to his successor in office all books, papers, records, maps, descriptions of property and other articles and things, belonging to the city and pertaining to his office.

*The City Treasurer and Collector.*

SEC. 18. There shall be a city treasurer who shall be, ex-officio, city collector of Salinas City. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately preceding his election

SEC. 19 Any vacancy in the office of city treasurer and collector shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

SEC. 20. As city collector.

1 He shall collect and receive all taxes, general and special, levied by Salinas City, and all city licenses and other money due and payable to said city, except where the collection of such licenses or other moneys is, by the provisions of this charter or by ordinance, otherwise provided for.

2. He shall give a receipt, in writing, for all moneys received by him, to the person paying the same.

3. He shall, at all times, keep accurate books of account of the moneys received by him; showing in detail all sums of money paid to him, the name of the person paying the same, the date and purpose of such payment and the time at which all money received by him is paid into the city treasury.

4. He shall at each regular meeting of the council, present a report of all money collected or received by him during the preceding calendar month.

SEC 21 As city treasurer:

1 He shall receive all money belonging to Salinas City and all other money directed by law to be paid to him; safely keep the same, and apply and pay out such money only in the manner prescribed in this charter or by law

2 All money belonging to the city paid to him must be accompanied by a certificate of the city clerk authorizing him to receive it, and without such certificate he shall not accept such money. He shall file and preserve all such certificates, and shall give all persons paying money into the city treasury, a receipt for the same, to be filed with the city clerk.

3. He shall pay out no money, other than the principal and interest of the city's bonded indebtedness, except upon warrants properly drawn and countersigned, as required by the provisions of this charter

4 He shall keep accurate books of accounts of all receipts and disbursements of public money, in which must be entered each sum of money paid to him, the date, the name of the person paying the same, the purpose of the payment and the fund to which it is apportioned; also, the amount of each disbursement, the date, the name of the person receiving the same and the purpose for which it is expended Such books shall be so kept that the amounts received and paid out on account of each separate fund shall be exhibited in a distinct manner, and the entire receipts and disbursements of the treasury shall be shown in one general cash account

5. He shall, at the end of each fiscal year, make and deliver to the council, a detailed report and itemized statement of all receipts and disbursements of the city treasury and of each of its funds during such year, and of the amount in each of said funds at the end thereof

SEC 22. The city treasurer and collector shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city; and at the expiration of his official term, he shall deliver to his successor in office all money, books, records, accounts, papers and other property, belonging or pertaining to the city and in his possession, custody or control

*The City Engineer and Street Superintendent.*

SEC 23. There shall be a city engineer who shall be, ex-officio, street superintendent of Salinas City. He shall be appointed by the council at its first regular meeting after each regular municipal election and shall hold office for a term of two years and until his successor is appointed and qualified He must be a civil engineer and surveyor, who has had at least two years' practical experience as such, a citizen of the State of California and a resident of Salinas City at the time of his appointment. Any vacancy occurring in the office shall be filled by appointment, by the council, and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 24 As city engineer:

1 He shall possess the same power, in Salinas City, in making surveys, maps, plats and certificates as now is or at any time hereafter shall be given, by law, to county surveyors; and all his official acts and all surveys, maps, plats and certificates made by him shall have the same validity and be of the same force and effect as those of county surveyors.

2. He shall attend all meetings of the council and advise it respecting all engineering and similar matters.

3 He shall make all inspections, surveys and estimates required by the council, and, when requested by it, shall examine and report upon any proposed improvement repair or alteration in any public work, building, or structure of the city.

4. He shall make all surveys, maps, plats, etc., required by the city.

5 He shall perform all such civil engineering and surveying as is necessary in the prosecution of all public work; superintend the execution of such works and certify as to the progress or completion thereof

6. He shall have charge of the system of street monuments and bench marks; cause them to be promptly replaced when disturbed and extend the system as rapidly as practical to all streets within the city.

7. He shall, upon the application of any person owning or interested in any real property within the city, and the payment of such fees as the council shall prescribe therefor, make a survey, and deliver to such person a plat of such real property.

8. He shall be the custodian of all maps, plats, profiles, field notes and memoranda belonging to the city and pertaining to his office; all of which he shall keep properly indexed and systematically arranged for inspection and use

9. All maps, plats, profiles, estimates, field notes and other memoranda made by him or under his direction, in pursuance of the duties of his office, shall be and remain the property of Salinas City and must be delivered by him to his successor in office.

SEC 25. As street superintendent:

1. He shall have general care and superintendence of all streets, alleys, roads, highways, public squares and places in Salinas City; shall frequently inspect the same; remove all unlawful obstructions therefrom and cause the same to be kept in repair and suitable condition for use

2. He shall receive and investigate all complaints respecting the conditions of streets and highways within the city; and shall, from time to time, report the condition thereof to the council, and recommend such repairs and permanent improvements thereon as he may deem necessary, or desirable.

3. He shall enforce all laws and ordinances, and the orders and regulations of the council concerning the use, occupation and obstruction of streets and public places and shall have authority to arrest any person violating the same

4 He shall cause all ordinances and regulations of the council concerning the numbering of houses to be enforced and observed

5. He shall superintend all street work and improvement, public or private, whether done by contract or otherwise; shall inspect all material used therein and shall reject all material found to be defective, improper or unsuitable In case such work is being done by contract, he shall see that the terms of such contract are carefully observed by the contractor, notify the council of any deviation therefrom and, pending an investigation by that body, may suspend such work.

6. He shall supervise the cleaning and sprinkling of streets and shall see that all contracts therefor are fully performed on the part of the contractor.

7 He shall have general charge and supervision of the city's sewerage systems, both sanitary and drainage, shall see that all main and lateral sewers are maintained and kept, at all times, in good repair and suitable condition for use; shall cause said sewers to be flushed and properly cleansed; shall enforce and cause to be strictly observed all ordinances, rules and regulations of the city concerning connections with and the use of the city's sewers, and may arrest any person violating the same; shall issue permits for all connections with sewers and supervise the making thereof; shall superintend all extensions of the sewerage systems and the constructions of all new sewers, shall make and keep an accurate map or plat of the said sewerage systems, showing the location and grade of all sewers, flushers, manholes, etc, and all connections with such sewers; and shall perform such other duties in and about said sewers as the council may, at any time, require.

SEC 26 Said city engineer and street superintendent shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city, and at the expiration of his official term, he shall deliver to his successor in office all books, records, maps, plats, profiles, field notes, memoranda and other property pertaining to his office and belonging to the city.

*The City Attorney.*

SEC. 27. There shall be a city attorney of Salinas City, who shall be appointed by the council and shall hold office during its pleasure. He must be an attorney at law, duly admitted and licensed to practice in the Supreme Court of the State of California, who has been actively engaged in the practice of his profession for at least five years, and who has been a resident of Salinas City for not less than three years immediately prior to his appointment

SEC. 28 The city attorney shall prosecute, in behalf of the people, all persons charged with violating any of the provisions of this charter or any city ordinance, and he shall attend, on behalf of Salinas City, to all actions and legal proceedings to which said city or any officer thereof, in his official capacity, is a party, or in which it is legally interested; *provided*, that the council shall control all such litigation and may employ special counsel to assist the city attorney.

SEC 29 He shall attend all meetings of the council and advise it in such matters as it may require. He shall be the legal adviser of all other boards and officers of the city's government and, when requested, shall give his opinion in writing, upon any legal matter, concerning the city's affairs, that may be submitted to him

SEC 30. He shall approve the form of all official or other bonds given to, or for the benefit of Salinas City and of all contracts to which said city or any officer thereof, in his official capacity, is a party, and shall endorse such approval, in writing thereon He shall, when requested by the council or any committee or member thereof, draft any proposed ordinance or resolution

SEC. 31. He shall, upon the written direction of the mayor, commence and prosecute to judgment, an action, in the name of Salinas City, against any person who has failed, in whole or in part to carry out any contract or agreement with the city, and against the sureties on the bond or undertaking of such person, if any was given

SEC 32. He shall, on the first Monday in each month, together with the mayor and city clerk, count all money in the city treasury; and he shall perform such other services as may be required of him by the provisions of this charter, or by the ordinances of the city.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

*The Police Court.*

SECTION 1. The judicial power of Salinas City shall be vested in a police court which shall be termed the Police Court of Salinas City, and shall be held by a police judge.

SEC 2. Until the council shall cause the election of a police judge, as hereinafter provided, the mayor may appoint any justice of the peace of Monterey county, residing in Salinas City, police judge to hold said police court. Such appointment must be in writing and filed with the city clerk, and may be revoked at any time

SEC. 3. The council may, at any time not less than ninety days prior to a regular municipal election, provide by ordinance for the election of a police judge and thereafter a police judge shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately prior to his election. Any vacancy shall be filled by appointment by the mayor, which appointment must be confirmed by the council and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 4. In all cases to which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, and when by reason of sickness or other cause he is unable to act, the police judge may call in any justice of the peace of Monterey county to hold such police court and act in his place and stead.

SEC. 5 Said police court shall have exclusive jurisdiction:

1. Of all prosecutions for violations of city ordinances.

2. Of all actions for the recovery of any fine, penalty or forfeiture and enforcement of any obligation or liability, prescribed or created by the city ordinances and in which the sum sued for is less than three hundred dollars.

3 Of all actions for the collection of any tax or assessment levied for any purpose, where the amount of the tax or assessment sought to be collected from the person assessed is less than three hundred dollars; *provided*, that no liens upon the property assessed for, or on account of such assessment or tax shall be foreclosed in such action.

SEC. 6 Said police court shall have jurisdiction of the following offenses committed within the corporate limits of Salinas City:

1. Petit larceny.

2 Assault or battery, not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the same a felony.

3. Breaches of peace, routs, riots, affrays, committing willful injury to property and all misdemeanors punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

4 Proceedings respecting vagrants and lewd or disorderly persons.

SEC 7. Said police court shall have concurrent and co-ordinate jurisdiction with justice's courts in all actions and proceedings, civil and criminal, arising within the corporate limits of Salinas City and which might have been tried in a justice's court

SEC. 8 The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations and take and certify acknowledgments He may punish persons guilty of contempt of court and may issue warrants of arrests, subpœnas, venires, commitments, executions and all other necessary and proper writs and process, in the same manner as justices of the peace, and within the city, shall have the same power, authority and jurisdiction as such justices

SEC. 9. In all proceedings in said police court, the rules of pleading, practice and procedure shall be the same as now are or may hereafter be prescribed for justice's court.

SEC. 10. Appeals may be taken to the Superior Court of the county of Monterey, State of California, from the judgments and orders of the police court of Salinas City in all cases in which appeals now are, or may hereafter be authorized by law from justice's courts or police courts.

SEC. 11. Said police court shall be open at all times for the transaction of business

SEC. 12 The council shall provide court room with furniture, blanks, docket and stationery for the police court, and the chief of police shall provide a bailiff for said court and cause its writs and process to be promptly executed

## ARTICLE V.

### SCHOOL DEPARTMENT.

SECTION 1 The school department of Salinas City shall consist of all public schools within the corporate limits of said city, including primary, grammar and high schools and all other schools supported by public revenue.

*The Board of Education.*

SEC. 2. The government of the school department of Salinas City shall be vested in a board of education consisting of five members, who shall be termed school trustees. At each regular municipal election, one school trustee shall be elected from each ward, by the qualified electors thereof, and one shall be elected from the city at large, and they shall hold office for a term of two years The school trustee elected from the city at large shall be the president of the board of education. Every trustee must be a citizen of the State of California, not less than twenty-five years of age and the head of a family and must have resided in Salinas City for at least five years immediately preceding his election. The trustees elected from the respective wards must, also, be residents of the wards from which they are chosen.

SEC. 3. Any vacancy in the office of school trustee shall be filled by appointment by the board of education The person so appointed must possess all the qualifications herein prescribed for school trustees and shall hold office during the remainder of the unexpired term.

SEC. 4 The board of education shall meet on the first Monday in July after each regular municipal election and organize; and it shall thereafter hold regular meetings not less than once each month, at such time and at such place, within the city, as it may, by resolution, determine. Special meetings of the board may be called at any time by the president or by any two members thereof, by a notice in writing, specifying the time and place of holding such special meeting and the purpose for which it is called, and no business shall be transacted at such meeting other than that specified in the call. A copy of such notice must be personally served upon every member of the board then in the city not less than twelve hours prior to the time fixed for the meeting; *provided* that a special meeting of the board may be had at any time, without notice, if all the members are present and consent, in writing, thereto.

SEC. 5 All sessions of the board shall be public. A majority of its members shall constitute a quorum for the transaction of business and the affirmative votes of three members shall be necessary to pass or adopt any order or measure or elect any teacher.

SEC. 6. The board of education may make and adopt rules for its proceedings and enforce the same It shall cause a record of its proceedings to be kept by its secretary, under its directions, which record shall be open to public inspection and, when demanded by any member of the board, the vote upon any matter shall be taken by "ayes" and "noes" and entered in such record.

*Powers of the Board of Education.*

SEC. 7 In addition to the powers conferred and the duties prescribed by the laws of this state, the board of education shall have power:

1. To establish and maintain public schools, as herein provided, and to change, modify, consolidate, or discontinue the same.

2. To employ and dismiss teachers, janitors, school census marshals and such other persons as may be necessary to carry on the work of the school department, and to fix, alter, allow and order paid their salaries or compensation and to withhold, for good and sufficient cause, the whole or any part of the compensation of any person or persons employed as aforesaid.

3. To manage and control all school property and property belonging to the school department, and to insure the same.

4. To make, establish and enforce all necessary and proper rules and regulations for the government of the public schools

5 To prevent truance and compel the attendance at school of children between the ages of six and fourteen who may be found idle in public places during school hours.

6. To investigate all charges preferred against employés of the school department, take testimony therein and to prescribe rules for the conduct of such investigations.

7 To establish and regulate the grade of schools; to prescribe the course of study and mode of instruction to be pursued therein and to determine what text-books, in addition to those published by the state, shall be used in said schools; but any text-book adopted by the board shall not be changed for a period of six years after it is adopted.

8. To provide the school department with all necessary supplies, including registers, stationery, blanks, maps, chemicals, mechanical apparatus, light, fuel and all other articles and things necessary for carrying on the public schools and maintaining the department.

9 To build, alter, repair, rent and provide school houses; to furnish the same with proper school furniture and apparatus and to provide for cleaning and lighting the same.

10. To grade, fence and improve school lots.
11. To prohibit children under six years of age from attending public schools, other than kindergarten schools.
12 To admit non-resident children to any school in the department, upon the payment of such tuition fees as it may fix therefor
13. To furnish text-books and other necessary books to children whose parents are unable to furnish them, and to provide for the preservation and return of such books after use
14 To receive and manage any property or money acquired by bequest or donation, in trust for the benefit of any school, educational purposes, or school library and to carry into effect the terms of such bequest or donation. so far as not in conflict with law.
15. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.
16 To exclude from schools and school libraries all books, publications and papers of a sectional, partisan or denominational character
17. To provide and maintain school libraries and prescribe rules for the government thereof
18. To examine and allow, in whole or in part, or reject all claims and demands payable out of the school fund.
19. To use and apply the city's school fund for, and to the purposes herein named, but, no other.
20 To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools and support of the school department of Salinas City during the next fiscal year, and report such estimate to the council prior to the first Monday in August of each year. Such estimate shall show, in detail, the amounts of money required, in addition to the state and county school moneys, to maintain the primary and grammar schools, the amount required for the high school and such other schools as may be maintained by the board, and the amount necessary to pay all fixed and incidental expenses of the department The council, when fixing the annual tax rate, shall levy and assess, as a school tax for the support and maintenance of the school department, such amount as the board of education has reported necessary for that purpose. provided that such assessment shall not exceed twenty-five cents on each one hundred dollars valuation of property appearing on the city assessment roll for the current fiscal year.
21 To do and perform all other acts and things that may be necessary and proper in the exercise of the powers conferred upon said board, or to enable it to perform the duties imposed upon it by the provisions of this charter.

SEC 8. The board of education shall prescribe a course of study in the Salinas High School that will fit and prepare students to enter any department of the State University.

SEC. 9 The board of education may provide and maintain schools for the training of pupils for industrial and domestic and commercial vocations and may furnish such schools with the necessary tools, implements, apparatus and appliances.

SEC. 10. The school year shall consist of forty weeks

SEC 11. On or before the first day of April of each year, the board of education shall appoint a school census marshal and fix his salary or compensation The census marshal shall perform such services as are required of him by the laws of the State of California and such additional services as the board may prescribe.

SEC. 12. All teachers employed in the public schools of the city shall possess the qualifications required of teachers by the board of education of Monterey county; must have had not less than two years' actual experience as a teacher in the public schools of this state, and shall possess such other qualifications as the board may, by rule, prescribe, *provided*, that persons employed to teach special subjects need possess only such qualifications as shall demonstrate their fitness for their special work.

SEC. 13. The board of education shall not employ any person for a period of more than one year, and in the absence of a special contract in writing (which shall not be for a period exceeding one year) no election or appointment of a teacher, janitor or other employé shall constitute a contract, either as to any fixed duration of employment or rate of compensation, but the board shall at all times have power to dismiss any teacher, janitor, or employé, or to alter the amount of their salary or compensation

SEC. 14. All contracts for building school houses and all contracts for altering, repairing, painting and furnishing the same when the expense thereof exceeds one hundred dollars, and all contracts for supplying fuel, stationery, school supplies, etc, shall be let to the lowest responsible bidder, after due public notice given by publication for at least ten days in a daily newspaper, published and circulated in Salinas City. The person to whom any such contract is awarded may be required to give security to the city for the faithful performance thereof, in such reasonable sum as the board of education may fix and with such sureties as said board may approve. The board shall at all times have the right to reject any and all bids for such contracts.

SEC 15. Each school trustee shall personally visit every school in the city at least twice during each school term, and examine carefully as to the condition, management and wants thereof; and failure to comply with the provisions of this section shall be ground for removal from office.

*City Superintendent of Schools.*

SEC. 16. The board of education shall, on the first Monday of July of each year, elect a city superintendent of schools who shall be, ex-officio, secretary of the said board and

shall hold office for a term of one year. He must be a practical educator, possessing all of the qualifications herein prescribed for teachers and not less than twenty-five years of age at the time of his election. Any vacancy in the office shall be filled by the board of education and the person so elected shall hold office during the remainder of the unexpired term.

SEC. 17 The city superintendent of schools shall, subject to the board of education, have general charge of all school houses and school property belonging to the department, and shall see that the same are not injured, wasted or destroyed. He shall have general supervision and control of the public schools in the city, and the teachers employed therein; shall report to the board any misconduct, inattention, negligence, or lack of ability on the part of any teacher and may, when he deems that the interests of the department require, suspend any teacher from duty and report such suspension, together with the cause thereof, to the board at its next meeting. He shall cause all rules and regulations adopted by the board of education for the government of schools to be strictly enforced and observed and may suspend or expel any pupil for violation thereof, willful destruction of or injury to school property or misconduct, reporting such action to the board at its next meeting Any pupil suspended or expelled may appeal to the board of education, which must, thereupon, without unnecessary delay, examine into the matter and may affirm, modify or reverse the order of the superintendent

The city superintendent shall grade the classes in the schools and classify the pupils as to the grade and classes they shall attend and, subject to the power of the board to change the same, shall assign teachers to such classes as he deems proper. He shall see that none but the authorized text-books are used; shall, from time to time, recommend to the board such alterations or changes in, or additions to the course of study, the grade of schools, list of authorized text-books and the rules and regulations of the department as he may deem beneficial. He shall, in June of each year, make to the board a full and detailed report of the progress of schools during the past year, their present condition; the number of teachers employed and pupils instructed in each department; the condition of the school houses, furniture, apparatus and school property and such other matters as may be required of him, and he shall perform such other duties concerning the school department, as may be required of him by the provisions of this charter, by the laws of the state, or by the rules or regulations of the board of education.

SEC. 18. The city superintendent of schools, as secretary of the board of education, shall attend all meetings of said board and keep a record of its proceedings and he shall have power and authority to administer oaths and affirmations concerning any claim or demand payable out of the school funds and other matters relating to his official duties. He shall prepare and, on the first Mondays in January and July of each year file with the city clerk, an itemized statement showing the income and revenue of the school department for the six months last past, its disbursements and its financial condition at the end of said time.

*The School Fund.*

SEC. 19. The school fund of Salinas City shall consist of all moneys received from the state and county school fund, all moneys arising from taxes which shall be levied for school purposes in the city, all money arising from the sale, rent or exchange of any school property and such other moneys as may, from any other source, be paid or contributed to the city for school purposes Said fund shall be kept separate and distinct from any other moneys of the city and shall be used for school purposes only, and in the manner provided in the charter. If at the end of any fiscal year, any surplus remains in the school fund, it must be carried forward to the next fiscal year and no part of said fund shall be transferred or diverted to any other fund or be used for any purpose not herein authorized

SEC. 20. In case of disaster from riot, earthquake, fire, or the public enemy, or in case any of the buildings belonging to, or used by the department are in urgent need of repair, the board of education, with the approval of the council, may incur extraordinary expenditures in excess of the annual limit prescribed, and the council may cause to be transferred to the school fund, from any money in the city treasury not otherwise appropriated, a sum sufficient to defray such extraordinary expenditures.

SEC. 21. All claims and demands payable out of the school fund, shall be itemized and made out on blank forms adopted and furnished by the board of education for that purpose, verified by the oath of the claimant or some other person in his behalf, and filed with the secretary of the board, and until a claim is so made out, verified and filed, the board shall not consider or act upon it. At its regular monthly meeting, the board shall examine and allow, in whole or in part, or reject all such claims then on file with its secretary. The secretary shall keep a record of all such claims, showing the date, nature and amount of each, the name of the claimant and the action of the board of education concerning the same; and he shall draw and countersign a warrant or requisition for the amount of all allowed claims, which shall be signed by the president of the board and delivered to the claimant, his agent or assignee. The secretary of the board shall, also, on the first Monday of each month, without presentation of a claim therefor, draw and countersign a warrant or requisition for the salaries of all teachers, janitors and other permanent salaried employés of the school department, for the preceding calendar month, which shall be signed by the president of the board and delivered to the persons in whose favor they are drawn.

## ARTICLE VI.

### ELECTIONS.

SECTION 1. Elections held in Salinas City for municipal purposes shall be of two kinds, namely, regular municipal elections and special municipal elections.

SEC. 2 Regular municipal elections shall be held in this city biennially, on the first Monday in June, commencing on the first Monday in June, 1903. At the first regular municipal election held under the provisions of this charter, there shall be chosen all of the elective officers herein provided for, and at each regular municipal election thereafter, there shall be chosen a mayor, city clerk and assessor, city treasurer and collector, one councilman from each ward, one school trustee from each ward and one school trustee from the city at large.

SEC. 3 All officers elected at a regular municipal election shall, unless herein otherwise provided, take their respective offices on the first Monday in July next succeeding their election, at twelve o'clock, noon, of that day.

SEC. 4 Special municipal elections shall be held at such times and for such lawful purposes as the council may determine.

SEC 5 The general laws of the State of California, concerning elections, shall, so far as applicable and not inconsistent with the provisions of this charter, apply to and govern all municipal elections in the city; and the council and city clerk, respectively, shall exercise the powers and perform the duties, concerning elections, conferred and imposed by those laws, upon boards of supervisors and county clerks.

SEC. 6 The council shall, by ordinance, call all regular and special municipal elections and provide for giving notice thereof for at least thirty days prior thereto and for holding and conducting the same

SEC 7. The council may district and divide the city into municipal election precincts for municipal election purposes and may alter the same, and in so doing shall follow as closely as possible the lines of the precincts established in said city by the board of supervisors of Monterey county for general election purposes, but each ward shall constitute at least one precinct and no municipal election precinct shall embrace parts of two or more wards.

SEC. 8. The council shall appoint all election officers; provide and designate voting places in each municipal election precinct and cause to be procured and furnished at such voting places, at the time fixed for each municipal election, all necessary furniture, apparatus and stationery.

SEC 9. Every person who resides within the corporate limits of Salinas City at the time of holding any municipal election, who was a qualified elector at the general state election immediately preceding such municipal election and who at the time of holding such general state election was upon the great register of Monterey county as a qualified elector of any one of the precincts which compose the municipal election precinct in which he resides at the time of such municipal election, shall be entitled to vote at such municipal election without other or additional registration.

Any other person residing within the city at the time of holding a municipal election, who has been registered upon the great register of Monterey county as an elector of and within one of the precincts comprising the municipal precinct wherein he resides, at least twenty-five days prior to such election, and who resides within the exterior boundaries of such municipal election precinct at the time of such election, shall also be entitled to vote at such municipal election

SEC 10. The register of municipal elections to be used at each municipal election precinct, shall consist of a copy of the great register of Monterey county used at the last preceding state election, for the precincts which compose each municipal election precinct, together with the additional names of those persons who, by registration since such election, are entitled to vote at the municipal election and within such municipal election precinct.

SEC 11. The council shall, prior to each municipal election held in this city, procure from the county clerk of Monterey county, or cause to be prepared, certified and indexed, a municipal election register for each municipal election precinct in the city, and furnish the same with a sufficient number of indexes thereof, to the board of election officers of such precinct.

SEC 12. The election returns from each municipal election precinct shall, as soon as completed and sealed, be filed with the city clerk, who shall keep the same in some secure place and permit no person to handle, inspect, examine or in any manner interfere therewith until canvassed by the council. After being canvassed, they shall be sealed and kept by the city clerk for a period of one year and shall be opened only upon the order of a court of competent jurisdiction If at the end of that period, no contest or other legal proceeding concerning said election has been commenced or is pending, the clerk shall burn said returns and all ballots and other records delivered to him therewith, without opening or in any manner examining the same

SEC 13. The council shall meet within five days after each regular or special municipal election held in this city, and canvass the returns and declare the result thereof

SEC 14. The city clerk shall, forthwith, issue to every person who has been appointed, or who has been declared elected to any city office and who has filed the statement of moneys furnished and used in aid of his election, as required by the general laws of the state, a certificate of such appointment or election, under his hand and the corporate seal of the city, which certificate he shall deliver to such person.

## ARTICLE VII.

### POLICE DEPARTMENT.

SECTION 1 The police department of Salinas City shall consist of a permanent force of such number of policemen, not less than three, as the council shall, from time to time, determine. The government and control of the police department shall be vested in the council.

SEC. 2. All policemen shall be appointed by the council and shall hold office until removed in the manner herein provided Every policeman must be a citizen of the State of California and a resident of Salinas City for at least one year immediately prior to his appointment. He must also be a man of good reputation for honesty, morality and sobriety; not less than twenty-five nor more than fifty years of age, able to read and write the English language without difficulty and must successfully undergo such physical examination as the council may, by rule, prescribe. No person shall be appointed a policeman who has ever been convicted of a felony or of any offense involving moral turpitude or actual dishonesty, or who is deficient in health, strength or courage. In making such appointments, the council shall be guided by the fitness of the applicant for the position and no person shall be appointed to, or removed from the police force on account of his political opinions.

SEC. 3. The council shall fix the salary or rate of compensation of all officers and members of the department and provide for the payment thereof; prescribe their badges of office and uniforms, make and adopt such rules and regulations for the government of the police force as it may deem necessary or proper and prescribe penalties for the violation thereof; hear and determine all complaints and charges of misconduct, inefficiency, violation of the rules of the department, or other offenses made against any officer or policeman and, if found guilty, punish the offenders by a fine, suspension or dismissal, as it deems proper.

SEC. 4 Members of the police force shall promptly obey all lawful orders of their superiors and the rules and regulations of the department; enforce the laws of the state and the ordinances of the city; suppress all riots, affrays and disturbances of the peace; abate nuisances; be diligent in the detection of crime and the arrest and conviction of public offenders and perform such other duties as may be required of them by the council or by law.

SEC. 5. The council shall, from the members of the police force appoint a chief of police, who shall hold office during its pleasure.

SEC. 6. Subject to the general supervision of the mayor, the chief of police shall have command and control of the police force. He shall cause the rules and regulations of the department to be enforced and obeyed and may suspend any policeman for the violation of such rules, disobedience of orders, neglect of duty, drunkenness, or misconduct, reporting such suspension, with the cause thereof, to the mayor at once and to the council at its next meeting. He shall cause the laws and the city ordinances to be enforced within said city and see that all lawful orders and process of the council and the city police court are promptly executed. For the purpose of suppressing riots, public tumults and disturbances, or organized resistance of the law or of public officers in the performance of their duties, he shall, within Salinas City, have all of the powers which are now or may hereafter be conferred upon sheriffs and his lawful orders shall be promptly obeyed by all policemen. He shall have charge and control of the city prison and all persons detained therein and shall perform such other duties as may be required of him by law, the provisions of this charter, the ordinances of the city and the rules and orders of the council.

SEC. 7. The council may create and appoint such subordinate officers of the police department as it may deem necessary or desirable, prescribe their duties and fix their compensation.

SEC. 8. No officer or member of the police department shall take any part whatever in any political caucus or convention, or be a member of any political club or committee, or take part in any primary or regular election, except to vote thereat; and disobedience of the provisions of this section shall be punished by dismissal from the department.

SEC 9 The chief of police and all members of the department shall devote their entire time to the discharge of their official duties and shall not absent themselves from the city, except in pursuit of persons accused of crime, without first obtaining leave of absence from the council.

SEC. 10. Any policeman shall have authority to execute all orders and process of the city police court, both civil and criminal

SEC 11. Whenever the council shall deem it necessary, a patrol system may be provided for the use of the police department.

SEC. 12. No regular member of the police department shall be dismissed or discharged therefrom, except for cause after a trial before the council. Every member shall have notice of any charge or complaint preferred against him and of the time and place fixed for hearing the same and may appear and defend, either in person or by attorney. The council shall prescribe rules for the conduct of such trials and investigations

SEC. 13. In addition to the regular police force, the mayor may, when in his judgment circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, unless the council shall authorize a

longer employment. They shall perform the same duties as regular policemen and shall receive such compensation as the council shall prescribe.

The council may, upon the petition of any person, firm or corporation, residing or having property interests in Salinas City, appoint one or more special policemen for special service. The locality where each of such last mentioned special policemen is to act shall be set forth in his certificate of appointment, and they must be paid by the person, firm or corporation requiring their services.

All special policemen shall have the same powers and perform the same duties as the regular police officers, and shall be under the direction and control of the chief of police and subject to the rules and regulations of the police department.

## ARTICLE VIII.

### FIRE DEPARTMENT

SECTION 1. The fire department of Salinas City shall consist of a chief engineer and such other officers as the council may, by ordinance, create; such volunteer or paid fire companies as may be admitted thereto by the council; the city's fire alarm telegraph system; all fire engines and apparatus for preventing or extinguishing fires belonging to the city and all persons employed in or about the preservation or use thereof

SEC. 2. The council shall, by ordinance, provide for the organization, maintenance and government of the fire department; the organization and admission thereto of such volunteer or paid fire companies as it may deem proper, and for the election or appointment of the chief engineer and such other officers as it may create and such employés as it may deem necessary. The council shall also cause the fire department to be supplied with all necessary apparatus and appliances for the prevention and extinguishment of fires, and provide for the proper care and preservation thereof.

SEC. 3. The council may, by ordinance, authorize the fire companies belonging to the department, or the officers of the department, or such thereof as it may designate, to adopt such rules and regulations for the government of said companies and the department as are not inconsistent with the provisions of this charter or the ordinances of the city, and may provide for enforcing such rules and regulations.

SEC. 4. The chief engineer shall be the executive officer of the fire department and ex-officio fire marshal of the city. He shall possess such qualifications, shall be chosen in such manner, and shall serve during such term as the council may provide He shall have general supervision and control of all subordinate officers, the members and employés of the department and the apparatus and appliances belonging thereto; shall cause the laws, orders, rules and regulations thereof and the ordinances concerning the department to be observed and carried into effect and shall perform such other duties as the council may prescribe. He shall also act as fire warden of the city and see that all ordinances relating to the fire limits, the construction of buildings and the storing of combustible material and explosives within the city limits are enforced and observed; and in the performance of his official duties he shall have the same power and authority to make arrests as that vested in police officers.

## ARTICLE IX.

### DEPARTMENT OF PUBLIC HEALTH.

*The Board of Health.*

SECTION 1. The department of public health of Salinas City shall be under the management and control of the board of health. Said board shall consist of three members, appointed by the mayor and confirmed by the council, each of whom shall be at least thirty years of age and a resident of Salinas City for not less than two years immediately preceding his appointment Two of the members of said board must be physicians, duly licensed according to the laws of the State of California, who have been actively engaged in the practice of their profession for not less than five years prior to their appointment

SEC. 2. The first mayor elected under the provisions of this charter shall, within thirty days after taking office, appoint the members of the board of health Those first appointed shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years; and after said board is first appointed, the mayor shall in the month of July of each year appoint one member thereof to serve for a term of three years and until his successor is appointed, confirmed and qualified. Any vacancy in the board shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall serve during the remainder of the unexpired term

SEC. 3 Immediately after the appointment and qualification of its members, the board of health shall organize by electing from its own number a president and secretary, who shall hold their respective offices during the pleasure of the board. Said board shall hold regular meetings at least once in each month, at such times and place as it shall, by resolution, determine, and it may hold special meetings at any time, upon the call of the president or any two members of the board. All meetings of the board must be public and two members shall constitute a quorum for the transaction of business

SEC 4. The board of health, subject to the ordinances of Salinas City, shall have supervision of all matters pertaining to the sanitary condition of the city and the public

buildings and institutions thereof; and full powers are hereby granted to said board to remedy all cases of foul or defective drainage, to cause the sanitary cleaning and disinfecting of streets, alleys, cellars, cesspools, sewers and low places within the city and to abate all nuisances within said city likely to produce disease or to injuriously affect the health of the inhabitants thereof.

SEC. 5 The board of health shall be the custodian of all birth, death, cemetery and other similar records, now belonging to Salinas City or which may hereafter be kept by the authority of this charter or any ordinance of the city, and said board shall adopt and cause to be published such forms for the use of physicians, midwives, undertakers and superintendents of cemeteries and enact such rules and regulations for the use thereof, as it may deem best calculated to secure reliable vital and mortality statistics and to carry into effect such ordinances as the council may pass for that purpose.

SEC. 6. The board of health shall have power and authority to provide for the inspection of milk, meat, vegetables, fruit and other articles of food sold or offered for sale in the city and to carry into effect all ordinances and regulations of said city intended to prevent the sale of unwholesome food therein, and said board may cause any of the aforesaid articles, when found infected with disease, in an impure, diseased or unwholesome condition, or for any other reason, unfit for human consumption, to be seized and destroyed.

SEC. 7. The board of health shall have general charge, supervision and control of all hospitals and pesthouses which may be established or maintained by the city; shall appoint and discharge all physicians, nurses, and other employés in and about such institutions and prescribe their powers and duties; and may adopt and enforce such rules and regulations as it may deem necessary and proper for the government thereof.

SEC. 8. Whenever a case of leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria or any other highly contagious or infectious disease is found in Salinas City, the board of health may cause the person afflicted to be removed to a hospital or pesthouse, or it may quarantine the premises where he is situated, exhibit a yellow flag or a notice at a conspicuous place thereon, and cause the quarantine to be strictly enforced so long as the public safety requires, by placing guards about said premises or otherwise.

SEC. 9. The board of health may proclaim such quarantine, and establish and declare such quarantine districts and the boundaries thereof as may, in its judgment, be necessary for the preservation of the public health; and it may, when deemed necessary, require all railroad cars and other public conveyances, before the same stop or discharge passengers at any depot or other stopping place in the city, to stop at a district selected for quarantine purposes and leave such persons with their stores and baggage as in the opinion of the board or of physicians acting under its directions, may be deemed necessary.

SEC. 10. The board of health may make such rules and regulations for the government and proper management of quarantine, as it may deem necessary.

SEC. 11. The board of health may require the owner of any building, house, room or premises, where any person afflicted with leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria, consumption, or any other contagious or infectious disease has been confined, or where any person has died from any such disease, to be disinfected before the same is again used, or to cause the same to be disinfected and recover the cost thereof from the owner of such premises.

SEC. 12. The board of health may condemn and cause to be disinfected or destroyed any beds, bedding, clothing, or other articles of personal property which have been exposed to infection with any infectious or contagious disease.

SEC. 13. The board of health shall prescribe rules and regulations for the fumigation and disinfection of buildings, premises, bedding, clothing and other articles which have been infected or exposed to infection with any contagious or infectious disease; and all disinfections required by any ordinance or regulation of Salinas City shall be conducted in conformity with such rules and to the satisfaction of the board.

SEC. 14. The board of health shall at least once in each year and oftener if required by the council, visit all school houses and public buildings in the city and examine the manner in which they are lighted, ventilated and heated and especially into their sanitary condition and report the condition thereof to the council.

SEC. 15. Whenever the board of health shall determine that any building or part thereof is unfit for human habitation, by reason of its being infected with disease or from any other cause, so that it is likely to cause sickness among its occupants it may cause said building to be vacated and remain vacant until placed in a proper sanitary condition.

SEC. 16 The council shall, by ordinance or otherwise, provide for carrying into effect the powers herein granted to the board of health and enforcing such orders and regulations as it may, from time to time, adopt, and all expenses necessarily incurred by the board in the performance of its duties shall be a charge against the city and, after being certified by the board, shall be audited and allowed by the council.

SEC. 17. In the absence of a health officer, the chief of police shall be the executive officer of the board of health and he shall at all times, upon the demand of the board, detail a sufficient number of regular or special police officers to maintain all quarantines proclaimed by it and enforce its lawful orders.

SEC. 18. The council may at any time, by ordinance, authorize the appointment of a health officer of Salinas City, but when such office is so created it shall not be abolished. The health officer shall be appointed by the board of health and shall hold office during

its pleasure. He shall be a citizen of the State of California and must have resided in the city for at least one year immediately before his appointment. He shall attend all meetings of the board of health and shall be the executive officer of said board. He shall see that all quarantines declared by it are strictly enforced and that its lawful orders are observed and obeyed; superintend all cleansings and disinfections required by it; act as food inspector; issue all permits for burial in and removal from all cemeteries in, or belonging to the city and perform such other duties as may be required of him by law, the ordinances of the city and the orders and regulations of the board of health He shall have the same powers of a police officer to arrest persons for violations of the city's sanitary ordinances. With the consent of the council, the health officer may appoint as many deputies as he may require to assist him in properly discharging his official duties.

SEC. 19. All members of the board of health, the health officer and any employee of said board when authorized by it, shall have the right at all reasonable hours, to enter upon any private premises or into any private house or building for the purpose of examining into the sanitary condition thereof, or to ascertain whether any nuisance or condition detrimental to the public health exists thereon or therein.

## ARTICLE X.

### TAXATION AND REVENUE.

SECTION 1. The council shall annually levy and collect a tax upon all real and personal property, situated within Salinas City, made taxable by law for state and county purposes.

SEC. 2. On or before the first Monday in July of each year, the city assessor shall make and complete his list of taxable property or assessment roll for the city and shall attach his certificate thereto and deliver the same to the council. Upon receiving such assessment roll, the council shall fix the times and place for meetings of the board of equalization and the city clerk shall give notice thereof by publication, for at least ten days prior thereto, in a daily newspaper, published and circulated in Salinas City.

SEC. 3. The council shall constitute the board of equalization to equalize said assessment roll It shall meet on at least three different days, at such times and place as the council may fix, and it may adjourn from day to day thereafter until the business brought before it is completed; not later, however, than the last day of said month of July. Its sessions shall be public. Said board of equalization shall have power to increase or diminish the amount of any assessment on said list and, as regards the equalization of said roll, it shall have the same powers as those conferred by law upon boards of supervisors when sitting as a board of equalization to equalize assessments for state and county taxes. When such assessment roll has been equalized, it shall be returned to the city assessor.

SEC. 4. The council shall, in the month of August of each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all taxable property, real and personal, within the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government during the current fiscal year; *provided* that, except as in this charter otherwise provided, the rate of taxes so levied shall not exceed in any one year, one dollar upon each one hundred dollars in valuation of property assessed, exclusive of the amount required to pay the principal and interest of the city's bonded indebtedness.

SEC. 5 The council shall establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund; and the annual tax levy shall name the percentage of said levy for each of said funds and the whole amount of the taxes and revenue of the city shall be apportioned accordingly. No transfer of money shall be made from one fund to another, except of balances in excess of the amount required in a fund, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds, unless otherwise in this charter provided.

SEC 6 As soon as the council has fixed the rate, the city assessor must compute and enter in a separate column on the assessment roll, the respective sums, in dollars and cents (rejecting fractions of a cent) to be paid on the property therein listed, and foot up the columns showing the total amount of taxes levied, and, on or before the first Monday in October, deliver the roll, so completed, to the city collector

SEC. 7. The council shall have power and it is hereby made its duty to provide, by ordinance, the mode of making out assessment rolls, ascertaining the value of property and equalizing the same and levying and collecting city taxes. All sales of property for delinquent city taxes, authorized by the provisions of such ordinances, and all conveyances executed in pursuance thereof, shall have the same force, effect and validity as sales and conveyances made and executed for delinquent taxes levied for state and county purposes All taxes so levied shall be a lien upon the property assessed, and all taxes levied upon personal property shall be a lien upon the real property of the owner thereof, and such lien shall attach on the first Monday in March in each year, at twelve o'clock, noon of that day.

SEC. 8. All public money collected or received by any officer or employee of the city shall be paid into the city treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense.

SEC 9. Every officer and regularly salaried employee of Salinas City and every other person authorized to collect or receive money for, or on account of said city shall, on the first Monday in each month, make and file with the city clerk a statement, duly verified, of all money belonging to said Salinas City collected or received by him during the calendar month last past and upon receiving the necessary certificate from the clerk, he shall pay the same into the city treasury. If no such money is received during any month, the statement shall show that fact.

SEC 10. The territory embraced within the corporate limits of Salinas City shall constitute a separate road district of Monterey County, which shall be known as and termed the Salinas City Road District.

All taxes levied and collected in said road district for road purposes pursuant to the provisions of this charter, or pursuant to the provisions of any law of the state, now in force or hereafter to be enacted, shall constitute the road fund of said Salinas City Road District and shall be laid out and expended for the construction and improvement of roads, streets and highways within said district, under the direction and supervision of the council of Salinas City.

The officers of Monterey County charged by law with the assessment of property and the levy and collection of taxes shall make and keep a separate list or assessment roll of the taxable property situated within the Salinas City Road District, and shall, annually, at the time and in the manner that other property taxes for highway purposes are levied and collected, levy upon such property and collect a tax, for highway purposes, uniform in rate with the tax levy for such purposes in other districts of said county.

Such taxes, when collected, shall be paid into the county treasury of Monterey County, to the credit of the Salinas City Road Fund, and upon demand of the council of Salinas City, properly certified by the mayor and city clerk of said city, the auditor of Monterey County shall draw a warrant upon the county treasurer in favor of the city treasurer of Salinas City for the amount of money in said Salinas City Road Fund specified in said demand.

The treasurer of Monterey County shall, upon the presentation of such warrant, pay the amount to the city treasurer of Salinas City, who shall place the same in the city treasury, to the credit of the city road fund and shall pay the same out only upon warrants duly drawn and countersigned as provided for in this charter.

## ARTICLE XI.

### CLAIMS AND DEMANDS

SECTION 1. The salary of all city officers and regular employees entitled to a salary fixed by the provisions of this charter or by ordinance (except the city superintendent of schools, teachers and employees of the school department) shall be paid monthly out of the general fund of the city treasury. The city clerk shall, on the first Monday in each month, draw and countersign a warrant in favor of each such officer and employee for the amount of his salary for the previous month, which warrants shall be signed by the mayor. Upon any such officer or employee accounting for, and paying into the city treasury all money belonging to the city collected or received by him as required by the provisions of Section 9, Article X hereof, or in case he has received no such money, upon filing the required statement to that effect, the clerk shall deliver to him his salary warrant; but no such officer or employee shall receive a warrant for his salary for any money until he has accounted for and paid into the city treasury all money belonging to said city collected or received by him or in his possession or control

SEC. 2. The salary of the city superintendent of schools and of all teachers and other persons regularly employed by the board of education at a fixed salary or rate of compensation, shall be paid monthly, out of the school fund. The secretary of the board of education shall, on the first Monday in each month, draw and countersign a warrant or requisition in favor of each such teacher and employee for the amount of his salary for the previous calendar month, which warrants or requisitions must be signed by the president of the board of education and delivered to the persons entitled thereto Before signing the warrant or requisition for the salary of the city superintendent of schools for any month, the president of the board of education must require of him a certificate from the city clerk that he has accounted for all money belonging to Salinas City which has come into his hands during the past month and has paid the same into the city treasury.

SEC. 3 All claims and demands whatever against Salinas City, except salaries, interest coupons on bonds and bonds of the funded debt, shall be paid only on claims as herein provided.

SEC 4. All such claims (except those payable out of the school fund or library fund) shall be itemized and made out on blank forms adopted by the council and furnished by the clerk for that purpose, verified by the affidavit of the claimant or some person in his behalf, and filed with the city clerk, and until a claim is so made out, verified and filed, it shall not be considered by the council. At its regular monthly meeting and at such other times as it may desire, the council shall examine and allow, in whole or in part, or reject all such claims, then on file with the city clerk. The action of the council respecting each claim shall be forthwith endorsed thereon and certified by the signature of the mayor.

SEC 5 Immediately upon the allowance of any claim or demand by the council, the city clerk shall draw and countersign a warrant in favor of the claimant against the

proper fund of the city treasury for the amount for which such claim was allowed, and, after such warrant has been signed by the mayor, deliver it to the person entitled thereto.

SEC. 6 No suit or action shall be brought or maintained against Salinas City upon any claim or demand for money or damages until a claim therefor has been presented, as in this charter required, and rejected, either in whole or in part, nor shall suit be brought against the city upon any such claim or demand which has been presented and allowed in full; but if rejected in part suit may be brought to recover the whole of such claim.

## ARTICLE XII.

### OATH OF OFFICE, OFFICIAL BONDS AND SALARIES

*The Oath of Office.*

SECTION 1. Every officer of Salinas City, after being elected or appointed and before entering upon the discharge of his official duties, shall take, subscribe and file with the city clerk the following oath:

"I, (here insert name) do solemnly swear that I will support the Constitution of the "United States and the Constitution of the State of California, and that I will perform "the duties of (here insert name of office) to the best of my ability. So help me God."

*Official Bonds.*

SEC. 2. Every officer of Salinas City, after being elected or appointed and before entering upon the duties of his office, shall execute and give to said city such official bond as may be required of him by law, by the provisions of this charter, or by the ordinances of the city.

SEC. 3. All official bonds shall be made payable to Salinas City and must be conditioned that the principal will well and faithfully perform all official duties that are or may thereafter be imposed upon or required of him by law, the provisions of this charter or the ordinances of the city; and that, at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must be executed by two or more sureties or by some responsible surety company authorized by law to become a surety upon bonds; and all such sureties shall justify in the manner required by law of sureties upon official bonds. No city officer or employee shall become or be accepted as a surety upon any such bond. Persons holding two or more offices which have been consolidated by the provisions of this charter shall execute but one bond, which shall secure the faithful performance of all of their official duties.

SEC 4. All official bonds shall be approved by the mayor and filed with the city clerk who shall record them in a book to be kept by him for that purpose. After recording, the clerk shall safely keep all such bonds, except his own, which he shall deliver to the mayor, who shall be the custodian thereof.

SEC 5 The following-named officers shall execute bonds in the following amounts respectively:

| | |
|---|---|
| City Clerk and Assessor | $5,000 |
| City Treasurer and Collector | 20 000 |
| City Engineer and Street Superintendent | 2,500 |
| Chief of Police | 1,000 |

The council may, at any time, increase the amount of bonds required of the aforesaid officers, or any of them, and may require bonds of any other officer or employee of the city and fix the amount of such bonds

SEC. 6. The council may, at any time, require an additional bond of any officer whose bond it deems insufficient, and upon the failure of such officer to furnish a satisfactory bond in the additional amount required by the council within ten days after the same is demanded, his office may be declared vacant.

SEC. 7 If any person shall fail or neglect for the period of ten days after receiving notice of his election or appointment to any office of Salinas City to qualify therefor by taking the oath of office as herein prescribed and filing the required bond, if any, his election or appointment shall forthwith become null and void.

*Salaries.*

SEC. 8. The mayor, all councilmen, school trustees, members of the board of health, library trustees and park commissioners shall receive no salary or compensation for their services

SEC 9. The council shall, by ordinance, fix the salary or compensation of the city clerk and assessor, city treasurer and collector, city engineer and street superintendent, city attorney, police judge, chief of police, police officers, and all other officers and employees of Salinas City (except as otherwise herein provided) which it shall decide are entitled to salary or compensation.

SEC 10. The board of education shall fix the salary or compensation of the city superintendent of schools, all teachers, janitors and other employees of the school department.

SEC 11. The board of library trustees shall fix the salary or compensation of the librarian and all other employees in and about the Salinas Public Library.

SEC. 12. The salary of an officer for whom a definite term of office has been fixed by the provisions of this charter, shall not be increased or diminished after his election or during the term of his office.

## ARTICLE XIII.

### PUBLIC UTILITIES.

SECTION 1 No exclusive franchise or privilege shall be granted by Salinas City for any purpose. In granting franchises the council shall be governed by the general laws of the state in force at the time, but in each instance it may impose such additional lawful conditions, limitations and restrictions as, in its opinion, subserve the public interest and welfare

SEC. 2. The council may, after being duly authorized thereto by the vote of two-thirds of the electors of Salinas City voting at a special election called for that purpose, lease, purchase, construct, acquire, own, control, manage and operate street railroads within said city, or works for supplying said city and its inhabitants with water, gas, electric or other artificial light, electric power, or local telegraph or telephone service, together with the land, water-rights, reservoirs, aqueducts, buildings, machinery, pipes, wires and other articles and appliances necessary or incident to such works

SEC. 3. The council may at any time, and upon receiving a petition therefor signed by a number of voters equal to forty per cent of the votes cast at the last regular municipal election, must call a special election, at which shall be submitted to the qualified electors of Salinas City the proposition of acquiring any or all of the public utilities mentioned in this article, and in case the cost of any thereof is too large to be paid out of the ordinary annual income and revenue of said city, the incurring of a bonded indebtedness to pay such cost Such special elections shall be conducted as herein provided and all bonded indebtedness shall be incurred and paid in the manner provided by the general laws of the state in force at the time

SEC. 4. Whenever Salinas City shall acquire any public utility, the council shall, by ordinance, provide for the maintenance, preservation, management, operation and use thereof and for that purpose may create such offices, boards and commissions, in addition to those provided for in this charter, as it may deem necessary, provide for their election or appointment, prescribe their powers and duties and fix their compensation

SEC 5. Until Salinas City shall acquire, own and control works for supplying itself and its inhabitants with artificial light, the council shall, annually, in the month of February of each year, fix the rates that shall be charged and collected by every person, company, association or corporation furnishing artificial light to said city or its inhabitants for such artificial light so furnished and the ordinance fixing such rates shall take effect on the first day of July after its passage and shall remain in effect for one year thereafter. The rates fixed shall be equal and uniform and there shall be no discriminations made between persons, or between persons and corporations or as to such light furnished for domestic or municipal purposes. The council shall by ordinance provide for obtaining reports and statements from persons, companies, associations and corporations furnishing artificial light to said city or its inhabitants as to the cost and value of the property used in such business, their gross receipts and necessary expenses and such other information as it may require to enable it to fix such rates. Any person, company, association or corporation charging or attempting to collect rates in excess of those fixed by the council for artificial light furnished to the city or any inhabitant thereof shall forfeit to Salinas City a penalty of not less than one hundred nor more than one thousand dollars for each such illegal charge or attempt to collect an illegal rate to be recovered by suit in any court of competent jurisdiction.

## ARTICLE XIV.

### PARKS.

SECTION 1. The several tracts or parcels of land belonging to Salinas City, known as Central Park and Sherwood Park, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of five commissioners which shall be termed the Board of Park Commissioners.

SEC. 2. The mayor and city engineer shall be ex-official members of said board and the three remaining commissioners shall be appointed by the mayor and their appointments confirmed by the council. The mayor first elected under the provisions of this charter shall, within one month after taking his office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified All commissioners must be at least twenty-five years of age and residents of Salinas City at the time of their appointment.

SEC. 3. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

SEC. 4. Said board of park commissioners shall have full power and authority to manage, control and govern the parks of Salinas City and provide for the maintenance and improvement thereof It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc, and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control and for the protection of the property thereon and shall cause the same to be posted on such grounds. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks

SEC. 5. The council shall annually include in the general tax levy, a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks Such tax, when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes, shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council

SEC. 6. The board of park commissioners shall annually on the first Monday in July, present to the council a full report and statement of its proceedings during the past fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

SEC. 7 The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

## ARTICLE XV.

### LIBRARY.

SECTION 1. The council may, at any time, provide for the establishment and maintenance of a public library in Salinas City, which shall be known as the Salinas Public Library, and subject to such rules and regulations as may be established for its government; shall be free of access to all citizens and residents of said city Such provision must be made by ordinance, which shall also appoint the library trustees hereinafter mentioned, and the remaining sections of this article shall take effect only upon the adoption and approval of such ordinance.

*The Board of Library Trustees.*

SEC. 2 The management and control of the public library shall be vested in a Board of Library Trustees, consisting of three members A library trustee must be not less than twenty-five years of age and a resident of Salinas City for at least one year immediately prior to his appointment or election Women shall be eligible to serve on such board.

When the council passes the ordinance providing for the public library, it shall therein appoint three library trustees to serve until the next regular municipal election. At such election three trustees shall be elected by the qualified voters of said city, and they shall so classify themselves, by lot, that one shall hold office for two years, one for four years and one for six years; and thereafter at each regular election one library trustee shall be chosen to serve for a term of six years and until his successor is elected and qualified.

All vacancies in the board of library trustees shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term or until the next regular municipal election, when a trustee shall be chosen to serve during the remainder of the term

SEC 3. The board of library trustees shall organize by electing one of its own members president and appointing a secretary, who shall hold their respective offices during the pleasure of the board It shall hold regular meetings at least once every month at such times and place as it may, by resolution, determine, and special meetings may be called at any time by the president or any two members of the board All of its meetings shall be public and two members shall constitute a quorum for the transaction of business Said board may adopt and enforce rules for its own proceedings; it shall cause a record of its proceedings to be kept by its secretary under its direction and upon the demand of one member, the vote on any question shall be taken by "ayes" and "noes" and entered in the journal.

SEC 4 Subject to the provisions, limitations and restrictions in this charter contained, the board of library trustees shall have power:

1. To establish, manage and control the Salinas Public Library and all property belonging or appertaining thereto.

2 To adopt and enforce such rules and regulations for the administration, government and protection of such library and all property belonging, loaned, devised, or donated thereto, as it may deem proper.

3. To appoint, hire and discharge all librarians, janitors and other officers and employees in and about said library, and to prescribe their powers and duties and fix their compensation.

4. To purchase such real property as may be required for library purposes, erect or lease library buildings, furnish the same and provide for the heating, lighting and cleaning thereof.

5. To purchase all books, papers, publications, documents, maps and other articles of personal property for said library.

6. To exclude from the library all books, papers and publications of an indecent, immoral or offensive character.

7. To insure all property in or belonging to said library

8. To audit and allow and cause to be paid, in whole or in part, or reject all claims payable out of the library fund, as the same are found just and lawful or otherwise.

9. To exercise and administer any trust created for the benefit of said library

10 To perform such other acts and exercise such other powers as may be necessary to carry into effect the provisions of this article.

SEC. 5. After adopting the ordinance providing for the establishment of the library, as hereinbefore provided, the council shall annually include in the general tax levy a tax of not less than three nor more than five cents upon each one hundred dollars in valuation of property appearing upon the city assessment roll, for the support and maintenance of the Salinas Public Library.

SEC 6. All money and revenue, derived from taxation for library purposes or contributed, donated, given, devised or bequeathed for such purpose and the income or revenue of all property or funds held in trust for the benefit of said library shall be paid into and belong to a fund, to be designated as the "Library Fund," and shall be kept by the city treasurer separate and apart from all other public moneys, and shall be used only for the establishment, enlargement, maintenance and support of the Salinas Public Library, including the purchase of the necessary property and the erection of library buildings, rent of room, salaries and other necessary expenses, and shall be paid out as herein provided

SEC. 7. All claims payable out of the library fund shall be made out, itemized and verified in the manner prescribed by law for other claims against the city treasury, and filed with the secretary of the board of library trustees. At each regular meeting said board shall examine all such claims on file with the secretary and allow in whole or in part or reject the same as found just and legal or otherwise. The secretary shall forthwith draw and countersign a warrant for all allowed claims in favor of the claimant against the library fund, which warrant shall be signed by the president of the board and delivered to the person entitled thereto

SEC. 8. The library trustees shall, on the first Monday in July of each year make a report to the council of the condition of the public library during the past fiscal year; containing a full statement of all money and property received, whence derived and how used and expended; the number of books, journals and other publications on hand; the number added by purchase, gift or otherwise during the year; the number lost, destroyed or disposed of, and such other statistics concerning said library as may be of general interest. Such report shall be in writing and duly verified by the oath of the president and secretary of the board. The board shall accompany said report with a careful estimate of the amount of public funds and money to be raised by taxation for the support of the public library during the ensuing fiscal year.

SEC. 9 The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same or unlawfully obtaining or detaining books or other property from such library.

## ARTICLE XVI.

### MISCELLANEOUS.

SECTION 1. The fiscal year of Salinas City shall commence on the first day of July of each year and shall end on the last day of June of the succeeding year.

SEC. 2. The word "city" wherever it occurs in this charter means Salinas City; and every commission, commissioner, department, board or officer herein mentioned means (unless expressly otherwise stated) a commission, commissioner, department board or officer, as the case may be, of Salinas City.

SEC. 3. No councilman or other officer or employee of Salinas City shall be or become, directly or indirectly, interested in any contract to which said city or any officer thereof in his official capacity is a party; or in any work or the sale of any article, the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by said city; and any such contract, sale, purchase or lease in which any such officer or employee is interested, in violation of the provisions of this section, shall be void as to said city. Any officer or employee of said city violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law and in addition thereto shall forfeit his office or employment.

SEC. 4. All franchises and privileges heretofore granted by Salinas City which are not in actual use or enjoyment or which the grantees thereof are not in good faith exercising, are hereby declared forfeited and void.

SEC. 5. If any officer of Salinas City absents himself from said city for a period of thirty days or more without first obtaining permission of the council, his office shall be declared vacant.

SEC 6. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time shall apply to and govern Salinas City.

SEC 7. All books and records of every officer and department, other than the police department, shall be open to the inspection of citizens at any time during business hours Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon payment or tender of the fees therefor fixed by the council.

SEC. 8. This charter, so far as it relates to the election of officers and their terms of office, shall take effect and be in force from and after the first day of March, 1903, at 12 o'clock noon, and for all other purposes said charter shall take effect and be in force from and after the first Monday in July, 1903, at 12 o'clock noon of that day

SEC 9. The mayor and common council of Salinas City shall provide for holding the first election of officers created by this charter and shall canvass the returns and declare the result of such election.

SEC. 10. No municipal or charter election for the election of city officers shall be held in Salinas City from and after the first day of March, 1903, until the time provided for holding the first election of officers provided for in this charter. The city officers in office on said first day of March, 1903, shall continue to hold their respective offices until the first Monday of July, 1903, when they shall surrender and cease to hold the same.

SEC. 11. All offices of Salinas heretofore existing, unless expressly continued by the provisions hereof, shall cease to exist at the time this charter takes effect and shall be supplanted by the offices hereby created. All ordinances, rules and regulations of Salinas City in force at the time this charter takes effect and not inconsistent therewith, shall continue in full force and effect until amended, repealed or annulled by proper authority. No business of, or pending before any officer or department of the city at the time the charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for

CERTIFICATE.

WHEREAS, Salinas City, a city containing a population of more than three thousand five hundred inhabitants, did, on the 11th day of August in the year one thousand nine hundred and two, at a special election, and under and in pursuance of the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That we, the members of said board of freeholders, in pursuance of said provisions of the Constitution, and within a period of ninety days after such election, have prepared and do hereby propose the foregoing, signed in duplicate, as and for the charter of Salinas City.

IN WITNESS WHEREOF, We have hereunto set our hands, in duplicate, this third day of November in the year one thousand nine hundred and two.

CHAS. FRANCEE, President
F. A. ABBOTT
H. E. ABBOTT
JOHN BERGES
J. J. BEVANS
JESSE D. CARR
D. F. DAVIES
C. F. LACEY
E. A. EATON
T. S. MABEL
J. H. MENKE
J. H. McDOUGALL
JOHN PARKER
T. C REAVIS
C. SIEGHOLD

Attest:
JOHN J. WYATT, Secretary.

STATE OF CALIFORNIA } ss.
COUNTY OF MONTEREY, SALINAS CITY }

I, John J. Kelly, City Clerk of Salinas City, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of Salinas City, prepared and proposed by a duly qualified board of freeholders, duly elected on the eleventh day of August in the year one thousand nine hundred two; that a copy of said charter was duly filed with the mayor of Salinas City on the third day of November in the year one thousand nine hundred two, said copy having been duly signed by all of the members

of said board; that another copy, signed by all of the members of said board, was, on the ninth day of November in said year one thousand nine hundred two, duly filed with the recorder of the county of Monterey; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said Salinas City for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within not less than thirty days after such publication, said charter was submitted to the qualified voters of said city at a special election called therefor, said election being held on Monday, the twelfth day of January in the year one thousand nine hundred three, and at such election a majority of such qualified voters voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned said Salinas City contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salinas this twenty-first day of January, in the year one thousand nine hundred three.

JOHN J. KELLY
City Clerk of Salinas City.

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of the members elected to each house voting for and concurring herein), That said charter of Salinas City, as presented to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said Salinas City.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Senate Bill No 59—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Senate Bill No 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Senate Bill No 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one-half class, and cities of the second class.

F. J. BRANDON, Secretary of the Senate,
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read first time, and referred to Committee on Municipal Corporations.

SUBSTITUTION OF BILLS.

Mr. Mott moved that Senate Bill No. 143 be substituted for Assembly Bill No. 239, the same being identical.

So ordered.

Mr. Knight moved that Senate Bill No. 250 be substituted for Assembly Bill No. 432, the same being identical.

So ordered.

Assembly Bill No. 432 withdrawn by author.

Mr. Walsh moved that Senate Bill No. 79 be substituted for Assembly Bill No. 216, the same being identical.

So ordered.

Mr. Traber moved that Senate Bill No. 250 be substituted for Assembly Bill No. 418, the same being identical.

So ordered.

Assembly Bill No. 418 withdrawn by author.

RESOLUTION.

By Mr. Walker:

SACRAMENTO, CAL., February 9, 1903.

*To the Assembly of the State of California:*

Your select Joint Committee appointed to draft resolutions of respect to the memory of former member the Hon F. C. Franck, respectfully report as follows, and move the adoption of its report:

WHEREAS, The Honorable Frederick C. Franck, a member of the Assembly during the nineteenth and twentieth sessions, and a member of the Senate during the thirty-first and thirty-second sessions of the Legislature of the State of California, recently died; and

WHEREAS The whole people of this State has benefited from the wisdom displayed as a State officer by the late Hon. F. C. Franck who was well known within and beyond the borders of his home county—Santa Clara—both as a financier of marked ability and a citizen whose every thought was for the upbuilding of California and the advancement of her people; therefore, as a mark of respect to his high character, scrupulous integrity, and conspicuous ability, and the distinguished services he has rendered the people of this State, be it

*Resolved*, That each house this day record in its respective Journal, and such shall be the order, as having adjourned out of respect to and in recognition of the distinguished services rendered the State by the late F. C. Franck, and as an evidence of their appreciation by the people.

*Resolved further*, That the Secretary of Senate procure and forward to the family of the deceased an engrossed copy of these resolutions.

C. M. SHORTRIDGE, Senator.
E. J. EMMONS, Senator
ROBT. T. DEVLIN, Senator.
GEO S WALKER, Assemblyman.
HARRY ELLS, Assemblyman.
W. J. DOUGHERTY, Assemblyman.

Resolution read.

Mr. Walker moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

The following were introduced, read first time, and referred to committees as follows:

By Mr. Higgins: Assembly Bill No. 718—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 162 thereof.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Dunlap: Assembly Bill No. 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clarke Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Read first time, and referred to Committee on Ways and Means.

By Mr. Bliss: Assembly Bill No. 720—An Act to amend the Political Code of the State of California by amending Sections 1521 and 1650.

Read first time, and referred to Committee on Education.

By Mr. Black: Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of navigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Lumley: Assembly Bill No. 722—An Act creating the State Board of Examiners as an ex-officio Board of Bank Commissioners, and prescribing their duties and powers.

Read first time, and referred to Committee on Commissions and Public Expenditures.

Also: Assembly Bill No. 723—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 724—An Act to promote the horticultural interests of the State by providing County Boards of Horticultural Commissioners and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture," approved March 31, 1897.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Siskron: Assembly Bill No. 725—An Act to amend Section 1970 of the Civil Code, relating to the liability of employers for injury or damage sustained by employés.

Read first time, and referred to Committee on Labor and Capital.

By Mr. Walker: Assembly Bill No. 726—An Act defining the time within which employés are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Read first time, and referred to Committee on Labor and Capital.

ADJOURNMENT.

At four o'clock and seventeen minutes P. M., on motion of Mr. Johnson, the Assembly adjourned out of respect to the memory of the late Frederick C. Franck, of Santa Clara County.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 10, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, February 6, 1903, was read, corrected, and approved.

PETITIONS.

Mr. Stanton presented the following petition from users of telephones in the City of Los Angeles, and the same was ordered printed in the Journal:

LOS ANGELES, CAL., January 30, 1903.

*To* HON. P. A. STANTON, *Assembly Chamber, Sacramento:*

We, the undersigned, subscribers and users of telephones in this city, urge the adoption of your resolution to investigate the service rendered by the Sunset Telephone Company, such service in this city being totally inadequate and an imposition upon the users of telephones. Complaints made to the officials of said company having no apparent effect upon the efficiency of the service, we deem an investigation in the interests of the public necessary, in the hope that the Legislature may be able to remedy the deplorable condition now existing:

(Signed:) W. H. Routzahn, Sherwood & Koyer, Montgomery Bros., J. G. Donavan & Co., C. L. Wunkee, Fowler Brothers, Luckenbach & Co., F. Edward Gray, J. W. A. Off & Co., Machin Shirt Co., Godfrey & Moore, T. R Trask, W. C. Bluett, W F. Ball, J. Nordlinger, H. B. Ellis, C. C. Desmond, J C. Greton, B. F. Gardner, Stoll & Thayer Co., Pitcher Bros., Nolan & Smith, Dow & Lusk, D. J. Desmond, Anna Desmond & Co., Shattuck, Desmond Water Co, J. C. Brown, Electric Auto Livery, W. F. Whittaker, Fred Barman & Bro, D. W. Stewart, Cass & Smurr, by J. P. Smurr, Kitts & Jeffries, Smith Bros, F. R Kellogg, Henry Walker, F. W. Weald, Frank Morse, R. J. Dyas, J F Jenkins, Dan L. Clark & Co, M. J. Blaisdell, W. H. Mather, J A. Caldwell, W. H. Dutton, D. C. Hammell, Dr. C A Kitchen, Superintendent Dental College; Clay B. Dodson, F. E Robinson, Kyle McBratney, Stephens & Stephens, Putnam & Valentine, George Rice & Sons, McLain & Gleason, C. A. Somerby, Amy Brown, S. E Smith, L. O Mathews, John Andrews, Union Gas Engine Co., W L Cleveland, manager; Newell Mathews Co, by Rayburn; R. H. Herron Co., F. Irwin Herron, treasurer, R. E. Small, Pacific Crockery and Tinware Co, Wm. A. Phelps' Valvoline Oil Co., R J. Viring, Percival Iron Co, W. B Percival, treasurer; Goldschmidt Bros., Cohn, Goldwater & Co., by Morris Cohn; Laird J Stabler, L J C. Spenanel, W. M. Hunt, Geo A Fitch, Mitchell Mining Co, E. Gray, secretary; A. A. Cunningham, Hercules Oil Refining Co., B L Vinorey, secretary, G. W. Knell, H. J. Prince, Mabel A. Prince, Chas. A Wright, S. J. Wright, Chas D Campbell at Sentous Bros, The California Wine Co, H. Paradis, manager, Lloyd-Scovel Iron Co, Chas. Lloyd, president; Paraffine Paint Co., J. L Weaver, Ernest L. Moat, C. H. Clayton, Flint & Boynton, by H P. Flint; E. Rouyney & Co, by H R; Hayden & Lewis Co.; Bowles Bros. & Co, by F. A. Bowles; W. T. McFie Well Supply Co., by W T. McFie; Byron Jackson Mach. Wks., by Haskell; Illinois-Pacific Glass Co., C. H. Hirst, manager; J. H. Reynolds & Co., by J. H. R; Whistler & Baker, American Notion Co., A. F. Norton, manager, L M. Davenport Co, by L. M. Davenport; L A. Martin, J. A. Haskett, S. J. Smith, Western Electric Machine Co, M P. Waite, manager, C. Benwood, secretary; Kingsbaker Bros. & Co., E. B Millar & Co, by G. W. Guinn; H. L. Moran, A. H Busch & Co.; California Implement Co, by C. T. Gennan, president; The Model Gas Engine Co., Charles S. Stewart, vice-president; E. P. Bosbyshell, Arnott & Co, by Melard Arnott; Pacific Coast Mfg. Co, by J. A. Hackett, vice-president; A. M. Cates, Garrett & Bixby, J. W Sprague & Son, Thomas Preston, W. R. Phelps, Geo. A. Corbin, Frank A. Weitzel, O. A. Myron, Phelps & Girdlestone, Chas. Quitsow, Broadway Land Co., Crichton Smith, Irving Lockwood, Jos. H. Call, Hunsaker & Britt, William M. Hiatt, John D. Pope, Edgar E Klauber of Klauber Waeyenheim Co., C. E. Lapp, C. C. Harris, J. P. Davenport, J. D Barnard, Doyle & Fulcher, E S. Shank, Sexton Bros, Zimmer, Risky & Graham, Goodenow, McClung & Freeman, W. H Gilbert, Richard Duvall & Co., D. M. McGarry, Richard Duvall, F. A. Hutchinson, W. R. Jones, Jesse H. Arnold, H. A. Cowan, P. E. Reaver, M. D. Johnson, J. F. Goodenow, W. H. Risley, O. A. McKrey & Co., D A Meekins, A. C. Golsh & Co., by A. C. Golsh; Blenkiron & Nowlin, E. J. McClorey, Bessie Brown, H. V. Blenkiron, W. M. Blenkiron, J. E. Wiseman, E. W. Reid, Reid & Heber, Frank Walker, Frank B. Harbert, The Southwest Printers' Supply, by Wm. F. Lloyd, vice-president and manager; L H. Carpenter, F. W. Wood, Guy W. Wadsworth, C. A. Moody, W. S. Dinsmore, T. J. Lockhart, Dan Neuhart, Becker Bros, T. Bosler, Frank H Lemon, B. F. Field, W. A. Johnson, Remington Typewriter Co., E W. Pease, manager, C. M. Davis, David S. Barmore, Conant & Johnson, C. O. Stanton, Geo. B Watson, O. A. Vickrey & Co, H. C. Thomas, L. & M. Alexander & Co, W. Hofmann, manager; J. J. Doran & Co., John B. Clark, C. L Hubbard, Albert H. Beach, Provident Mutual Building-Loan Association, G. H. Wadleigh, secretary; Volney E Howard, R. W. Dromgold, Nason & Gray, Leslie W. Gray, Thompson & Beamer, G. W. Wilderman, W. A. Varcoe & Co., Harry Iles, Southern Realty Co., Palmer & Patterson, Lewis W. Rose, R. W. Morris, W. L. Carter, Globe Woolen Co, A Grauar, American Tailoring Co, F. Cobb of Powell & Cobb, S. H. Kingery, W. H. Cook, Cook & Pearsons, Bekins Van & Storage Co., M. Bekins, Orr & Hines Co, John E. Yoakum, Curry & Schmitz, A. J Padan, A. G. Chilson; O. J. Fast, Geo. W. Parsons, Donald Barker, Charles W. Allen, Hay & Van Vranken, D. A. Van Vranken, W. H. Hay, Edward L. Davis, W. A. Johnstone, D. E. Merriam & Co, Cohn & Weisenberger, L. W. Cohn, Seigel Bros. 103 South Spring Street;

Harry Seigel, 717 Westlake Avenue, our phone dead two days, B Gordon, Eagleson & Co., Frank Oakley, Herald reporter; Mrs I. J. Haight, E T. Parke, C. J. Wells, E. Bouton, L. A Sheldon, N. P. Bailey, Jno. A. Pirtle, Geo. P. Love, The Gowen-Eberle Company, by N. H. Gowen, H D Wilson, O C. Sens, Frank M. Kelsey, Wm. Chambers, N. M Entler & Co, W Bordwell, E. H. Garrett, M. D; Wm. H. Dukeman, M D.; William Petry, A U. Lansugh, W. E. Clayton, D. D S; Jos. Buckley, W. C. Parker, Adolph Fren, Henry H Nast, M. D; Ellis Cohn, Franklin Printing Co, by C A. Schalwitz, Hunter & Summerfield, J. G. Neff, Earl Rogers, Luther G. Brown, J. H. Krimminger, F. S. Munson, Perkins & Boyd, Mrs. C. A. Schalwitz, Geo. W Walker, W. G Lebrun, Wm. Morgan, and A. C. Brown.

Mr. Baxter presented the following petition from the Board of Supervisors of Mariposa County, and the same was ordered printed in the Journal:

*To the General Land Department of the United States, Washington, D. C.*

WHEREAS, The Commissioner of the General Land Office of the United States has seen fit to withdraw from entry a large tract of land situated in Mariposa and adjoining counties of the State of California, amounting in the aggregate to 650,000 acres of land, pending an investigation. It is proposed that the said tract of land be made into a forest reserve;

WHEREAS, The creation of the aforesaid forest reserve would, in the opinion of the Board of Supervisors of Mariposa County, State of California, work a great hardship on Mariposa County by withdrawing from entry much valuable land that might be subjected to private ownership, thereby depriving Mariposa County of any probable revenue from this large area of land, included in the proposed reservation, embracing as it does the following territory in our county: A small portion of ranges 17 and 18, township 1 S.; nearly all of ranges 17 and 18 in township 2 S, all of ranges 17 and 18 in township 3 S.; all of ranges 17 and 18 in township 4 S; all of ranges 19 and 20 in township 5 S., all of ranges 19 and one half of 20 in township 6 S., E M. D. M, dividing the county almost in half, and withdrawing from entry all lands in near proximity to the county seat

Within the confines of this proposed reservation are situated much valuable mining property as well as much valuable timber and wood land, a great part of which has been reduced to private ownership, from which a large source of public revenue is now derived.

Mariposa County has suffered much from grants, Congressional reservations, and parks. Within the confines of this county are already located the Fremont Grant of 44,000 acres of land; the Yosemite National Park, including the Wawona or Big Tree Park; the Forest Reserve, and now the proposed additional forest reserve, all of which embraces about two thirds of the territory of the county

Within this proposed reservation is a vast mineral belt—one of the principal mineral belts of the county—and the creation of this proposed park will arrest the development of all mining industry within the boundaries of the reservation, and work a great hardship on the mining industry of the county by withdrawing the source from which the necessary timber supply for mining purposes is obtained

The stock-raising industry of the county will be seriously crippled by the intended reservation, as almost the entire territory of the proposed reservation is used for stock ranges throughout the year, therefore, be it

*Resolved*, That the Board of Supervisors of Mariposa County, State of California, representing the people of the County of Mariposa, do protest against the establishment of the said proposed forest reserve or the establishment of any further reserve in this county; and be it further

*Resolved*, That a certified copy of these resolutions be sent to our Senators and Representatives in Congress of the United States and to our Senator and Assemblyman at Sacramento, and that they be urged and requested to do all in their power to oppose the permanent setting aside of the proposed reservation.

[SEAL]

H. W. CORNETT,
J. W. COLLINS,
JAMES LINDSEY,
W. M. EUBANKS,
ISAAC LYONS,
Board of Supervisors of Mariposa County.

I hereby certify that the foregoing is a full, true, and correct copy of the resolutions passed by the Board of Supervisors of Mariposa County, California, on February 4, 1903.

Attest: W. E. GALLISON, Clerk.

## REPORT OF STANDING COMMITTEE.

### ON CONTESTED ELECTIONS—(MAJORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR SPEAKER: Your Committee on Contested Elections, to whom was referred the contest of Wanzer versus Duffey, for a seat in this Assembly from the Fifty-fourth

Assembly District, have had the same under consideration, and beg leave to report as follows:

The ballots in said contest were counted in keeping with the following resolution adopted by this committee: "*Resolved*, That in counting the disputed ballots we follow the decisions of the Supreme Court; lay aside such ballots as are rejected by the Supreme Court; keep a tally of such ballots as are rejected; report the result of the count under the Supreme Court decision; also what the result would be should all the ballots be counted; and make a recommendation."

Having counted all the ballots in said district, with the exception of Castle Rock precinct (which said precinct contained twelve votes and was rejected because the polling-place was not within said Assembly district), we find the following result:

Rejecting "No nomination" and other illegal ballots, the result is as follows:

| | |
|---|---|
| Wanzer | 1,724 |
| Duffey | 1,617 |
| Wanzer's majority | 107 |

Should all "No nomination" ballots be counted, Wanzer would receive eighteen hundred and twenty votes, and Duffey eighteen hundred and forty-five, leaving a majority of twenty-five votes in favor of Mr. Duffey.

Counting all the ballots cast, illegal and otherwise, Mr. Wanzer received nineteen hundred and nineteen votes, and Mr. Duffey nineteen hundred and forty-three votes, giving a majority of twenty-four votes for Mr Duffey.

A majority of your committee recommend to the Assembly that the construction of the election law, as declared by the Supreme Court of this State, be followed, and that the so-called "No nomination" ballots be not counted, and Mr. Wanzer be declared elected, and be seated as member of this Assembly from the Fifty-fourth Assembly District.

Respectfully submitted.

WRIGHT, Chairman.
CAMP.
MATTOS.
LEININGER.
ELLS.

ON CONTESTED ELECTIONS—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR SPEAKER: A minority of your Committee on Contested Elections having considered the contest of Harry S. Wanzer, contestant, vs. A. D. Duffey, beg leave to report that we have had the same under consideration, and, after examining the papers in such contest, the testimony taken, and the ballots voted at said election, we believe and we report that A. D. Duffey is entitled to retain his seat as member of the Assembly from the Fifty-fourth Assembly District of said State of California

We find that at the election held in Santa Cruz County on November 4, 1902, that said contestee, A. D Duffey, was, November 12, 1902, by the Board of Supervisors of Santa Cruz County, declared elected to such office, and that he thereupon qualified as such member of Assembly, and a certificate of his election was delivered to him by the County Clerk of said County of Santa Cruz.

That at said election your committee finds that said contestee, A. D Duffey, received 1845 legal ballots and that said contestant received 1820 legal ballots, being a majority of 25 legal votes cast for said A. D. Duffey.

That near the bottom of the second or Democratic column of all the tickets used at said election were the words "For Surveyor, No Nomination," and that such words were followed by a square similar to that following the names of candidates for office appearing on said ballots. That on 228 of the ballots cast for said Duffey there appeared a cross stamped in the square to the right of said words "For Surveyor, No Nomination." That more than two such ballots were cast in every precinct of said county, but that said cross did not serve to identify or distinguish, nor did it identify or distinguish, said ballots or any of them, nor could they serve such purpose.

That said contestant, Harry S Wanzer, was, on January 15, 1903, and had been at all times for more than one year continuously prior thereto, assistant postmaster of the United States at Santa Cruz, California; that such position was a lucrative office, and that the compensation thereof exceeds the sum of six hundred dollars per year, and this minority of your committee finds that under Section 20, of Article IV, of the Constitution of California, said contestant Wanzer was at all times herein mentioned and now is ineligible to hold the office of member of the Assembly; therefore, be it

*Resolved*, That said contestee, A. D. Duffey, is entitled to retain his seat and to continue to be member of the Assembly in and for the Fifty-fourth Assembly District of said State of California.

DUNBAR,
FINN,
Minority of said Committee.

Mr. Wright moved the adoption of the majority report.

Mr. Johnson seconded motion.

Mr. Snyder moved to amend by substituting the word "minority" for "majority."

Mr. Bangs seconded amendment.

Mr. Johnson moved that debate be limited to thirty minutes on each side.

So ordered.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Dunbar, Snyder, and Dougherty.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs Bangs, Baxter, Copus, Covert, Dougherty, Dunbar, Finn, Howard, Kerrigan, Killingsworth, Lumley, Mahany, McConnell, McMahon, Murphy, Siskron, and Snyder—17.

NOES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Foster, Gleeson, Goodrich, Greer, Hart, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Lewis of Riverside, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—52.

Mr. Snyder submitted the following amendment:

Be printed in the Journal, and further consideration be postponed until Thursday morning at ten o'clock A. M.

Mr. Johnson moved the previous question, seconded by Messrs. Boisson, Bliss, and Wright.

So ordered.

The question being on the adoption of the amendment.

Amendment lost.

Mr. Duffey addressed the Assembly, and at the conclusion of his address Mr. Camp moved that Mr. Duffey be permitted to print his statement in the Journal.

So ordered.

STATEMENT.

SACRAMENTO, February 10, 1903.

*Mr. Speaker and Gentlemen of the Assembly:*

I desire to say a few words in defense of my claim to a seat amongst your honorable body. Having been declared duly elected by an honest majority of the votes cast in my county on the fourth day of November last, 'tis not to be doubted but that the election officers of the different precincts were honest and faithful in the discharge of their duties and did what in their judgment was fair to both candidates; that the Honorable Board of Supervisors canvassed and counted the vote That I was declared legally elected by that canvassing board, to the honorable office of Assemblyman from the Fifty-fourth District of California. And to that end the County Clerk of my county delivered to me a certificate, attested by his signature.

Therefore, gentlemen, under those conditions and fully believing myself entitled to it, I claim my seat in this House, and hope the honorable members of this body, considering all things, will find in my favor. I thank you, gentlemen, for your attention.

A. D. DUFFEY.

The question being on the adoption of the majority report.

The ayes and noes were demanded by Messrs. Dunbar, Snyder, and Dougherty.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—55

NOES—Messrs. Bangs, Baxter, Copus, Covert, Dougherty, Dunbar, Finn, Howard, Kerrigan, Killingsworth, Lumley, Mahany, McConnell, McMahon, Murphy, Siskron, and Snyder—17.

MOTION.

Mr. Johnson moved that Mr. Wanzer do now take the oath of office as Assemblyman from the Fifty-fourth Assembly District.

So ordered.

OATH OF OFFICE.

Whereupon Mr. Wanzer subscribed to the following oath of office, administered by the Speaker:

I do swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of member of the Assembly for the thirty-fifth session of the Legislature according to the best of my ability.

HARRY S. WANZER.

Subscribed and sworn to before me, this 10th day of February, A D. 1903.

ARTHUR G. FISK, Speaker of the Assembly.

Attest:

CLIO LLOYD, Chief Clerk of Assembly, Thirty-fifth Session

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No 501—An Act relating to Justices' Courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a Justices' Clerk and his assistants, prescribing their duties, and fixing their compensation—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 568—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution—report the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 518—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Also: Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Also: Assembly Bill No 689—An Act to amend Section 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes—report the same back without recommendation

Also: Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice of attorneys and counselors at law in the courts of the State of California—report the same back, with one amendment, and recommend its passage as amended

Also: Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Also: Assembly Bill No 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the Prosecuting Attorney and Assistant Prosecuting Attorney, their appointment and term of office.

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes—and report the same back, with one amendment, and recommend its passage as amended.

JOHNSON, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called mutual building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Assembly Bill No 120—An Act to add a new section to the Civil Code, numbered 636*a*, relating to voluntary withdrawals of stock from land and building corporations, also called mutual building and loan associations.

Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations also called mutual building and loan associations, and to other similar corporations and associations.

Assembly Bill No 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Assembly Bill No. 418—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of election by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants

Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor

Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes

Assembly Bill No 118—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 7, 1889

Assembly Bill No. 565—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Assembly Bill No. 388—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Assembly Bill No 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880

AMERIGE, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 688—*An Act making an appropriation to pay the judgment against the State of* California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Also: Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled

"James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "1" at page 570, in the Superior Court of the County of Placer.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Judiciary.

Also: Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Assembly Bill No. 655—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that the amendments made by the Committee on Claims be rejected and that the bill do pass as amended by the Committee on Ways and Means.

Also: Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Also: Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DUNLAP, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Assembly Bill No 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARNES, Chairman.

Also:

MR. SPEAKER: Thursday, February 4, the Committee on Public Buildings and Grounds visited the State Normal School at Chico, pursuant to a resolution of the Assembly, to inquire into the condition of that institution and its needs in the way of appropriations

The State Normal School at Chico is devoted solely to the training of teachers for California. It stands practically alone in the field in Northern California. Of its 442 graduates, 315 are at present teaching in the schools of this State, chiefly in Northern California. The institution may therefore be said vitally and extensively to affect school interests here. The institution is expected to represent the same standard and all lines of work maintained in other normal schools of the State. Its standard is high, but it is not equipped for some lines (physical and manual training, for example) as maintained at Los Angeles and San José The management of the institution is far from harboring any spirit of rivalry or jealousy toward its sister institutions. It merely believes that the interests of Northern California, industrial as well as educational, demand the same or equivalent equipment for teachers prepared by this school as for those prepared elsewhere in the State

The tract of land upon which the normal building is located consists of eight acres given to the State by the late General Bidwell. There has been expended for building purposes a total of $120,000, and the value of the entire property is now placed at about $150,000. This includes the land, buildings, equipment, and improvements.

From 1895-96 to 1898-99, the attendance at the school ranged from 160 to 327, from 1899-90 to 1902-03 it has ranged from 350 to 377. This indicates that in the past five years, in spite of a very much higher standard of work and the exclusion of many students on account of scholarship, the work of the institution has increased 100 per cent and more. Every inch of room is constantly in use.

The institution graduated a class of nineteen last year and expects to turn out a class of forty-one this year. It is not graduating teachers any faster than they are given employment In one to ten months after graduation all graduates are installed in the schools of the State. Of the members of the class graduated on January 23d of the present year nineteen already are engaged in teaching.

The physical condition of the students is good, although more manual training would prove of greater good. At the present time the institution has no room for such training. As a general rule the institution receives a good class of students, both mentally and physically. The girls have a basket-ball club, a debating society, and two tennis courts.

The school follows out a twenty weeks' term, nineteen of which are given over to study, and one for the receptions and exercises of the graduating class.

Distributed by counties, the attendance for the fifty-third fiscal year was as follows: Butte, 198; Shasta, 28; Siskiyou, 28; Tehama, 16; Colusa, 15; Sacramento, 13; Sutter, 11; Glenn, 8; Yuba, 8; Placer, 5; Amador, 4; Napa, 3; Santa Clara, 3; Solano, 3; Modoc, 2; Sonoma, 2; San Francisco, 2; Yolo, 2; Alameda, El Dorado, Nevada, Plumas, Sierra, San Joaquin, San Bernardino, Santa Cruz, San Diego, and Stanislaus, each 1. The States of Colorado, Wisconsin, and Texas each contributed 1, Nevada 2, and Oregon 3.

The institution is asking for an appropriation of $28,500 at this session for building purposes. With this amount it is proposed to construct an addition to the present building. The basement and first story are to be used for gymnasium purposes. The second floor will contain two recitation rooms, which will greatly relieve the present pressure in the training school department. At the present time the entire lower floor is used for the training school. It includes six rooms.

By the proposed addition there will be an enlargement to the present assembly hall on the third floor, and will thus afford good room for manual training.

The money asked for can be advantageously spent, with profit to the institution and the State, as the proposed additional room is much needed.

BARNES, Chairman.
PYLE.
SNYDER.
JOHN.
BATES.
WALKER.
TRANSUE.
DOUGHERTY.
McNEIL.
STEADMAN.
McCARTNEY.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies—have had the same under consideration, and a majority respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLE, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Also: Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county Supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALSH, Chairman.

Mr. Lumley moved that Assembly Bill No. 667 be re-referred to Committee on Judiciary.

So ordered.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 165—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Assembly Bill No. 226—An Act to add a new section to the Political Code, to be numbered ——, relating to the taxes of this State, and to provide for the cancellation of tax liens on certain State lands—have had the same under consideration and respectfully report the same back, and recommend that it do not pass, and that the author be permitted to withdraw the same. We present herewith a committee substitute for Assembly Bill No. 226, and recommend that the said substitute do pass.

HOUSER, Chairman.

Assembly Bill No. 165 withdrawn by author.

Assembly Bill No. 226 withdrawn by author.

INTRODUCTION AND REFERENCE OF BILL.

By Committee on Revision and Reform of Laws: Assembly Bill No. 727—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Read first time, and ordered on second-reading file.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of $1,130 and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

F. J. BRANDON, Secretary of the Senate
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of $1,130 and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Read first time, and referred to Committee on Claims.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Read first time, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California, relating to the organization of reclamation districts.

Assembly Bill No 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bills Nos. 58, 168, and 109 ordered to enrollment.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. McMartin: Assembly Bill No. 728—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Steadman: Assembly Bill No. 729—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Boisson: Assembly Bill No. 730—An Act to regulate the work and hours of selling at retail, drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read first time, and referred to Committee on Labor and Capital.

By Committee on Roads and Highways: Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Read first time, and ordered on second-reading file.

By Mr. Bates: Assembly Bill No. 732—An Act to amend Section 182 of the Political Code, relating to mileage.

Read first time, and referred to Committee on Mileage.

Also: Assembly Bill No. 733—An Act to amend Section 151 of the Political Code, relating to mileage.

Read first time, and referred to Committee on Mileage.

By Mr. Wright (by request): Assembly Bill No. 734—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883,' approved February 8, 1889."

Read first time, and referred to Committee on Labor and Capital.

By Mr. Walker (by request): Assembly Bill No. 735—An Act to declare the ownership of and provide for and regulate the diversion, distribution and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe-lines, providing penalties for violations of this Act and the unlawful diversion or use of water, establishing a State Board of Engineers, abolishing the offices of Commissioner of Public Works, and Auditing Board to the Commissioner of Public Works, and transferring the powers and duties of the Commissioner of Public Works and Auditing Board to the Commissioner of Public Works to said Board of Engineers, providing the powers and duties of said Board of Engineers, and

fixing their compensation, providing for the fixing of rates and compensation for the use of water sold, rented or distributed to the public in this State other than in any city, city and county, or town therein, and the procedure therefor, compelling persons, corporations and companies supplying water to keep their plants and systems in repair, and requiring annual reports from them to said Board of Engineers, providing for the appointment and compensation of deputies and assistants to said Board of Engineers, limiting the expenses of such board and its deputies and assistants, and providing for the payment thereof, requiring such Board of Engineers to ascertain, determine and make record of the flow of streams and make gaugings thereof, and to ascertain and report the quantity of riparian lands on each stream, and amount of water used and needed for the irrigation thereof, and the appropriations of water upon each of the streams, the amount thereof and when each was made, and to make and file maps and reports showing such riparian lands, use of water thereon and such appropriations, and fixing and defining the unit of measurement of water, fixing the rules and rights of priority in the use of water, authorizing the State to take over and acquire title to water rights and waterworks, subjecting the appropriation of water to Acts of Congress providing for storage of flood waters, in certain cases fixing the place of residence of the chief engineer of said Board of Engineers and of the office of said board, and the times of its regular meetings, and repealing Title VIII of the Civil Code of this State, Sections 1410 to 1421 inclusive, and the Act of the Legislature of this State, approved March 12, 1885, entitled "An Act to regulate and control the sale, rental and distribution of appropriated water of this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to places of use," and an Act of the Legislature of this State, approved March 23, 1901, entitled "An Act fixing and defining a miner's inch of water," and all other laws and parts of laws in conflict with this Act.

Read first time, and referred to Committee on Irrigation.

By Mr. Walsh: Assembly Bill No. 736—An Act to amend Section 274 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and of an Act amendatory thereof, entitled "An Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article, and section of said Part I, and substitute a new Part I to take the place thereof in said code, relating to courts of justice and various officers connected therewith," approved April 1, 1880, fixing the status of official reporters of Superior Courts, providing for their compensation and mode of payment thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 737—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read first time, and referred to Committee on Judiciary.

MOTION TO RECONSIDER.

Mr. Finn moved that the Assembly do now reconsider the vote whereby Assembly Constitutional Amendment No. 17 was yesterday refused adoption.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption?"

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eleven o'clock and one minute A. M., Mr. Dunlap moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and ten minutes A. M., Mr. Mattos moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—60.

NOES—Messrs. Allen, Amerige, Burgess, Dunlap, Goodrich, Johnson, Johnstone, McNeil, Pann, and Stansell—10.

Mr. Lumley moved that the Assembly do now consider Assembly Constitutional Amendment No. 17.

So ordered.

Mr. Lumley submitted the following amendment:

Amend by striking out the words "three hundred" in line ten, first page, printed bill and inserting in lieu thereof the words "two hundred."

Amendment adopted.

Assembly Constitutional Amendment No. 17 ordered to print.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Johnson: Assembly Bill No. 738—An Act to amend Section 890 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions in Justices' Courts, and providing for a penalty when the action is willfully commenced in the wrong county, township, or city.

Read first time, and referred to Committee on Judiciary.

By Mr. Brown: Assembly Bill No. 739—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 173, relating to appointment to office of relatives of judges.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 740—An Act to regulate the letting of contracts for the erection, improvement, or repair of public school buildings.

Read first time, and referred to Committee on Education.

By Mr. Murphy: Assembly Bill No. 741—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies," approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

At eleven o'clock and sixteen minutes A. M., the Speaker called Mr. Brown to the chair.

By Mr. Prescott: Assembly Bill No. 742—An Act providing for the payment to the California United States Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Read first time, and referred to Committee on Military Affairs.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the modern hospital building for the Veterans' Home located at Yountville, Napa County, California, have visited the same.

The following members are entitled to mileage for the same, to wit: 70 miles:

| | |
|---|---|
| Barnes, chairman | $14 00 |
| Pyle | 14 00 |
| McCartney | 14 00 |
| Walker | 14 00 |
| McNeil | 14 00 |
| Transue | 14 00 |
| Snyder | 14 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of F. W. Barnes, chairman of said committee, for the sum of $98, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay same.

BARNES, Chairman.

Referred to Committee on Mileage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the State Normal School at Chico, California, have visited the same.

The following members are entitled to mileage for the same, to wit: 90 miles:

| | |
|---|---|
| Barnes, chairman | $18 00 |
| Pyle | 18 00 |
| McCartney | 18 00 |
| Walker | 18 00 |
| John | 18 00 |
| Steadman | 18 00 |
| Snyder | 18 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of F. W. Barnes, chairman of said committee, for the sum of $126, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay same.

BARNES, Chairman.

Referred to Committee on Mileage.

RESOLUTIONS.

By Mr. Killingsworth:

*Resolved*, That for and by reason of services rendered the Assembly at the desk by L. A Hilborn, at the request of the Speaker and the Chief Clerk, for the term of twenty-two days ending February 10, 1903, the Controller is hereby directed to draw his warrant in favor of the said L A. Hilborn in the sum of $176, and the State Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Killingsworth moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Howard, John, Johnson, Kerrigan, Killingsworth, Leminger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, and Walsh—55

NOES—Messrs. Dougherty, Higgins, Johnstone, Kelso, and Wanzer—5.

Mr. Dorsey moved that the following resolution, which was introduced more than ten days ago, and referred to Committee on Ways and Means, be recalled from said committee:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to purchase for the use of the committees named below the number of copies of each book set opposite the name of each committee, the same to be paid for out of the Contingent Fund of the Assembly:

For Committee on Banks and Banking, 5 copies of Magee's State Banks and Bank Officers.

For Committee on Corporations, 9 copies of Son on California Corporations

For Committee on County and Township Governments, 13 copies of Henning's County Government (2d edition).

For Committee on Municipal Corporations, 7 copies of Finlayson's Street Laws of California.

So ordered.

By Mr. Baxter:

Relating to the purchasing and making free, by the United States Government, of the toll roads passing over the Yosemite National Park, in the State of California.

WHEREAS, The State of California did, in the years 1885 and 1889, purchase and make free the portions of those certain three toll roads lying within the bounds of the grant of the Yosemite Valley (containing about thirty-six thousand acres), made to the State of California by Act of Congress, passed June 30, 1864, said roads having been built into and over said grant by permission of the State of California, and the commissioners to manage said park, provided by said Act of Congress; and

WHEREAS, The Congress of the United States did, on October first, eighteen hundred and ninety, pass an Act establishing the Yosemite National Park, containing about one million acres, in the center of which the said original Yosemite Valley Grant lies, but did not provide for the making free of the said three toll roads which pass over said National Park and into said Yosemite Valley, or for the making free of that certain fourth toll road which passes through said park, but not into said Yosemite Valley; and

WHEREAS, The Yosemite National Park is visited annually by many thousands of Californians and others, and it is a matter of great importance to the people of the United States and particularly to the people of the State of California that these toll roads should be made free by the National Government, and the anomaly of paying tolls in a people's park be done away with; and

WHEREAS, Congress has appropriated for the Yellowstone National Park over $1,100,000, of which the sum of $257,800 was appropriated at the last session of the present Congress, and has appropriated many hundreds of thousands of dollars for other national parks, but only the sum of $22,000 for the Yosemite National Park; and

WHEREAS, At the fifty-sixth session of Congress a special commission was created to examine and report upon the feasibility of acquiring the four toll roads in and about said park, and for the construction of other necessary new roads within said park; and

WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor, and did recommend that the said four toll roads be purchased at the price of $208,750, before the National Government construct any new roads; therefore be it

*Resolved by the Assembly, the Senate concurring*, That the same policy which induced the State of California to buy and make free the toll roads and trails in the California Yosemite Valley Grant, should also influence the National Government to buy and make free the toll roads which traverse the Yosemite National Park; and that our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations at the present session of Congress, in accordance with the report of said commission, for the purchase of these roads, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

*Resolved further*, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Resolution read.

Referred to Committee on Federal Relations.

MOTIONS.

Mr. Traber moved that Assembly Bill No. 385 be recalled from Committee on Judiciary and be re-referred to Committee on County and Township Governments.

So ordered.

Mr. Steadman moved that Assembly Bill No. 395 be recalled from Committee on Judiciary and re-referred to Committee on Dairies and Dairy Products.

So ordered.

UNFINISHED BUSINESS.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

On motion of Mr. Greer, passed on file.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Duryea: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Read first time, and referred to Committee on County and Township Governments.

SPECIAL FILE.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Passed on file.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol

in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto.

Passed on file.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson. Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Wright—62.

NOES—None.

Title read and approved.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Passed on file.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Read, and passed on file temporarily.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

Passed on file.

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Passed on file.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kerrigan, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, and Wright—55.

NOES—Messrs. Bangs, Barber, Covert, Dunbar, Greer, Kelso, Leininger, and Pann—8.

Title read and approved.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read second time, and ordered to third reading.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Passed on file temporarily.

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Passed on file.

Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 419.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 419 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

BROWN, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bills No. 570, 489, 357, 359, 361, 360, 362, 363, 404, 422, 423, 558, and 621 passed on file.

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No 681.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 681 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years—and do now report the same back, and recommend that it do pass.

BROWN, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itselt into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 612.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 612 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California—and do now report the same back, and recommend that it do pass.

BROWN, Chairman.

Report adopted.

Ordered to engrossment and third reading.

At eleven o'clock and fifty minutes A. M., Speaker Fisk in the chair.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 124.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 124 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Passed on file.

Assembly Bill No. 219—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Barber, Black, Copus, Covert, Ells, Finn, Greer, Higgins, Kerrigan, Lumley, Mahany, McCartney, McConnell, McKenney, McMahon, Siskron, Snyder, Stanton, Susman, and Walker—20.

NOES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Houser,

Howard, Johnstone, Kelso, Lewis of Riverside, Mattos, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Traber, Transue, Wanzer, and Wright—38.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Mattos, McConnell, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—None.

Title read and approved.

MOTION.

Mr. Drew moved that a correct copy of the amendment submitted to Assembly Bill No. 37 yesterday, and adopted, be printed in the Journal in lieu of those erroneously printed in the Journal of Monday, February 9, 1903, at pages twenty-six, twenty-seven, and twenty-eight.

So ordered.

AMENDMENT TO SUBSTITUTE TO ASSEMBLY BILL NO. 37.

SECTION 1. Section eighteen hundred and seventy-four of the Political Code is hereby amended to read as follows:

Section 1874. *In compiling or causing to be compiled and adopted a uniform series* of school text-books for use in the common schools of the State, as required by Section seven (7) of Article nine (9) of the State Constitution, the State Board of Education shall, within thirty days after the passage of this Act, meet and appoint three members of said board as a permanent committee on school text-books, designating the members thereof, not by name, but by the official positions which they respectively hold, and it is hereby recommended that the Governor, the president of said State Board of Education, be chosen one of the members of said committee. The said committee shall be designated and known as the State Text-Book Committee, and shall immediately organize and enter upon the discharge of its duties, and shall have power, subject to the approval of the State Board of Education, to revise in whole or in part and to manufacture such text-books as are now in use; to compile or cause to be compiled under its direction, and to manufacture such other or additional text-book or books as it may deem necessary or proper for use in the primary and grammar schools (the common schools) of the State; to purchase or hire plates, maps, and engravings of copyright matter; *to contract for, or lease copyrights, for the purpose of being used in compiling,* printing, and publishing such books; to provide for the payment of royalties or for the leasing of plates for the making of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform series of text-books for use in all the primary and grammar schools of the State of California. Said committee shall have power, subject to the approval of the State Board of Education, to prescribe and enforce the use of a uniform series of text-books, and to adopt a list of books for supplementary use from which county and city and county boards of education shall select and adopt books for supplementary use in primary and grammar schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code. As soon as any text-book shall have been compiled, printed, adopted, and is ready for distribution, it shall be the duty of every county and city and county superintendent of schools in the State to order a sufficient number thereof to give at least one copy of every such book to every public school district library in the county or city and county in which he is superintendent, and payment therefor shall be made by him by drawing his requisition without the order of the board of school trustees against the library funds of the respective districts in his county or city and county for the cost, and remitting the same to the official who has charge of the sale of State school text-books. In cities where the city school superintendent or city board of education is accustomed to draw requisitions upon the library funds, it is hereby made the duty of such superintendents or boards of education to order and pay for copies of books of the State series for their school libraries as herein provided, in lieu of the county superintendents.

2. Instruction shall be given in the following subjects in the primary and grammar schools of the State in the several grades in which they may be required, viz.: Reading,

writing, orthography, language lessons and English grammar, arithmetic, geography, history of the United States, elements of physiology and hygiene, vocal music, elementary bookkeeping, drawing, nature study, and civil government; and it shall be the duty of the said Text-Book Committee to revise such of the books of the present State series or publish such new ones in any of the above-mentioned subjects as may be necessary for the proper study and teaching of them, and for the purposes of compilation and publication may make use of any copyright matter deemed suitable, and may purchase or hire plates, maps, or engravings of such copyright matter, may contract and arrange for the payment of royalties, and shall designate such book or books, when published, as belonging to and forming a part of the State series of school text-books, subject to the approval of the State Board of Education.

3. Within ten days after organization, the said Text-Book Committee shall elect a secretary, who shall be a person of recognized educational ability and experience, who shall be provided with an office at the State Capitol in Sacramento in connection with that of the Superintendent of Public Instruction, and who shall keep the books, accounts, and all records of the said committee and perform such other duties as may from time to time be required of said secretary by said committee. Said secretary shall hold office at the pleasure of the committee and shall receive a salary of two hundred dollars per month, payable monthly in the same manner and from the same fund as the salaries of State officers are paid

4. The said Text-Book Committee may secure copyrights, in the name of the people of the State of California, to any book that may be compiled under this Act, and whenever any one or more of the State school text-books shall have been compiled, published, and adopted, the Superintendent of Public Instruction shall issue an order to all county and city and county boards of education by sending notice by registered mail to the secretaries of all such boards requiring the uniform use of said book or books in all the primary and grammar schools of this State, and when said order shall have thus been given and published, the same shall remain in force and effect for a term of not less than four nor more than eight years; *provided*, that said order for the uniform use of said book or books shall not take effect until the expiration of at least one year from the time of the completion, purchase, or the leasing of the electrotype plates of said book or books; but nothing in this Act shall be construed to prevent any county, city, or city and county from adopting any one or more of the State series of school text-books whenever said book or books shall have been published and is ready for distribution; *provided further*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use, as hereinbefore provided, the State Text-Book Committee shall enter into a contract for not less than four nor more than eight years for the use of the same, and shall require a good and sufficient bond of the owner of such plates, maps, or engravings, guaranteeing that the same shall be kept revised and up to date as may be required by the State Board of Education

5. Any county, city and county, city, or school district that refuses or neglects to use the State series of school text-books in the grades and in the subjects for which they are intended, and at the time as required in the foregoing subdivisions of this Act shall, upon satisfactory proof of such refusal or neglect, have the State money to which it is otherwise entitled withheld from it by the Superintendent of Public Instruction.

6. The Superintendent of State Printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be compiled and adopted by said Text-Book Committee and approved by the State Board of Education, and all such printing and binding shall be done in the State Printing Office. The Superintendent of State Printing shall annually on the first day of July, and oftener if requested, submit to the said Text-Book Committee a detailed statement showing the number and name of books of the State series published by him during each year.

7. Whenever any book authorized to be published under this Act is ready for sale or delivery to pupils, the State Printer shall submit to the said State Text-Book Committee, and it in turn to the State Board of Education, an itemized statement showing the exact cost of the material, printing, binding, and finishing of such book in editions of five thousand or more; and the State Board of Education shall thereupon determine and fix the price of such book, as required by law, by adding to the cost of manufacturing it the price contracted to be paid as royalty or for the use of the plates, maps, or engravings of the copyright matter therein contained, and said price shall be deemed to be the whole cost of publication of such book at Sacramento. The amount fixed for royalty or cost of plates of copyright matter shall, as the books are sold, be kept separate from other proceeds from the sale of State school text-books, and deposited in the State Treasury to the credit of a fund to be designated and known as the "Text-Book Royalty Fund," the same to be paid out quarterly or semi-annually, as may be agreed between the owners of copyright matter and said Text-Book Committee, on the order of the said State Text-Book Committee, in payment of royalties or hire of plates, maps, or engravings of copyright matter in the same manner as other claims upon the State Treasurer are paid.

8. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. Said appropriation, which shall be known as the "text-book appropriation," shall be subject to the drafts of the said Text-Book Committee for all the expenses incurred by it, except the salary of the secretary, which is otherwise provided for in this Act; *provided*, that all claims shall be presented to the State Board of Examiners for their approval; said appropriation shall be subject to the drafts of

the said committee for all moneys needed for the payment of royalties, for the purchase or hire of such plates, maps, or engravings that may be necessary but which can not be arranged to be paid for as provided in subdivision seventh hereof, for expert opinions as provided for in subdivision nine of this Act, for printing, stationery, postage, and expressage that will be required by said committee and for manufacturing any edition of any book of the State series now in use or which may hereafter be adopted for use in the primary and grammar schools. It is provided that all moneys that have been received or that may hereafter be received from the sales of State series of school text-books, except that which is received in payment of royalties and provided in this Act to be deposited to the credit of the Text-Book Royalty Fund, shall be kept by the State Treasurer as a separate and distinct fund, to be known as the "State School-Book Fund," which fund shall be subject to the drafts of the said Text-Book Committee for all expenses incurred by the Superintendent of State Printing for all material, labor, and other expenses necessary in the mechanical work of printing and publishing State school text-books, all claims to be drawn after being certified to by the Superintendent of State Printing, as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the State School-Book Fund shall be presented to the State Board of Examiners in itemized form for their approval; and upon the approval of the State Board of Examiners, the State Controller is hereby authorized and directed to draw his warrant, and the State Treasurer is hereby authorized and directed to pay the same, in conformity with the provision of this section

9. Before selecting any text-book matter to be used in the compilation or revision of a State school text-book, the said committee may, subject to the approval of the State Board of Education, secure one or more educational experts to examine and give their opinions on the merits of any book or books or parts of a book that may be taken under consideration, the said experts to be chosen from among persons that have had at least five years' experience as teachers in schools of the character and grade of the primary and grammar schools of California, and the claims for payment of such expert service shall be paid in like manner as other claims are paid out of the State text-book appropriation; *provided*, that the expense of such expert examination and opinion shall not exceed the sum of two hundred dollars ($200 00) for any one book.

10. The existing law which provides the manner and the means for the distribution of State school text-books is hereby continued in force and effect.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

MOTION.

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 138.

So ordered.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 138.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 138 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing

additional land for Sutter's Fort and for improving the grounds about said fort—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the title, and in lieu thereof substitute: "An Act providing for an appropriation of five thousand ($5,000) dollars for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance."

Amend section one by striking out the whole of said section and substituting in lieu thereof the following:

"Section 1. The sum of $5,000 is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expense of maintenance."

Amendment adopted.

AMENDMENT No. 2.

Amend section two by striking out all of said section after the word "same" in line four of printed bill, and inserting a period.

Amendment adopted.

Assembly Bill No. 138 ordered to print, engrossment, and third reading.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Constitutional amendment read.

At twelve o'clock and twenty-three minutes P. M., the Speaker called Mr. Stansell to the chair.

Pending the consideration of Assembly Constitutional Amendment No. 16, at twelve o'clock and thirty minutes P. M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, and 440 passed on file.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

On motion of Mr. Leininger, re-referred to Committee on Fish and Game.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Passed on file.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Passed on file.

Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 104.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 104 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendment was submitted:

Amend by striking out the word "July" on line one, section three, printed bill, and inserting in lieu thereof the word "January," and also amend by striking out the word "three" on line two, section three, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

The following amendments were submitted:

Amend by striking out the words "forty-six and seventy-five one-hundredths" in lines one and two, section one, first page, printed bill, and inserting in lieu thereof the following: "three hundred and one."

Amendment lost.

Amend by striking out the words "forty-six and seventy-five one-hundredths" in lines three and four, section two, first page, printed bill, and inserting in lieu thereof the following: "three hundred and one."

Amendment lost.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 234—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Read second time.

Mr. Johnson moved that the consideration of the bill be indefinitely postponed.

Mr. Transue moved to amend to re-refer to the Committee on Commissions and Public Expenditures.

Amendment lost.

The question recurring on the motion to indefinitely postpone.

Motion carried.

Assembly Bill No. 83—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Passed on file.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Passed on file.

Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State, for general distribution, parasitical and predaceous insects, which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Passed on file.

Assembly Bill No. 245—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Read second time.

The following committee amendment was submitted:

Amend as follows: After the word "work," in line nine of the printed bill, insert the following: "and work done prior to the passage of this Act by such inspectors, now regularly employed, shall be counted in fixing said salaries."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

After the word "letters" in line six of page one of the printed bill add the words "at least one quarter of an inch in height," placing the comma after the word "letters" after the word height.

Amendment adopted.

AMENDMENT No. 2.

After the word "examine," section three, line nine, strike out the word "the" and insert the word "such."

Amendment adopted.

AMENDMENT No. 3.

After the word "fruit," line ten, section three, add "as may be necessary to accomplish the purposes of this Act."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 240—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Passed on file.

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 57—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax.

Passed on file.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Assembly Bill No 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California.

AMERIGE, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. McCartney: Assembly Bill No. 744—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read first time, and referred to Committee on Judiciary.

By Mr. Mattos: Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

Read second time, and passed on file pending amendment.

Assembly Bill No. 60—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative bodies of any incorporated city and county, city, town, or other municipality, to obtain the necessary information from any corporation, company, or person supplying such municipality with gas, electricity, or other illuminating light, used either for lighting, power, or fuel, and to enable them to regu-

late the charges therefor and providing for regulating the charges therefor by such municipal authorities.

Read second time.

The following committee amendment was submitted:

Amend by adding in section five in line ten, page three, printed bill, after the word "free," the words "*provided, also*, that no corporation, company or association, or person herein referred to shall have the right to charge and collect a minimum rate for the furnishing of light, heat and power, but said corporation, company, association or person shall charge and collect only for the amount of light, heat and power actually consumed"; and amend by striking out the word "state" in section three, line four, page two, printed bill, and inserting in lieu thereof the word "statement."

Amendment adopted.

Mr. Dunbar submitted the following amendment:

Amend by striking out all the words after the word "be" in line twelve, section two of the printed bill, down to and including the word "also" in line fourteen of said section.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 50—An Act to provide for summary prosecution, without a jury, for the violation of such ordinances of municipal corporations as make criminal certain acts or omissions not already made criminal by the general criminal laws of the State.

Read second time, and passed on file pending amendment.

Assembly Concurrent Resolution No. 4—Approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Resolution read.

The following committee corrections of typographical errors were submitted:

Amend by striking out the word "regular" in line one hundred and twenty-nine, twelfth page, printed bill, and inserting in lieu thereof the word "regulate."

Amend by striking out the word "by" in line sixty-eight, page nineteen, printed bill, and inserting in lieu thereof the word "be."

Amend by striking out the word "to" in line seventy-five, page twenty, printed bill.

Amend by striking out the word "is" in line thirteen, section three, page thirty-seven, printed bill, and inserting in lieu thereof the word "its."

On motion of Mr. Wanzer, the corrections were ordered made, and the resolution sent with rush order to printer.

MOTION.

Mr. Wanzer moved that Assembly Concurrent Resolution No. 4 be made a special order for Wednesday, February 11, 1903, immediately after the reading of the Journal.

So ordered.

RESOLUTION.

By Mr. Walsh:

WHEREAS, Hon. A. D. Duffey has, by the decision of the Assembly, lost his seat therein; and,

WHEREAS, During the time that Mr. Duffey has been a member of this body, he has discharged his duties with honesty and fidelity, and has been a faithful representative; be it, therefore,

*Resolved*, That the thanks of this Assembly be and they are hereby extended to Mr. Duffey for his faithful service and attendance as a member, and we hereby extend to him our best wishes for success in future life.

Resolution read.

Mr. Walsh moved the adoption of the resolution.

Seconded by Mr. Wanzer.

Resolution adopted unanimously.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 116—An Act making an appropriation for the erection of a workshop at the home of the "Industrial Home for the Adult Blind."

Passed on file.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Passed on file.

Assembly Bill No. 257—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 349—An Act to amend Sections 628, 629, 632, 636, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

On motion of Mr. McNeil, Assembly Bill No. 655, committee substitute bill, substituted for Assembly Bill No. 349.

Assembly Bill No. 655—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read second time.

MOTION.

Mr. McNeil moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 655.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 655 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 655—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

On motion of Mr. Knight, ordered to foot of second-reading file.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General for the fifty-third fiscal year.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 538.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 538 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General for the fifty-third fiscal year—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 539.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 539 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year—and do now report the same back and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 75.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 75 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigation—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Pending the consideration of the report of the Committee of the Whole, the Speaker announced that the hour had arrived for the consideration of the special file of Senate bills.

SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read second time.

Passed on file, pending amendment.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

Mr. McMartin moved that a select committee of one be appointed to amend Senate Bill No. 150.

So ordered.

The following committee amendments were submitted:

After the word "dollars" in line seventeen, section six hundred and twenty-nine, page three, printed bill, insert the following: "nor more than one hundred and fifty dollars."

Amendment lost.

After the word "days," in line nineteen, section six hundred and twenty-nine, page three, printed bill, insert the following: "nor more than fifty days."

Amendment lost.

After the word "dollars" in line twenty-eight, section six hundred and thirty-two, page four, printed bill, insert the following: "nor more than one hundred and fifty dollars."

Amendment lost.

After the word "days" in line twenty-nine, section six hundred and thirty-two, page four, printed bill, insert the following: "nor more than fifty days."

Amendment lost.

After the word "dollars" in line thirty-one, section six hundred and thirty-seven, page five, printed bill, insert the following: "nor more than five hundred dollars."

Amendment lost.

After the word "days," in line thirty-two, section six hundred and thirty-seven, page five, printed bill, insert the following: "nor more than one hundred and fifty days."

Amendment lost.

Mr. Knight moved that a select committee of one be appointed to amend Senate Bill No. 150.

So ordered.

The following committee amendment was submitted:

Amend by striking out of section five, line thirty, printed bill, the word "act," and inserting in lieu thereof the word "section."

Amendment lost.

Mr. Soward moved that a select committee of one be appointed to amend Senate Bill No. 150.

So ordered.

The following committee amendment was submitted.

Strike out the words "November" and "April" in line five, page three, and insert the the words "March" and "June."

Amendment lost.

Mr. Knight moved that a select committee of one be appointed to amend Senate Bill No. 150.

So ordered.

The following committee amendment was submitted.

Strike out the word "May" and the word "September" in section one, line ten of the printed bill, and insert the words "June" and "August," respectively, in the place of the words stricken out.

Amendment lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Burgess, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—Messrs. Dougherty and Soward—2.

Title read and approved.

COMMUNICATION.

HON. ARTHUR G. FISK:

DEAR SIR: The following resolutions are forwarded to you, hoping that they will be brought to the immediate and favorable attention of the Assembly:

WHEREAS, The California Federation of Women's Clubs, representing 130 clubs and 9,000 women, assembled in Fresno, for its annual meeting, considering the case of the late Jessie Benton Fremont, now pending before Congress in the Committee on Claims, to be one of unusual hardship and deserving of favorable consideration and immediate settlement by Congress; and

WHEREAS, There can be no nobler and more appropriate monument to the memory of John C. and Jessie Benton Fremont than the protecting care of California for Elizabeth Benton Fremont, their only daughter; and

WHEREAS, Mrs. Fremont was, for many years, and until the time of her death, a resident of California; as the claim is for property in California, seized by the Government, and as General John C. Fremont was one of the principal factors in the acquisition of California and one of her first Senators, it is fitting that a measure for the relief of their daughter be pressed as a State measure, therefore, be it.

*Resolved*, That the California Federation of Women's Clubs earnestly petitions the State Legislature to make the settlement of the Fremont claim the business of the State of California, that to that end Congress be immediately memorialized, and further, that either a committee or an attorney be put in charge of the matter to continue the prosecution of the case and carry it to a successful conclusion, for the speedy relief of the heirs of Jessie Benton Fremont; and

*Resolved*, That certified copies of these resolutions be at once forwarded to the Governor of the State of California, and to the President of the Senate and the Speaker of the Assembly.

MRS. W. W. STILSON,
Acting President C. F. W. C.
MRS. GEO. BABCOCK,
Rec. Sec'y C. F. W. C.

Resolutions passed February 4, 1903.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 105—An Act to appropriate the sum of $1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

Title read and approved.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 10, 1903

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly.

Also: Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts

Also: Assembly Bill No. 132—An Act to amend an Act to promote apicultural interests.

Also: Assembly Bill No. 322—An Act to provide for the ascertainment of the terms and validity of grants creating trusts

Also: Assembly Bill No. 448—An Act making an appropriation for the transportation of prisoners.

Also: Assembly Bill No. 449—An Act making an appropriation for the transportation of the insane

Also: Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State.

GEO. C PARDEE,
Governor of the State of California.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Brown, Foster, Goodrich, Houser, Johnson, Johnstone, Kelso, King, Lewis of Riverside, McCartney, Mott, Pyle, Soward, and Mr. Speaker—14.

NOES—Messrs. Allen, Amerige, Baxter, Black, Boisson, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Greer, Hart, Higgins, Howard, John, Kerrigan, Killingsworth, Leininger, Lumley, Mahany, McConnell, McMahon, McMartin, McNeil, Pan, Prescott, Rolley, Siskron, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—45.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Weger, and Wright—56.

NOES—None.

Title read and approved.

At four o'clock and five minutes P. M., the Speaker called Mr. Stanton to the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That an hour and a half each day from 3 to 4:30 o'clock P. M. shall be devoted to the consideration of the special file of bills passed by the Senate

BROWN, Chairman.

Report adopted.

Mr. Brown moved the adoption of the rule.

Rule adopted.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Finn, Foster, Goodrich, Howard, John, Johnson,

Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—50

NOES—Mr. Houser—1.

Title read and approved.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Dorsey, Drew, Dunbar, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, McNeil, Mott, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—49.

NOES—None.

Title read and approved.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Passed on file.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prisons at San Quentin and Folsom.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs Amerige, Barnes, Bates, Baxter, Black, Brown, Burgess, Covert, Drew, Foster, Goodrich, Greer, Johnstone, Kelso, King, Lumley, McConnell, McMartin, McNeil, Prescott, Stanton, Steadman, Transue, Walker, Wanzer, and Mr. Speaker—26.

NOES—Messrs. Allen, Dorsey, Dougherty, Dunbar, Finn, Higgins, Johnson, Killingsworth, Knight, Leininger, Mahany, Mattos, McMahon, Mott, Pann, Pyle, Siskron, Snyder, Susman, Walsh, Waste, and Wright—22.

At four o'clock and twenty minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Read third time.

On motion of Mr. McMartin, re-referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Brown, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Finn, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

*Resolved*, That the Speaker be and he is hereby authorized to appoint Assemblyman Wanzer in place of ex-Assemblyman Duffey on all committees on which said ex-Assemblyman Duffey was placed.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Lewis of Riverside, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 11, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Monday, February 9, 1903, was read, corrected, and approved.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 4—Approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

WHEREAS, The City of Watsonville, a municipal corporation of the County of Santa Cruz, is now, and was at the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants;

WHEREAS, At a special municipal election duly held in said city on the fifteenth day of April, nineteen hundred and two, under and in accordance with law and provision of section eight of article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was, on the tenth day of July, nineteen hundred and two, signed in duplicate by the members of said board of freeholders, and was thereupon duly returned, one copy to the President of the Board of Trustees of said city, and the other copy to the County Recorder of Santa Cruz County; and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: The Watsonville Daily Register, for more than twenty days after the completion of said charter (said publication being from the seventeenth of July to August eighth, nineteen hundred and two); and

WHEREAS, Within less than thirty days after the publication of said charter as required by said section eight of article eleven of said Constitution, to wit: on the thirtieth day of August, nineteen hundred and two, said charter was submitted by the legislative authority of said City of Watsonville to the qualified electors of said city at the special election previously duly called and then held therein for the purpose of ratifying or rejecting said proposed charter;

WHEREAS, The returns of said election were duly canvassed by said Board of Trustees of said city at a meeting held on the second day of September, nineteen hundred and two; and

WHEREAS, At said special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said Board of Trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter; and

WHEREAS, Said charter as so constituted by its ratification as a whole, is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of said State; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF WATSONVILLE

By the Board of Freeholders elected April 15, 1902, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

*Article I—Boundaries and Corporate Powers.*

SECTION 1. The municipal corporation now existing and known by the name of "City of Watsonville" shall remain and continue a body politic and corporate in name and in fact, by said name of City of Watsonville, and by that name shall have per-

petual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and may alter the same at pleasure; may make and enter into contracts; may purchase, acquire, receive, hold, possess, and enjoy necessary real and personal property within and without its corporate limits, and may sell, convey, lease, and dispose of the same for the common benefit; may construct, purchase, or otherwise acquire water works, artificial light works, street railroads, and other public utilities, and may regulate, manage, and dispose of the same; may receive bequests, gifts, and donations of all kinds of property within or without its corporate limits, in fee simple or in trust for charitable and other lawful purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; may within the limits provided by this charter, levy and collect taxes upon all taxable property within the City of Watsonville, and may do and perform all other acts necessary or incident to the exercise of the powers herein, or otherwise by law granted.

SEC. 2. The City of Watsonville shall continue, under this charter, to have, hold and enjoy all property, rights of property, rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 3. Suits, actions, and proceedings may be brought in the name of City of Watsonville for the recovery of any property, money, or thing belonging thereto, in law or in equity, or dedicated to the public use, or for the enforcement of any rights or contracts with said corporation; whether made, or arising, or accruing before or after the adoption of this charter. All existing suits, actions, and proceedings, in court or elsewhere, to which the City of Watsonville is a party, shall continue to be carried on by or against said City of Watsonville.

SEC. 4. No recourse shall be had against the City of Watsonville for damages or loss to person or property suffered or sustained by reason of the defective condition, or for want of repair of any sidewalks, street, avenue, alley, highway, public park or public place, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the said municipal corporation for any damage to persons or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, park, court, or place, or suffered or sustained by reason of the falling from any embankment thereon, or into any excavation therein; but in such case the person or persons on whom the law may have reposed the obligation to repair such defects in the sidewalk, street, highway, or sewer, and also the person or persons, officer or officers, through whose official negligence such defects remain unrepaired, without adequate guard and lights placed for the protection of the public, shall be jointly and severally liable to the party injured for damages sustained.

SEC 5. Said municipality shall have power, upon a two-thirds affirmative vote of the electors thereof, to levy taxes, exceeding the limits hereinafter provided in this charter to be levied by the Board of Aldermen; such excess levy not to exceed, in any one year, one per cent of the assessed valuation made for the purpose of city taxation of the property within the territory of said City of Watsonville.

SEC. 6. The boundaries and area of the City of Watsonville shall be and remain as fixed by section two of an Act of the Legislature of the State of California entitled, "An Act to incorporate the Town of Watsonville, Santa Cruz County, California," approved March thirtieth, eighteen hundred and sixty-eight; *provided, however*, that the boundaries and area of said city may be enlarged or altered in accordance with the provisions of the general laws of the State of California. If area is enlarged it shall become a part of contiguous ward or wards, as may be determined by the Board of Aldermen.

SEC. 7. The City of Watsonville is hereby divided into four wards, which shall be respectively designated and described as follows:

First Ward—The first ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street, at the intersection of the middle line of said Pajaro street with the middle line of Third street, thence running along the center line of said Pajaro street northwesterly, and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city southwesterly and southeasterly to the middle line of Third street; thence along the middle line of said Third street in an easterly and northeasterly direction to the place of beginning.

Second Ward—The second ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street northwesterly and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city northeasterly and southeasterly to the middle of Third street; thence along the middle line of said Third street in a southwesterly direction to the place of beginning.

Third Ward—The third ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city; thence along the boundary lines of said city northeasterly and northwesterly to the middle line of Third street; thence along the middle line of Third street in a southwesterly direction to the place of beginning.

Fourth Ward—The fourth ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city, thence along the boundary lines of said city southwesterly and northwesterly to the middle line of Third street, thence along the middle of Third street in an easterly and northeasterly direction to the place of beginning.

*Article II—Legislative Department.*

SECTION 1. The legislative power of the City of Watsonville is hereby vested in a Board of Aldermen, consisting of eight members, two from each ward. Aldermen shall be qualified electors of the city and shall be elected by the qualified electors of their respective wards, and must be residents of the City of Watsonville for two years and of the ward from which they are elected for at least one year prior to their election The term of office of the Board of Aldermen shall be four years. At the first election of Aldermen one from each ward shall be elected for a short term of two years

SEC 2. If a vacancy occurs in the office of Alderman, it shall be filled by appointment by the Mayor, which appointment must be confirmed by the Board of Aldermen. The one appointed must be a resident of the same ward in which the vacancy exists and he shall hold office until the next election.

SEC. 3. The Board of Aldermen shall hold regular meetings at least once a month at the city hall and shall designate by ordinance the time of such regular meeting. Special meetings may be called by the Mayor, or, in case of his absence or refusal to act, by four Aldermen The votes of five Aldermen shall be requisite to the passage of any ordinance, resolution, or other official act of said board.

SEC 4. The Board of Aldermen may establish rules to govern its proceedings, may punish its members for disorderly conduct committed in its presence, and by a vote of not less than six members may, with the approval of the Mayor, expel any member for malfeasance in office

SEC. 5 The Board of Aldermen may compel the attendance of witnesses and the production of documents, books, and records relating in any way to matters pending before it; and for disobedience to a subpœna or contemptuous or disorderly conduct committed in its presence, may fine the offender not more than one hundred dollars, or punish him by imprisonment in the city jail not more than ten days.

SEC. 6 The meetings of the Board of Aldermen shall be open to the public, and the ayes and noes shall be taken and recorded by the clerk upon every final action of said board in the granting or extending of franchises, the making of contracts, the ordering of work to be done, or supplies to be furnished, the election of subordinate officers, and the passage of ordinances.

SEC. 7. The enacting clause of all ordinances shall be: "The people of the City of Watsonville do ordain as follows"

SEC. 8. All ordinances shall be reduced to writing before being passed, and upon passage shall be presented to the Mayor for approval. If he approves such ordinance, he shall indorse it accordingly, and the same shall take effect and be in force from and after the tenth day after such approval unless otherwise provided in such ordinance. If the Mayor do not approve such ordinance, he shall indorse the fact of its rejection thereon within ten days after such passage; otherwise it shall go into effect on the twentieth day after its passage By the affirmative vote of six members of the Board of Aldermen a veto of the Mayor's shall be overcome and such ordinance shall take effect on the tenth day after such affirmative vote; *provided*, such affirmative vote be taken within sixty days after the original passage of such ordinance

SEC. 9. All ordinances shall be published in some newspaper published in the City of Watsonville at least once before going into effect. All ordinances, orders, and resolutions of the City of Watsonville now in force shall continue in force until modified, abrogated, repealed, or amended by the Board of Aldermen.

SEC. 10. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, sweeping or lighting streets, public buildings, places or offices, or the supplying of water for the use of the municipality shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other illuminating materials, or for the supplying of water for the municipality at a higher rate than is charged to other consumers. The erection, improvement, and repair of all public buildings, and works, street and sewer work, and the furnishing of supplies, or material for the same, and all purchases of other supplies, and all contracts where the expenditure exceeds two hundred and fifty dollars shall be let by contract to the lowest responsible bidder, after notice published at least once in some newspaper published in the City of Watsonville Such notice shall state the character of the work to be done, or supplies to be furnished, or refer to the place where the specifications may be seen.

SEC. 11. It shall be the duty of the Board of Aldermen to, at all times, keep the roadway of all streets within the city, which have been, or may be graded, curbed, guttered, and sidewalked, free and clear from weeds, grass, and other obstructions.

SEC. 12 Subject to the provisions, limitations, and restrictions in this charter contained, the Board of Aldermen shall have power:

1. To make and enact all ordinances not repugnant to or inconsistent with the provisions of this charter, the Constitution of the State of California, and the Constitution of the United States.

2. To acquire, by purchase, or condemnation, such real property as may be needed for public use.

3. To use, care for, manage, control, improve, lease, and sell, all real and personal property belonging to the city; *provided, however*, that said board shall have no power to hypothecate, or mortgage, any property of said city. All real estate must be sold at public auction to the highest bidder, after notice of one or more publications in a newspaper published in the city The last publication of said notice shall be made at least ten days before the day of sale.

4. To lay out, open, extend, alter, and close streets, avenues, lanes, alleys, courts, and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain, and otherwise improve the same; to provide for the repair, cleaning, and watering thereof; to manage and control such streets, highways, and places, and to regulate the use thereof; to regulate or prohibit the placing or maintaining of hitching posts, trees, signs, awnings, and other obstructions therein, and to remove obstructions therefrom.

5. To require the owners of real estate in the city to remove grass, weeds, and obstructions from the sidewalk in front of their property, and upon their default to cause such work to be done, and the cost thereof to be made a lien upon such property.

6. To fix limits within which wooden buildings or structures shall not be erected, placed, or maintained, and to prohibit the same within such limits.

7. To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, and other structures, and to provide for their summary abatement or destruction; to prescribe the depths of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of sewer connections, sanitary plumbing, bath-rooms, water-closets, privies, and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to summarily abate and prohibit the construction of buildings and structures which do not conform to such regulations.

8. To regulate the size and construction of the entrances to and exits from theaters, lecture-rooms, churches and other public buildings, and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

9. To examine, either in open session or by committee, or commission, all books, papers, vouchers, reports, statements, and accounts of the several officers and employés of the city and of any other person having care, custody or control of any money, funds or property belonging or appertaining to the City of Watsonville, or any of its funds, trusts or uses.

10 To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employés of the city whose duties are not defined in this charter, and to impose additional duties upon those whose duties are herein set forth.

11. To fix the salary and compensation of all officers and employés of the city whose compensation is not fixed or prescribed in this charter; to require bonds from all city officers for the faithful performance of the duties of their office; to fix the amount of such bonds, and to approve the same.

12 To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, and appoint all necessary election officers.

13. To ordain, make, and enforce, within the city, all necessary local, police, sanitary, and other laws and regulations

14. To define and prevent nuisances, and to provide for the abatement or summary removal thereof.

15. To prohibit or suppress houses of ill-fame or prostitution, and to prescribe the evidence necessary to establish the fact that a house is of ill-fame or used for the purposes of prostitution.

16. To determine and prescribe fines, forfeitures, and penalties for the breach or violation of any ordinance, and to make the violation of its ordinances a misdemeanor, and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however*, that such fine shall not exceed the sum of five hundred dollars, and such imprisonment shall not exceed six months.

17. To provide for and maintain a city prison, and to provide for the management, maintenance, and clothing of persons detained therein.

18. To provide for the formation of a chain gang of persons convicted of misdemeanors in the city police court, and for their employment for the benefit of the city.

19. To establish and maintain a public pound, to prevent or regulate the grazing of animals on the streets or public places, and to regulate or prevent the running at large of animals within the city, and to provide for the impounding, sale, or destruction of such animals.

20. To organize, maintain, regulate, and control the police department and fire department of the city.

21. To prevent any riotous assemblage or disorderly conduct in the city.

22. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony in the city, and to authorize the payment thereof.

23 To provide for and maintain a morgue.

24. To own, manage, and control cemeteries within or without the city, and to sell or lease lots therein, to regulate or prohibit the burial of the dead in the city, and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto.

25 To regulate the management of slaughter-houses, chemical works, glue factories, laundries, tanneries, and all other offensive trades, and all manufactories, works, and business of every description which may endanger the public safety, health, and comfort; and to restrict the same to fixed limits or to prohibit their maintenance within the city.

26. To regulate or prohibit the manufacture, keeping, storage, and use of powder, nitro-glycerine, fireworks, and other explosive substances and materials.

27. To regulate the storage of hay, straw, and other inflammable materials.

28 To regulate or prohibit the use of steam boilers and steam engines within the city.

29 To levy and collect, within the limits prescribed by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.

30. To manage and control the city's finances, and to examine and liquidate all accounts against the city, or to reject the same in whole or in part

31. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law, and transacted and carried on in said city, and all shows, exhibitions, and lawful games carried on therein, and to fix the license tax upon the same and to provide for the collection thereof.

32. To provide for the purchase of any property levied upon under execution in favor of the city; *provided*, that the amount bid for such property shall, in no instance, exceed the amount of the judgment and costs

33. To provide for the proper execution of all trusts confined in the city.

34. To provide a seal for the City of Watsonville, for the city police courts, and for such officers and departments of the city government as may require the same

35 To provide for the preservation, maintenance, and extension of the city's sewer system, and to make and enforce all necessary rules and regulations for the management and use thereof.

36 To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system, and in case of default on the part of such owners, to cause such work to be done and the cost thereof to be made a lien against such property.

37. To provide for the city's printing and advertising.

38 To establish, maintain, and manage public markets in the city.

39. To provide for the naming of streets, and the numbering of houses in the city.

40 To provide for the erection, maintenance, and repair of all municipal buildings, and for the cleaning and lighting thereof.

41 To do and perform all other acts and things not herein enumerated, but required by this charter or by law, or necessary or incident to the exercise of any power conferred upon said board.

42 To grant franchises and to grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this charter contained relating to the granting of franchises

43. To define nuisances, and to prevent, remove, and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances and to prohibit offensive and unwholesome businesses or establishments within the city.

44. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their products in the city.

45. To provide for and regulate the inspection, by the health officer, of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk, and other products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or having, or keeping within the city of such unsound, spoiled, adulterated, or unwholesome products.

46 To cause the removal and placing underground of all telephone, telegraph, electric light, or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the city

47. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service, and connection within the city.

48. To adopt by ordinance at any time any provisions made by the general law of the State of California for the assessment, levy, and collection, or either, of the city taxes by and through the officers of the county.

49. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations, and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement, and such professions, trades, callings, occupations, and all kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, or prohibit hawking and peddling and the carrying on of any laundry, livery, and sale stable, cattle or horse corral, planing mill, rolling mill, oil well, tank or refinery, foundry, brickyard, slaughter-house, butcher shop, and the keeping of bees, cattle or poultry within the limits, or within any designated portion, of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious offensive, immoral, indecent, or disreputable places or practices within the said city.

50. To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the Board of Aldermen may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare, and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

51 To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

52. To restrain or punish vagrants, mendicants, street beggars, and lewd persons, and prevent diseased, maimed, injured, or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness and all obnoxious, offensive, immoral, indecent, and disorderly conduct and practices in the city.

53. To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fires.

*Article III—Executive Department*

SECTION 1. There shall be a Mayor, who shall be the chief executive officer of the City of Watsonville. He shall be elected at each general municipal election in said city, and his term of office shall be two years He shall be at least twenty-one years of age, a citizen of the State of California, and a resident and qualified voter of the City of Watsonville for the two years immediately preceding his election.

1. The Mayor shall be the presiding officer of the Board of Aldermen, but shall not vote unless the board be equally divided. He may call special sessions of said board and shall do so upon the request, in writing, of a majority of the members thereof. He shall have the right to be present at the meetings of all special and standing committees of said board. He shall sign the journal of said board and all warrants drawn upon the city treasury.

2 He shall diligently observe the official conduct of all officers and employés of the city and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property. The books, records, and official papers of all departments, boards, officers, and persons in the employment or service of the city shall at all times be open to his inspection, and he shall take special care to see that all such books, records, and documents are kept in proper legal form. He shall have the general supervision of all departments, public institutions, and officers in the city, and shall see that they are lawfully, economically, and honestly conducted He may, with the consent of the Board of Aldermen, at any time that he deems necessary or expedient, appoint a competent person who is an expert in bookkeeping and accounts, to examine the books, records, conditions, and affairs of any and all departments, boards, or officers in the city, and make report thereon and the person so appointed shall have full power and authority to examine all books, records, and documents of, or pertaining to the department or office, which he has been authorized to investigate

3 When any official defalcation, willful neglect of duty, or other official misconduct by or on the part of any employé of the City of Watsonville shall come to the knowledge of the Mayor, he shall have the power to suspend such delinquent officer or person from his office or employment and immediately report the matter to the Board of Aldermen for investigation. The board may, after a public hearing, approve such suspension and remove the accused person from his office or dismiss him from the service of the city, by a majority vote of the entire board.

4. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he, with the consent of the Board of Aldermen, shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons, associations or corporations failing to fulfill their agreements or contracts with the said city, in whole or in part

5. The Mayor shall, once every month, together with the City Attorney, and the chairman of the finance committee of the Board of Aldermen, count the cash in the city treasury and ascertain whether or not it corresponds with the books of the City Treasurer and City Auditor, and report the result of such count to the Board of Aldermen at its next meeting.

6 The Mayor shall see that the laws of the State of California, the provisions of this charter, and the ordinances of the city are strictly enforced and duly observed. He shall take all necessary measures for the preservation of public order and the suppression of

all mobs, riots, and tumults, for which purpose he may use the police force, and in case such force is insufficient he may call upon the Governor of the State for military aid

7. The Mayor shall, annually, and oftener, if he deems proper, communicate in writing to the Board of Aldermen a statement of the affairs of the city, and shall recommend such measures regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances, and other matters that he may judge proper or beneficial to the city's interest; and he shall exercise such other powers, and perform such other duties as may be conferred or prescribed in this charter, by law, or the ordinances of the city

8 When, by reason of absence from the city, or from any other cause, the Mayor is temporarily unable to perform the duties of his office, the Board of Aldermen may select one of their number president pro tem., and he shall act as Mayor during the absence or disqualification of that officer. When, from any cause, there occurs a vacancy in the office of Mayor, the Board of Aldermen shall elect one of their number president pro tem., who shall be ex officio Mayor and who shall hold office during the remainder of the unexpired term.

*The City Clerk, Auditor, and Assessor.*

SEC. 2. There shall be a City Clerk, who shall be ex officio City Auditor and City Assessor. He shall be elected at each general municipal election, and his term of office shall be two years. He shall be a citizen of the State of California and a resident and qualified elector of the City of Watsonville for two years next preceding his election.

1. As City Clerk: He shall be present at all meetings of the Board of Aldermen, and keep a journal of its acts and proceedings He shall have the custody of, and be responsible for the corporate seal of the city, and all books, papers, records, documents, and archives thereof, not in actual use by some other officer, or, by special provision of law, confided to other custody. He shall authenticate, by his signature and the corporate seal of the city, all ordinances of the city and official acts of the Board of Aldermen He shall, in separate books to be kept by him for such purpose, record all ordinances of the city, all contracts to which the city, or any officer thereof, is party, and all official, or other bonds, given to said city, or in which it is interested He shall make out, sign, and deliver to the City Collector, all licenses issued by said city He shall file all claims and demands against the city, which are required to be presented to the Board of Aldermen, and in a book kept for that purpose, shall keep a list of all such claims acted upon, showing the name of the claimant, the amount of the claim, the date and amount of its allowance, and the number of the warrant issued in payment thereof. He shall keep all books and public records properly indexed, and open to inspection by the general public at all times, when not actually in use. He shall have the power to take affidavit, and administer oaths in all matters relating to the city's business, and shall make no charge therefor. And he shall perform such other duties as may be imposed by this charter, the laws of the State, or the ordinances of the city.

2 As City Auditor: He shall keep a complete set of books, in which shall be set forth, in a plain and business-like manner, every money transaction of the City of Watsonville, so as to show at all times the amount of money in the city treasury, and the condition of each fund, from what sources said money was derived, and for what purpose all money has been expended; together with all collections made and paid into the treasury by each officer, or other person It shall be the duty of the City Auditor to apportion among the several funds all public moneys at any time in the city treasury, and not, by law or ordinance, specifically apportioned or appropriated, and to forthwith notify the City Treasurer of such apportionment He shall keep a record of all demands allowed by the Board of Aldermen against the city and shall draw and countersign a warrant for the same on the City Treasurer immediately after such demand has been audited and allowed, as provided in this charter, and shall keep a record of such warrants. He shall, on application of any person indebted to the City of Watsonville, or holding money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount to be paid, by whom the same shall be paid, and to what fund the same is applicable He shall, upon deposit with the City Treasurer of such money, charge that officer with the amount received by him, and give the person paying the same a receipt therefor He shall report to the Board of Aldermen at the first regular meeting in each month, the condition of each fund in the city treasury. He shall, on or before the first day of July of each year, make and present to the Board of Aldermen a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth careful estimates: First of the revenue from sources other than taxation; secondly, of the expenditures required, itemizing such expenditures; and, lastly, of the amounts necessary to be raised by taxation for each fund And he shall perform such other duties as may be required of him by this charter, law, or the ordinances of the city

3. As City Assessor: He shall prepare, on or before the first day of August of each year, and present to the Board of Aldermen, with his certificate of its correctness, a list of all the real and personal property in said city, taxable for municipal purposes, with the true valuation thereof; be present at all sessions of the City Board of Equalization, and furnish to said board such information regarding the assessment roll and on all matters pertaining thereto as may be required. He shall act as clerk of said Board of Equalization, keep a journal of its proceedings, and enter upon said assessment list all changes and corrections made by said board. He shall make, or procure

to be made, all necessary abstracts to be used in making up the assessments of the property in said city. After the taxes have been fixed by the Board of Aldermen, he shall make the proper calculations and enter upon the assessment book the amount of taxes due from each taxpayer, and deliver said book, so completed, to the City Collector on or before the third Monday of September of each year And he shall perform such other services and exercise such other powers as may be required of or conferred upon him by this charter, by law, or by the ordinances of the said city.

*The City Treasurer.*

SEC. 3. There shall be a City Treasurer. He shall be elected at each general municipal election, and his term of office shall be two years. He must be a citizen of the State of California, and a resident and qualified elector of the City of Watsonville for the two years next preceding the day of his election He shall receive and keep all moneys belonging to or that shall come to the City of Watsonville by taxation or otherwise, and pay out the same on demands, legally audited in the manner provided by this charter or ordinance of the Board of Aldermen; and without such auditing he shall disburse no public money whatever, except the principal and interest on the municipal debt when payable He shall keep an account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Board of Aldermen of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or by the ordinances of said city.

*The City Attorney.*

SEC. 4 The Board of Aldermen shall appoint an attorney for the city, who shall be known as the City Attorney, and shall hold his office during the pleasure of the Board of Aldermen The City Attorney shall have been an elector of the city for at least two years prior to his appointment; shall have been duly admitted to practice in the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least one year next before his appointment. It shall be his duty to attend to all suits and all other matters and proceedings in which the city may be legally interested; *provided*, that the Board of Aldermen shall have control of all litigation. He shall, whenever required by the Mayor, Board of Aldermen, or any city officer, give his advice or opinion in writing. He shall be the legal adviser of all city officers He shall draft and approve the form of all official and other bonds given to, and all contracts made with the city; he shall draft, when requested by the Mayor or Board of Aldermen, or any member thereof, all proposed ordinances, resolutions, or orders of the Board of Aldermen, and shall do and perform all other things touching his office required of him by the Mayor or Board of Aldermen.

*The City Engineer, Superintendent of Streets, and Superintendent of Sewers.*

SEC. 5 There shall be a City Engineer, who shall be ex officio Superintendent of the Streets and Superintendent of Sewers. The Board of Aldermen shall appoint a civil engineer and surveyor, who shall be known as the City Engineer, and shall hold his office during the pleasure of the board

1. As City Engineer: He shall perform the duties prescribed by this charter, and such other duties as may be prescribed by the Board of Aldermen. He shall possess the same power in said city in making surveys, plats, and certificates, as is or may be from time to time given by law to county surveyors, and his official acts, and all plats, surveys, and certificates, made by him shall have the same validity and be of the same force and effect as are, or may be, given by law to those of the County Surveyor He shall make all surveys, inspections, and estimates required by the Board of Aldermen; he shall examine all public work done under contract, and report thereon, in writing, to the Board of Aldermen. He shall, on application of any person, owning or interested in real property in said city, for a survey or plat of property, make and deliver the same upon the payment of his fees therefor. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with the full index thereto, and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates, and other memoranda and surveys, and other professional work made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city.

2. As Street Superintendent: He shall have the general care of the streets of the city and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions or street improvements. He shall superintend all public work pertaining to street improvements while the same is in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise, and shall at once report to the Board of Aldermen, in writing, all deviations from contracts, use of improper material and bad workmanship in such work, and shall have, pending investigation, power to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or may be hereafter imposed by ordinance.

3. As Superintendent of Sewers: He shall perform such duties as may be prescribed in this charter or by the Board of Aldermen by ordinance.

(The Board of Aldermen may by ordinance provide that the offices specified in this article shall be held by separate officials.)

*Article IV—Judicial Department.*

SECTION 1. The judicial power of the City of Watsonville shall be vested in a Police Court, consisting of one Police Judge. The Police Judge shall be elected in the same manner as are other city officers at each regular municipal election, and shall hold office for the period of two years. He shall be a resident and qualified voter in the City of Watsonville for at least two years next preceding the day of his election. Any vacancy in the office of Police Judge shall be filled by appointment of the Mayor, which appointment must be ratified by the Board of Aldermen.

SEC. 2. The city shall provide a suitable court-room and office for holding the City Police Court, the necessary furniture and stationery, and a seal for said court. At any time that the Board of Aldermen may deem necessary, it may authorize the appointment of a clerk of said court, and provide for his compensation.

SEC. 3. The City Police Court shall have exclusive jurisdiction:

1. Of all actions and proceedings, both civil and criminal, for the violation of any city ordinance.

2. Of all actions for the collection of any license required by any city ordinance.

3. Of all actions and proceedings for the collection of money due the city, or due from the city to any person, where the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars

4. Of all actions to recover for the breach or forfeiture of any bond, undertaking or recognizance given to, or for the benefit, or in behalf of the city, including official bonds, bonds given in legal proceedings, and to secure the performance of contracts; and of all actions for the breach or violation of any contract to which the city is a party or in which it is interested, and of all actions for damages by or against said city; *provided*, that the amount claimed, exclusive of interest and costs, is less than three hundred dollars.

5 Of all actions for the collection of taxes and assessments of all kinds levied for city purposes, where the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars.

6. Of all actions for the recovery of personal property belonging to the city, when the value of such property, exclusive of damages for its taking or detention, is less than three hundred dollars.

SEC 4. The City Police Court shall also have jurisdiction of the following public offenses committed within the city boundaries:

1. Petit larceny.

2. Assault and battery not charged to have been committed upon a public officer in the discharge of his official duty, or with such intent as to render the same a felony.

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

4. Of proceedings respecting vagrants, lewd or disorderly persons; and

5. Such other criminal jurisdiction as now is or may hereafter be conferred by law upon police courts, justices' courts, or justices of the peace.

SEC. 5. Procedure in the City Police Court, in both civil and criminal matters, shall be as it is, or may hereafter be prescribed by law for justices' courts.

SEC. 6. The City Police Judge shall receive as compensation the same fees that now are or may hereafter be allowed to justices of the peace for similar services.

SEC. 7. In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Police Judge may call in a Justice of the Peace residing in the city to act in his place and stead; or if there be no Justice of the Peace residing in the city, or, if all those so residing are likewise disqualified, then he may call in any Justice of Peace residing in the county.

SEC. 8. Appeals may be taken to the Superior Court of the county from all judgments of said City Police Court in like manner and with the like effect as in cases of appeals from justices' courts

SEC 9. All fines shall be paid into the city treasury.

*Article V—Police Department.*

SECTION 1. A Police Department is hereby created for the City of Watsonville. It shall consist of a Chief of Police who shall be elected at each general municipal election; he shall be ex officio Tax and License Collector.

SEC 2 The Board of Aldermen shall have power to appoint additional police officers, who shall hold office during the pleasure of said board.

SEC 3. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have the power to suspend any policeman for disobedience of any lawful order, for violation of any of the rules of the department, neglect of duty, drunkenness, or other misconduct as a policeman, and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the Mayor, who shall forthwith report the same, in writing, to the Board of Aldermen, which board shall have jurisdiction to try and determine all charges against members of the Police Department.

SEC. 4 The Chief of Police shall observe, and cause to be observed and enforced, all laws and ordinances within the City of Watsonville, and see that all lawful orders and

process of the Board of Aldermen and the Police Court within said city are promptly executed. For the purpose of suppressing any riot, public tumult, disturbances of the peace, unlawful assembling, organized resistance to the law or public authority in the performance of their duties, or the arrest of persons for public offense, he shall have all the powers that now are or may hereafter be conferred upon Sheriffs, and all his lawful orders shall be promptly obeyed by the police officers. In addition to the powers and duties herein enumerated, the Chief of Police shall have such other powers and perform such other duties pertaining to the Police Department as may from time to time be conferred or imposed upon him by ordinance

SEC. 5. The Chief of Police shall keep a public office, to be provided and furnished by the Board of Aldermen, which office shall be kept open day and night. The Chief of Police, and all policemen, shall devote their entire time to the discharge of their official duties, and shall not absent themselves from the city unless in pursuit of persons who have committed public offense within the limits of the city. If any member of the Police Department shall be absent from the City of Watsonville, upon any business not immediately connected with his duties in said department, unless granted leave of absence by the Board of Aldermen, he shall forfeit his salary for the time of such absence Any policeman shall have the authority to execute the orders and process of the Police Court.

SEC. 6. No person shall be appointed to any position on the police force of the City of Watsonville unless he shall be a man of good moral character, or good reputation for honesty and sobriety, a citizen of the United States, and a resident and elector of the City of Watsonville for at least two years next preceding his appointment; nor shall any person be so appointed who has ever been convicted of felony, or who is unable to understand English, read and write the English language, or who is deficient in health, strength, or courage; and every appointee shall not be less than twenty-one years of age, and must, upon being appointed, but before entering upon the duties of his office, undergo such physical examination as the Board of Aldermen may from time to time prescribe.

SEC. 7. Except as otherwise in this charter prescribed, the Board of Aldermen, in making appointment of members of the police force, shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to, or removed from such force for or on account of his political opinions. No member of the police force shall take any part whatever in any political caucus, or political convention, or be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer or member of said department violating any of the provisions of this section shall be dismissed from the service of the city

SEC. 8. No member of the police force shall be allowed to receive any money, gratuity, or compensation other than his salary, for any service which he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, and any member who shall violate this provision shall be dismissed from the department.

SEC. 9 The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and observed, all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of nuisances, and in the enforcement of the laws and city ordinances It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city, and with the laws of the State defining public offenses and regulating criminal proceedings.

SEC. 10 The Board of Aldermen shall have the power, and it is hereby made their duty to, from time to time prescribe such rules as they may deem necessary or proper for the regulation and government of the police department Said board shall prescribe the badge of office, the uniform to be worn by the members of the force, and make such other or further regulations regarding the conduct of police officers as it may think necessary.

SEC 11. In addition to the regular police force, the Mayor may, when in his judgment the circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, and shall receive the same compensation and perform the same duties as regular police officers The Mayor may also, with the consent of the Board of Aldermen and upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm, or corporation as requires his services; *provided*, that the locality where such special policeman is to act shall be described in the warrant appointing him. All special policemen shall have the same power and discharge the same duties as regular police officers, be under the direction and control of the Chief of Police, and be subject to and obey all the rules and regulations of the Police Department

The Chief of Police, as ex officio Tax and License Collector, shall collect all taxes, general and special, all city licenses, and all other branches of the city's revenue and all money due or payable to said city for whatever cause or from whatever source He shall at all times keep proper books showing in detail the amount of money received; by whom; at what time and for what purpose paid; and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by

him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection. And he shall perform such other duties as may be required by this charter, the laws of this State, and the ordinances of this city.

*Article VI—Fire Department.*

SECTION 1. The Board of Aldermen are hereby authorized and directed to provide for the organization, maintenance and government of a Fire Department for the City of Watsonville

*Article VII—Health Department.*

SECTION 1 There shall be a Health Department under the management of the Board of Health Said board shall consist of five members, namely: The Mayor, who shall be ex officio a member and president of said board, the City Engineer, who shall be ex officio a member of said board, and three citizens who shall be appointed, without regard to their political opinions, by the Mayor, within fifteen days after the commencement of his term of office The Mayor shall not have a right to vote unless in case of a tie Each appointed member of the board shall be duly licensed physician in accordance with the laws of California, and a qualified elector of the city for two years immediately preceding his appointment, said member shall receive such compensation as the Board of Aldermen shall prescribe

SEC 2 The term of office for the members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the day of their appointment; *provided*, that those members first appointed shall so classify themselves by lot to allow that one of them shall go out of office at the end of one year, and two at the end of two years If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void, and a new appointment shall be made for the unexpired portion of the term of said member. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the president or any three members, and all meetings shall be public. Three members shall constitute a quorum

SEC. 3. Said Board of Health, subject to the ordinances of this city, shall have supervision of all matters pertaining to the sanitary condition of the city and public institutions thereof. Full powers are hereby given to said board over all questions of foul or defective drainage and of the disinfection and sanitary cleaning of the streets, alleys, cellars, cesspools, sewers, nuisances of all descriptions, and low places within the city limits calculated to receive and retain unhealthy deposits.

SEC. 4. The Board of Health, within two weeks from the time of its organization, shall elect from among its members a City Physician, who shall also act as Health Officer and Secretary of the Board of Health. Said City Physician shall not be less than twenty-one years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and by himself or deputy issue all permits for burial He shall have the powers of a police officer, and shall visit once in each quarter all public buildings and schoolhouses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition. The Health Officer shall promptly report in writing to the superintendents or governing authorities of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious diseases. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick of any of the aforesaid diseases The person excluded shall be admitted on presenting a certificate from his or her attending physician or from the Health Officer that there is no longer any danger from contagion The Health Officer shall vaccinate free of charge all indigent persons who may apply to him He shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and other recommendations in relation to the sanitary conditions of the city as he may deem proper It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations

SEC. 5. The Board of Health may cause to be removed to a smallpox hospital or pesthouse, any persons in said city affected with the smallpox, Asiatic cholera, bubonic plague, or yellow fever When a case of either of these diseases exists in any house and the person so affected is not removed to said hospital or pesthouse the Health Officer, upon order of said Board of Health, shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

SEC 6. The board may proclaim such quarantines and declare such quarantine districts and grounds and the boundaries thereof as may in their judgment be necessary for the preservation of the public health.

SEC. 7. No person shall deposit in any cemetery the body of any human being who has died within the city, nor remove the same from within the limits of the city, without having first obtained and filed with the Health Officer a certificate signed by a physician or Coroner setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date, and locality, and cause of death of deceased, and obtain from the Health Officer a permit in writing therefor for the burial or other purposes. Physicians, when death occurs in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died within or without the limits of the city, and no body or remains of a deceased person, exhumed or taken from any grave, vault, or other place of burial, or deposit within or without the city, shall be transported in or through the streets or highways of the city unless the person or persons transporting such body or remains, shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains. The provisions of this section shall not be construed to apply to the transportation of bodies from other places on railroads through the city.

SEC. 8. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Board of Aldermen, or by general law. Every member of the Board of Health may administer oaths on matters connected with the Health Department.

*Article VIII—Elections.*

SECTION 1. Elections to be held in said city for the purpose of electing officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 2. General municipal elections shall be held biennially, on the second Monday in May, commencing with the second Monday in May, 1903.

SEC. 3. At each general election there shall be elected a Mayor, four members of the Board of Aldermen (one from each ward), a City Clerk (who shall be ex officio City Auditor and City Assessor), a City Treasurer, a Chief of Police (who shall be ex officio Tax and License Collector), and a Police Judge (At the first general election held under the provisions of this charter, eight Aldermen shall be elected—two from each ward.)

SEC 4. The non-elective officers of said city shall consist of a City Engineer (who shall be ex officio Superintendent of Streets and Superintendent of Sewers), and a City Attorney, and such other officials as the Board of Aldermen may deem it expedient to appoint.

SEC 5. Any person shall have the right to vote at any general or special municipal election who has the qualifications prescribed by law for an elector at general, State, and county elections, and who shall be properly enrolled on the last printed great register of the county, any elector whose name is not upon such printed register shall be entitled to vote upon filing with the board of electors a certificate under the hand and seal of the County Clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, he is otherwise entitled to vote.

SEC. 6. All general and special municipal elections shall, in all respects as nearly as possible, be held and conducted in accordance with the provisions of the law of the State for the holding of general elections in effect at the time, and the Board of Aldermen shall make all necessary arrangements for holding said election in accordance therewith.

SEC. 7. The Board of Aldermen of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects, time of, and the place or places within each ward for holding such election, and the names of the election officers for each precinct to conduct such election. Said ordinance shall be published in some newspaper printed and published in said city, by at least three insertions before the time appointed for the holding of the election.

SEC 8 Returns of all elections shall be made to the Board of Aldermen, who shall, within five days thereafter, either at a regular or special meeting, and in accordance with the laws of the State, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons so declared elected.

SEC. 9 The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the duties of their respective offices at the next Monday succeeding their election at twelve o'clock M., and shall hold office for the term of two years and until their successors are elected and qualified; *provided*, Aldermen are to hold office for four years

SEC 10. In establishing election precincts, the Board of Aldermen shall make them correspond with the wards into which the city is divided; *provided*, that the Board of Aldermen may divide any ward into two or more precincts

SEC. 11. The certificate of election issued by the City Clerk must be authenticated with the seal of the city and attested by the City Clerk.

*Article IX—Taxation and Revenue.*

SECTION 1 The Board of Aldermen shall have full power and authority to assess and levy, and collect taxes upon all taxable property in the city; *provided*, the maximum rate of taxation, except as otherwise herein provided (for all municipal purposes) shall

not exceed in any one year eighty-five cents upon each one hundred dollars valuation of property assessed, exclusive of the amount necessary to pay the principal and interest on the bonded indebtedness of the city. Said maximum rate of eighty-five cents shall include the library fund.

SEC. 2. The Board of Aldermen shall have power, and it is hereby made its duty, to provide by ordinance a system for the assessment, equalization, levy, and collection of all city taxes All sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for state and county purposes Said taxes so levied shall be a lien against the property assessed, and said lien shall attach as of the first Monday of March, at twelve o'clock M. of each year. Every tax upon personal property shall be a lien upon the real property of the owner thereof.

SEC. 3. Whenever the Board of Aldermen shall determine that the public interest requires the construction or acquisition or completion of any municipal improvement or public utility, the cost of which would be too great to be paid out of the ordinary income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement or public utility as set forth in said ordinance, and proceed therein as provided in section eighteen of article eleven of the Constitution of the State, and the general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum and that no bond issued therefor shall be sold for less than par value, and to the highest bidder, after advertising for sealed proposals.

*Article X—Public Utilities.*

SECTION 1. The Mayor and Board of Aldermen shall fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company, or corporation in the City of Watsonville for the use of water supplied to the city or the inhabitants thereof. To fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company, or corporation in the City of Watsonville for lighting the streets, alleys, public buildings, and public grounds of the City of Watsonville, or for furnishing lights to the inhabitants thereof.

SEC. 2. The Board of Aldermen shall have power to construct, purchase, lease, own, acquire, control, maintain, and operate a system for supplying the city and its inhabitants with water; also a system of lighting the streets, alleys, public buildings, and public grounds, and to operate a system of lighting by artificial gas, natural gas, electricity, or other means of illumination, and furnish the same to the inhabitants of said city; *provided, however*, no such construction, lease, or purchase shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

SEC 3. The Board of Aldermen shall have power to determine and declare what are public uses and public utilities, when the necessity exists to condemn lands therefor and what land it is necessary to condemn; may construct, acquire, purchase, own, manage, and operate any property that said Mayor and Board of Aldermen may determine and declare to be a public use or public utility; may receive gifts, bequests and donations of all kinds of property within or without its corporate limits, in fee simple or in trust, for charitable or other lawful purposes, and do all acts necessary to carry out the purpose of said gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

*Article XI—Improvement of Streets*

SECTION 1. An Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, as since amended and as herein amended, is hereby adopted as part of this charter and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act conflict or are inconsistent with the provisions of this charter; and no repeal of said Act shall affect its applicability to the City of Watsonville.

SEC 2. The Board of Aldermen, with the approval of the Mayor, may order any street, lane, or alley to be improved in any manner provided for in the above named Act, whether a majority of the property owners whose property fronts on such street, alley, or lane desire said improvement or not; but no street, alley, or lane may be so improved against the will of said property owners or the owners of a majority of the property fronting on said street, alley, or lane where the cost of such improvement shall exceed one dollar per front foot for each side of said street, alley, or lane

SEC. 3. An Act of the Legislature of the State of California entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March sixth, eighteen hundred and eighty-nine, and any Acts amendatory thereof or supplemental thereto now or hereafter made are hereby adopted as a part of this charter, and shall have the same force and effect as if incor-

porated at length herein, except where the provisions of said Act or Acts conflict or are inconsistent with the provisions of this charter, and no repeal of such Act shall affect its applicability to the City of Watsonville.

*Article XII—Parks.*

The Board of Aldermen are hereby authorized and directed to provide for the maintenance of public parks.

*Article XIII—Library.*

SECTION 1 The Board of Aldermen shall have the power to create and maintain a library, to be known as the City of Watsonville Public Library, which shall be free of access to all citizens and residents of the City of Watsonville, subject to such rules and regulations for the government and management thereof, as may at any time be adopted by the board of directors of said library, hereinafter provided. All persons outside the city limits shall have access to the library, under such regulations, and upon paying such sums, as the Board of Aldermen may determine.

SEC. 2. The board of directors shall determine annually the amount of money required for the support and maintenance of the public library, and for the carrying into effect all the provisions of law in reference thereto, and shall submit in writing to the Board of Aldermen a careful estimate of all the money required from the city for the above purposes, and the Aldermen may each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the City of Watsonvile, not to exceed ten cents on each one hundred dollars of the value of all real and personal property of said city as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real or personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year, provided this limitation shall not be construed to prevent the incurring of permanent improvements to be liquidated by the process of municipal bonds issued by the City of Watsonville in accordance with the general laws of the State for the purpose of defraying the cost of such improvement.

SEC. 3. The Mayor, by and with the consent of the Board of Aldermen, shall appoint a board of not less than three, or more than five, directors for said library, who shall serve without compensation, and be known as the "Board of Directors of the City of Watsonville Public Library," and shall be chosen from the citizens at large, male or female Such directors shall hold office for two years; and thereafter, the Mayor, by and with the consent of the Board of Aldermen, shall appoint, as before, directors to take the place of the retiring directors, who shall hold office for two years, or until their successors are appointed and qualified Any vacancy occurring shall be filled by the Mayor, by and with the consent of the Board of Aldermen, for the balance of the unfinished term

SEC. 4. Said directors shall, immediately after appointment, meet and organize by electing a president from one of their own number. The Librarian shall be clerk of the board, and shall keep a record of their proceedings.

SEC. 5. The board of directors shall have the power to make and enforce such by-laws, rules and regulations as may be necessary for the administration, government, and protection of such library, reading-room, and property, to appoint a Librarian and necessary assistants and to fix their salaries, subject to the approval of the Mayor and Board of Aldermen, and to remove them; to control and order expenditures of all moneys at any time in the library fund, and order the drawing and payment of all moneys, except for salaries, of said fund for such expenditures and liabilities as herein authorized.

SEC 6. The board may exclude from the use of such library and reading-room any and all persons who shall violate the rules and regulations of the board.

SEC. 7. The Board of Aldermen shall have the power to pass ordinances imposing punishment of persons committing injury upon such library or the grounds, or the property therein, and for injury to or failure to return any book belonging to such library.

*Article XIV—Franchises.*

SECTION 1. No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

SEC. 2. No application for a franchise shall be considered by the Board of Aldermen unless the application shall be accompanied with the sum of three hundred dollars, which sum shall be returned to the applicant in the event that the Board of Aldermen shall determine that neither the public necessity nor the public interest requires the granting of the franchise If, however, the Board of Aldermen shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of three hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise and the granting of the same

SEC. 3. In granting a franthise the Board of Aldermen shall impose such lawful conditions, restrictions, and limitations as may best subserve the public interest and welfare.

SEC 4 In granting of franchises the Board of Aldermen shall be governed by the general law of the State in force at the time, which is hereby declared to be, and is hereby made, a part of this charter so far as it is or may be applicable to the class of cities to which this municipality may belong.

*Article XV—Miscellaneous.*

SECTION 1. All officers of the City of Watsonville, whether elected or appointed, shall within ten days after notice of their election or appointment, take and subscribe the following oath of office, which shall be filed with the City Clerk:

"I (here insert name) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will perform the duties of the office of (here insert name of office) as prescribed by law, to the best of my ability. So help me God."

SEC 2. The fiscal year of the City of Watsonville shall commence on the first day of July of each year and end on the last day of June of the succeeding year

SEC 3 Whenever there shall be presented to the Board of Aldermen a petition signed by qualified electors of the city, whose names appear on the last printed great register, equal in number to twenty-five (25) per centum of the votes cast in the city at the last preceding general municipal election, asking that an amendment or amendments to this charter to be set out in such petition, be submitted to the electors, the Board of Aldermen must, by ordinance, submit the same to the qualified electors of the city at the next general or special election, held at least forty days after the publication of such proposed amendment or amendments, for at least three insertions in some newspaper of general circulation in the city The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number, one of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true, and that each signature of such paper appended is the genuine signature of the person whose name purports to be thereto subscribed The Board of Aldermen must make all necessary provision for submitting the proposed amendment or amendments to the electors, and shall canvass the vote in the same manner as in other cases of election The tickets at such election shall contain the words: "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If three fifths of the qualified electors, voting upon such amendment or amendments, shall be in favor of the adoption thereof, the Board of Aldermen shall, within thirty days after the time of such election, proclaim such fact, and upon the same being approved by the Legislature, in the manner now provided for the approval of this charter, the same shall be amended accordingly

SEC. 4. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of such city, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

SEC 5. If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty-five days without the consent of the Board of Aldermen, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than thirty-five days without the consent of the Board of Aldermen, his office shall thereupon be declared vacant by the Board of Aldermen, if the office is an elective one, and by the Mayor, if the office is an appointive one; and the vacancy shall thereupon be filled by the Board of Aldermen if the office is an elective one, and by the Mayor, with the approval of the Board of Aldermen, if the office be an appointive one, unless otherwise provided for in this charter.

SEC. 6. This charter shall take effect at the hour of twelve M on Monday, May eighteen, nineteen hundred and three.

SEC. 7. The Board of Trustees of the present City of Watsonville shall provide for the holding of the first election of officers under this charter, which said election, if possible, shall be held on Monday, May eleven, nineteen hundred and three.

SEC. 8. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the State in force at the time are hereby declared to be, and shall be, a part of this charter, so far as the same are or may be applicable to the class of cities to which this municipality may belong

SEC. 9 All demands against the city shall be presented to and audited by the Board of Aldermen, in accordance with such regulations as they may, by ordinance, prescribe

SEC 10 The Board of Aldermen shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock A. M., and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified. They shall have power to hear complaints, and to correct, modify, and strike out any assessment made by the Assessor, and may, of their own

motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the City Clerk, who shall act as clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which tax is to be levied in said year. In case there are no bidders for property sold for delinquent city taxes, the same shall be sold to the city.

SEC. 11. All officers designated by the Board of Aldermen shall, respectively, before entering upon the duties of their respective offices, each execute a bond to the city in such penal sum as the Board of Aldermen may determine, conditioned for the faithful performance of duties, including in the same bond the duties of all ex officio offices. All bonds when approved by the Board of Aldermen shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the Mayor. All the provisions of any law of this State relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided.

SEC. 12. All elective officers of the city shall be qualified electors of the city at the time of their election.

*Certificate.*

BE IT KNOWN that the City of Watsonville, a city containing a population of more than three thousand five hundred inhabitants, on the fifteenth day of April, one thousand nine hundred and two, at a special municipal election, held on that day, and under and in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, did elect a board of fifteen freeholders to prepare and propose a charter for said city; and that we, members of said board, in pursuance of said provisions of the Constitution, and within the period of ninety days after such election, have prepared and do propose the foregoing, consisting of fifteen articles, as and for the charter of the City of Watsonville.

In witness whereof, we have hereunto set our hands this tenth day of July, in the year of our Lord one thousand nine hundred and two.

(Done in duplicate.)

EDWARD FRANCIS WYCKOFF, President.
JOHN JACOB MOREY.
NAT GREEN.
WILLIAM HENRY WEEKS.
OTTO DOMONICK STOESSER.
FREDERICK PETERSON KROUGH.
JOHN PETER KNUDSEN.
WILLIAM HENRY PAWLEY HILL.
JAMES SIDNEY MENASCO.
HENRY CLARK PECKHAM.
CHESLEY STOW.
OWEN SUMMERFIELD TUTTLE.
CHARLES SMITH.
EDWARD McCABE, Secretary.

The Office of the President of the Board of Trustees of the City of Watsonville, }
In the City of Watsonville, County of Santa Cruz, State of California. }

I, W. A. Trafton, President of the Board of Trustees of the City of Watsonville, County of Santa Cruz, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were, on the fifteenth day of April, nineteen hundred and two, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city, that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by section eight of article eleven of the Constitution of this State; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit: The Watsonville Daily Register (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section eight, to wit: on the thirtieth day of August, nineteen hundred and two, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city, and that the returns of said election were duly canvassed by the Board of Trustees of said City of Watsonville on the second day of September, nineteen hundred and two, and the result thereof declared as above set forth, and that in all manners and things pertaining to said proposed charter the provisions of said section have been fully complied with.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of said city, this fifth day of January, nineteen hundred and three.

{CORPORATE SEAL.}

W. A. TRAFTON,
President of the Board of Trustees
of the City of Watsonville.

Attest: S. W. COFFMAN, City Clerk.

Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring* (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Watsonville as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Watsonville aforesaid.

Resolution read.

Mr. Wanzer moved that the Assembly adopt the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs Allen, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr Speaker—60.

NOES—None.

## REPORTS OF STANDING COMMITTEES.

### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No 7—Relative to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

Mr. Goodrich moved the adoption of the resolution.

The question being on the adoption of the resolution.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by direct vote of the people.

Also: Assembly Joint Resolution No. 9—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton of West Virginia, opening a way for a rapid increase of the United States Navy.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GOODRICH, Chairman.

### ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systemizing, and reforming the laws of the State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor," and to provide for the compensation and expenses of said Commission secretary, and stenographer, and to appropriate money therefor, as approved March 28, 1895—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 520—An Act to repeal an Act entitled "An Act to create and establish a Commission for Revising and Reforming the Laws, and for the appointment of the members of the said Commission, to be known as the Commission for Revision and Reform of the Laws," etc.—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

TRANSUE, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Also: Assembly Bill No. 684—An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McNEIL, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure—report the same back, with seven amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 249—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 338 thereof.

Also: Assembly Bill No. 250—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 336 thereof.

Also: Assembly Bill No. 251—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 337 thereof.

Also: Assembly Bill No. 252—An Act to amend Section 171 of the Civil Code of the State of California.

Also: Assembly Bill No. 253—An Act to amend an Act known as the Code of Civil Procedure of California, by amending Section 339 thereof.

Report the same back, with the recommendation that the authors have leave to withdraw the same.

Also: Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Also: Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Also: Assembly Bill No. 407—An Act to add a new section to the Political Code of the State of California, to be known as Section 4086½, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Report the same back, with the recommendation that they do not pass.

Also: Assembly Bill No 513—An Act creating the office of Public Defender in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof—report the same back, with a recommendation by the majority that it do pass

Also: Assembly Bill No 622—An Act to amend Section 457 of the Political Code—report the same back, with the recommendation that it be referred to Committee on Ways and Means.

JOHNSON, Chairman.

Mr. Johnson moved that Assembly Bill No. 622 be re-referred to Committee on Ways and Means.

So ordered.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Assembly Bill No 8—An Act to add a new section to the Political Code of the State of California, to be known as Section number 3611, relating to the general revenue of the State and to property exempt from taxation.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Ordered to enrollment.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr Mott: Assembly Bill No. 746—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 747—An Act to amend Section 806 of Article VI of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1887, abolishing recorders' courts in certain cities.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Weger: Assembly Bill No. 748—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer on estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 749—An Act to amend Section 794 of the Political Code, relating to notaries public.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 750—An Act making an appropriation for the improvement of streets adjacent to the grounds of the University of California in Alameda County, and the construction of cement sidewalks thereon, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read first time, and referred to Committee on Universities.

By Mr. Goodrich: Assembly Bill No. 751—An Act to amend Section 338 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 752—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunbar: Assembly Bill No. 753—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers, and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.

Read first time, and referred to Committee on Public Printing.

By Mr. Rolley: Assembly Bill No. 754—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 755—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Read first time, and referred to Committee on Judiciary.

By Mr. Wanzer: Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

By Mr. Brown: Assembly Bill No. 757—An Act to add a new section to the Civil Code of the State of California, under Title II, Part II thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnson: Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read first time, and referred to Committee on Judiciary.

By Mr. Knight: Assembly Bill No. 759—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Read first time, and referred to Committee on Corporations.

By Mr. Camp: Assembly Joint Resolution No. 10—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

Referred to Committee on Federal Relations.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and empowered to have opened all the closets in the gentlemen's toilet and to keep the same open and for the use of the Assembly during the session of the Legislature.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

MOTION.

Mr. Dorsey moved that the following resolution, having been recalled from Committee on Ways and Means, be now adopted:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to purchase for the use of the committees named below, the number of copies of each book set opposite the name of each committee, the same to be paid for out of the Contingent Fund of the Assembly.

For Committee on Banks and Banking, 5 copies of Magee's State Banks and Bank Officers.

For Committee on Corporations, 9 copies of Son on California Corporations.

For Committee on County and Township Governments, 13 copies of Henning's County Government (2d edition).

For Committee on Municipal Corporations, 7 copies of Finlayson's Street Laws of California.

Mr. Stansell moved to re-refer the entire matter to Committee on Ways and Means.

Motion lost.

The question being on the original motion.

The ayes and noes were demanded by Messrs. Dunlap, Pann, and Kelso.

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

AYES—Messrs. Bangs, Barnes, Baxter, Burgess, Copus, Covert, Duryea, Finn, Kerrigan, Lumley, McMahon, McMartin, Siskron, Stanton, and Traber—15.

NOES—Messrs. Allen, Amerige, Bates, Black, Brown, Camp, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—49.

NOTICE OF MOTION TO RECONSIDER.

Mr. Dorsey gave notice that he would on the next legislative day move a reconsideration of the vote whereby the Assembly this day refused adoption of the resolution.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred a resolution by Mr. Rolley, asking for an investigation of certain charges made by certain newspapers against the Pilot Commissioners of San Francisco, beg leave to report that they have had the same under consideration and respectfully report the same back, with the recommendation that the Assembly Committee on Commerce and Navigation be directed to investigate said charges in conjunction with a similar committee from the Senate, now about to investigate the same, and that the committee be allowed to visit San Francisco in connection with said investigation, to employ without extra compensation one of the stenographers now on the payroll of the Assembly to take a transcript of the testimony, and to be authorized in connection with said Senate Committee to send for persons and things as may prove necessary in the course of the investigation.

BOISSON, Chairman.

Report read.

Mr. Rolley moved the adoption of the report.

Mr. Lewis of Riverside submitted the following amendment:

To be re-referred to Committee on Commerce and Navigation to report to this House the character and amount of evidence obtainable in support of the charges that have been made.

Amendment lost.

The question being on the adoption of the report.

Messrs. Brown, John, and Houser demanded the ayes and noes.

The roll was called, and the report refused adoption by the following vote:

AYES—Messrs. Bangs, Barnes, Baxter, Boisson, Copus, Dougherty, Dunbar, Greer, Kerrigan, Lumley, McNeil, Rolley, Siskron, Snyder, Stanton, Traber, Transue, Walsh, and Weger—19.

NOES—Messrs Allen, Bates, Black, Brown, Burgess, Camp, Covert, Dorsey, Drew, Duryea, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, Moore, Mott, Pann, Prescott, Pyle, Soward, Stansell, Steadman, Susman, Walker, Wanzer, Waste, Wright, and Mr. Speaker—46.

SPECIAL ORDER.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

On motion of Mr. Johnson, continued to Friday, February 13, 1903.

So ordered.

RESOLUTION.

By Mr. Bates:

*Resolved*, That the name of William Dunlevy be stricken from roll of attachés, and that of George Lovegrove be substituted in place thereof, at the same per diem.

Resolution read.

Referred to Committee on Attachés and Employés.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Lumley moved that Assembly Bill No. 632 be recalled from Committee on Municipal Corporations and re-referred to Committee on County and Township Governments.

So ordered.

UNFINISHED BUSINESS.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Passed on file.

At eleven o'clock and twenty-two minutes A. M., the Speaker called Mr. Stanton to the chair.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Heretofore read.

Mr. Soward submitted the following amendment:

Amend by adding at the end of section seventeen the following: "The salary of a Superior Judge shall not be increased during his term of office."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Soward, Dougherty, and Fisk.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bangs, Burgess, Cromwell, Dorsey, Dougherty, Dunbar, Duryea, Greer, Houser, Howard, Johnson, Johnstone, King, Leininger, McConnell, Pann, Pyle, Snyder, Soward, Walker, Wanzer, and Weger—22.

NOES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Copus, Covert, Drew, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMartin, Moore, Prescott, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walsh, Waste, Wright, and Mr. Speaker—42.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs Allen, Amerige, Barnes, Bates, Baxter, Boisson, Brown, Camp, Copus, Covert, Drew, Ells, Finn, Gleeson, Goodrich, Higgins, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McMartin, Mott, Prescott, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walsh, and Waste—36.

NOES—Messrs. Bangs, Black, Burgess, Dorsey, Dougherty, Dunbar, Foster, Greer, Houser, Howard, Johnson, Leininger, Mattos, McConnell, McLaughlin, McNeil, Moore, Pann, Pyle, Rolley, Snyder, Soward, Walker, Wanzer, Weger, Wright, and Mr. Speaker—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Fisk gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 17 was this day refused adoption.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

On motion of Mr. Johnson, passed on file until Friday, February 13, to retain place on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That a session of the Assembly be held on Friday evening, February 13th, to commence at seven o'clock and thirty minutes, during which the "Third-Reading File" shall be considered. That no other business be transacted, pending the consideration of bills upon said file at said session, except by unanimous consent.

BROWN, Chairman.

Report adopted.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Wanzer, the privileges of the floor were extended to the Hon. J. McD. Kelley, an ex-member of the Assembly.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Assembly Bill No. 168—An Act to amend section three thousand four hundred and ninety two of the Political Code of the State of California, relating to the organization of reclamation districts.

Assembly Bill No. 109—An Act to amend section five of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

And were presented to the Governor February 11, 1903, at eleven o'clock and forty-five minutes A. M.

AMERIGE, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Also: Committee Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

GREER, Chairman.

RECESS.

At twelve o'clock and two minutes P. M., on motion of Mr. Traber, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Dougherty, the privileges of the floor were extended to the Hon. M. T. Dooling, ex-member of the Assembly.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, 440, 199, 191, 194, 83, 203, 427, 475, 240, and 57 passed on file.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend after the word "schools," on line twenty-one, second page, printed bill, by inserting the following: "at least one of."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of section three after the word "shall," on line twenty-three, second page, printed bill, and inserting in lieu thereof the following: "be appointed from persons holding a certificate of the high school grade."

Amendment adopted.

Mr. Leininger submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the words "county or district," on line twenty-one, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "eighteen hundred and ninety-three" on line eleven, first page, printed bill, and inserting in lieu thereof "nineteen hundred and three."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "grade," on line nine, first page, printed bill, and inserting in lieu thereof the word "school."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 50, 116, 258, 257, and 349 passed on file.

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 434.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 434 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor—and do now report the same back, and recommend that it do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the words "Said commissioners shall have power to" in line one of section three, page two of the printed bill, and insert in lieu thereof the words "The Supreme Court shall."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "certified to the cost and" in lines six and seven of section three, page two of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

After the word "minutes" in line seven of section three, page two, printed bill, insert the words "of the court."

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "commission" in lines four and five of section three, page two, printed bill, and insert in lieu thereof the words "Supreme Court."

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "four" in line nine of section one, page one, printed bill, and insert in lieu thereof the word "two."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

After the word "law" in line eight, section one, page one, printed bill, insert the words "or ordinance."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "and" in line six, section one, page one, printed bill, and insert in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 3.

Amend the title by striking out the word "and" where it occurs in the last line of the title.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read second time.

The following committee amendment was submitted:

Amend by striking out all of subdivisions five and six on page two of said bill and inserting in lieu thereof the following:

"5. An agreement for the leasing for a longer period than one year, or for the sale of real property or for an interest therein: and such agreement, if made by an agent of the party sought to be charged, is invalid unless the authority of the agent be in writing, subscribed by the party sought to be charged;

"6. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission; *provided*, that, if under an oral agreement, or authority with such agent or broker by the owner of real property, or his or her agent duly authorized in writing to make such agreement or grant such authorization, a sale or purchase of real estate has been actually made, and the title to such real property has been transferred, such oral agreement or authority shall be valid and may be established by parole testimony; *provided*, the grantor or grantee shall be liable for but one commission or compensation; *and provided further*, that such agent or broker claiming a compensation or commission under an oral agreement, shall bring suit for the collection of such compensation or commission within sixty days after the recording of the transfer evidencing such purchase or sale."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 464—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aërated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 465—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance, after notice from a Health Officer or District Attorney to remove or abate the same, a misdemeanor.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 481—An Act providing for the loaning of books and documents in the State Library, and for the establishment of traveling libraries.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 134.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 134 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—and do now report the same back and recommend that it do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "and" after the word "fertilizers" on line two, section one, page one, printed bill, and inserting in lieu thereof the following word: "or."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "ten ' after the section on line thirteen, section three, page two, printed bill, and inserting in lieu thereof the word "nine."

Amendment adopted.

AMENDMENT No. 3.

On line twenty, section three, page two, printed bill, after the word "first" insert the word "day."

Amendment adopted.

AMENDMENT No. 4.

On line twenty, section three, page two, printed bill, after the word "July" insert the words "in each year."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "five" on line six, section ten, page five, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 259—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Passed on file.

Assembly Bill No. 221—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Passed on file.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 550—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Passed on file.

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens and providing for the furnishing and filing of a bond by the contractor, in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

On line twenty-one, page two of the printed bill, strike out the word "lien" and insert the word "claim."

Amendment adopted.

AMENDMENT No. 2.

At the beginning of line five, page one of the printed bill, in front of the word "every," insert the word "section" and the figures "1203."

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "with costs and counsel fees" on line twenty-two, page two of the printed bill, and insert instead thereof the words "with costs and counsel fees recoverable in a suit to foreclose his lien."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Passed on file.

Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor:

Passed on file.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California, by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the words "seventy-eight" on line thirteen, page two of the printed bill, and insert in lieu thereof the words "ninety-seven."

Amendment adopted.

AMENDMENT No. 2.

Insert after the word "shall" on line six, page one of the printed bill, the following words: "afterwards and before making the conveyance become and."

Amendment adopted.

AMENDMENT No. 3.

Strike out the following words: "before making the conveyance, and in all cases where such incompetent person, if sane and competent, might be compelled to make such conveyance," found in lines seven, eight, and nine on page one of said printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "these" on line eighteen, page two of the printed bill, and insert in lieu thereof the word "said."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Passed on file.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 160—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Read second time.

The following committee amendment was submitted:

Strike out the words "in support thereof" in lines eight and nine, page one of the printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No 541—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 584—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the word "keeps" on line thirteen, page one of the printed bill, and insert in lieu thereof the following: "shall with intent to defraud the owner, manager or proprietor of such livery or feed stable, keep."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "takes" on line thirteen, page one of the printed bill, and insert the word "take."

Amendment adopted.

AMENDMENT No. 3.

Strike out the letter "s" at the end of the word "allows" on line fourteen, page two of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the letter "s" at the end of the words "abandons" and "leaves" in line sixteen, page two of the printed bill.

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "with intent to defraud the owner, manager, or proprietor of such livery or feed stable" in lines sixteen, seventeen and eighteen of the printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Passed on file.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of California.

Read second time.

The following committee amendment was submitted:

After the word "must" in line fifteen, section one, page one of the printed bill, insert: "in order that the same may be acknowledged or may serve as the signature to any sworn statement."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out all of section two, on page two of the printed bill, where it occurs the second time.

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "receive" in line five, section six, page three of the printed bill, and insert in lieu thereof the word "receives."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 416—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "shall" in line four, section three, second page, printed bill, and inserting in lieu thereof the word "must."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Passed on file.

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of munici-

pal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election in municipal corporations of the fifth class of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 589—An Act to protect the employés and traveling public on electric or other independently driven street cars.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title to read: "An Act to require the equipment of certain street cars with air-brakes and provide a penalty for non-compliance therewith."

Amendment adopted.

AMENDMENT No. 2.

In section one, line two, after the word "car," insert "weighing over eight tons."

Amendment adopted.

AMENDMENT No. 3.

In section one, line three, strike out the word "class," and insert in lieu thereof the word "classes."

Amendment adopted.

AMENDMENT No. 4.

Strike out section two and insert in lieu thereof:

"Section 2. Any corporation, firm, or person operating any car in violation of the provisions of section one hereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10), nor more than fifty dollars ($50), and every day that such operation of any car shall continue shall constitute a separate offense, and the operating of each such car shall constitute a separate offense."

Amendment adopted.

AMENDMENT No. 5.

Section three, line one: After the word "effect" strike out the words "on after."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Section one, line thirteen, strike out the word "or," and insert in lieu thereof the word "of."

Amendment adopted.

AMENDMENT No. 2.

Section four, line one, strike out the word "and," and insert in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 3.

Section four, line two, after the word "at" strike out the words "in so far as they are inconsistent."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 295—An Act limiting the hours of daily laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Passed on file.

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for violation of its provisions.

Read second time.

Pending amendment, on motion of Mr. Burgess, re-referred to Committee on Ways and Means.

Assembly Bill No. 293—An Act to amend Section 383 of Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicine, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing for penalties for the violation thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 566—An Act to amend Section 1668, relating to physical culture and exercises.

Read second time.

On motion of Mr. Mattos, re-referred to Committee on Education.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting the word "as" before the word "an" in line two, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "ensuing," in line twelve, first page, printed bill, the following: "*provided*, that nothing in this Act shall be construed to prevent the collection of any tax that may be imposed by any county or municipal authorities."

Amendment adopted.

Ordered to print, engrossment, and third reading.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings."

Assembly Bill No 111—An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure by adding thereto a new section, relating to taking depositions, to be numbered 2025½.

Assembly Bill No. 187—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Assembly Bill No 45—An Act to prohibit the misuse of cocaine, opium, or morphine.

Assembly Bill No 444—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Assembly Bill No 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Assembly Bill No 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Assembly Bill No 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Assembly Bill No. 655—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for the care of the State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General for the fifty-third fiscal year.

Assembly Bill No 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of this Act.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school-text books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary, prescribing the duties of such secretary, and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction, upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education and continuing the present law for the distribution of State school text-books.

AMERIGE, Chairman.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

The following committee amendment was submitted:

Amend by inserting the words "relating to expenses of Sheriffs in pursuit of criminals" after the figures 1897, on line three of the title of the printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

SPECIAL FILE—SENATE BILLS.

Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Heretofore read second time, and passed on file, pending amendment.

Mr. Soward submitted the following amendment:

Add at end of section one the following words: "*provided, however*, that any sale, lease, or transfer of property herein provided for, or contemplated, shall be consummated within three years from and next after the time this Act shall take effect."

Amendment lost.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Black, Boisson, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—Messrs. Brown, Duryea, and Soward—3.

Title read and approved.

At three o'clock and twenty minutes P. M., the Speaker called Mr. Walsh to the chair.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and twenty-three minutes P. M., Mr. Dunbar moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn,

Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, and Wright—63.

At three o'clock and twenty-eight minutes P. M., Mr. Burgess moved that further proceedings under call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and thirty minutes P. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Black, Boisson, Brown, Covert, Drew, Dunbar, Dunlap, Finn, Higgins, Houser, Johnson, Kerrigan, Killingsworth, Lewis of Riverside, Mahany, McCartney, McLaughlin, McMahon, McNeil, Moore, Pann, Pyle, Rolley, Siskron, Susman, Walker, and Walsh—27.

NOES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Burgess, Camp, Copus, Cromwell, Dorsey, Dougherty, Duryea, Ells, Goodrich, Greer, Hart, John, Johnstone, Kelso, King, Knight, Leininger, Lumley, McConnell, McMartin, Prescott, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Wanzer, Weger, and Wright—36.

NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that he would on the next legislative day move a reconsideration of the vote whereby Senate Bill No. 97 was this day refused final passage.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Black, Boisson, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Weger—56.

NOES—Mr. Burgess—1.

Title read and approved.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Passed on file.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, pre-

scribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read second time, and ordered to third reading.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Read second time, and ordered to third reading.

Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of the cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read second time, and ordered to third reading.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Read second time, and ordered to third reading.

MOTION.

Mr. Johnson moved that the Assembly do now resume the consideration of the second-reading file.

So ordered.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 217—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled an Act to establish a uniform system of county and township government, relating to the office of County Detective, creating the same and fixing the salary thereof.

Read second time, and ordered to engrossment and third reading.

At three o'clock and fifty minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court

to employ a stenographer, and fixing the compensation of such stenographer.

Read second time.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Read second time.

Assembly Bill No. 163—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 274, 643, and 163.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 274, 643, and 163 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Also: Assembly Bill No. 163—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

And do now report the same back, with amendments to Assembly Bill No. 163, and recommend that Assembly Bills Nos. 643 and 274 do pass, and Assembly Bill No. 163 do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendment to Assembly Bill No. 163 was submitted:

Amend by striking out the words "This Act shall take effect immediately," after words "section six," on third page, printed bill, and inserting in lieu thereof the following: "This Act shall take effect and the money hereby appropriated shall be payable July first, nineteen hundred and three."

Amendment adopted.

Mr. Rolley submitted the following amendments to Assembly Bill No. 163:

Amend by inserting the following: on page one, section one, line three, after the word "Yolo" add "or Humboldt."

Amendment lost.

Also:

Amend by inserting the following: on page two, section three, line four, after the word "Yolo" add "or Humboldt."

Amendment lost.

Also:

Amend by inserting the following: on page two, section four, line five, after the word "Yolo" add "or Humboldt."

Amendment lost.

Mr. Dorsey submitted the following amendment to Assembly Bill No. 163:

Amend by striking out the word "Yolo," in line three, section one, first page, printed bill, and inserting in lieu thereof the word "Kern."

Amendment lost.

Assembly Bills Nos. 274 and 643 ordered to engrossment and third reading.

Assembly Bill No. 163 ordered to print, engrossment, and third reading.

Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor.

Passed on file.

Assembly Bill No. 177—An Act to establish a Department of Agriculture and to define its duties, and to provide for its support and administration; said Department of Agriculture to take the place of and to perform some of the duties hereinafter designated of the State Board of Agriculture and the State Board of Horticulture.

Passed on file.

Assembly Bill No. 525—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Read second time.

The following amendment was submitted by Mr. Waste:

Amend by striking out of section one, line twenty-nine, the word "of" and inserting the word "for."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 504—An Act to amend Section 300 of the Code of Civil Procedure of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 268—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, said section relating to game.

Withdrawn by author.

Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read second time.

The following committee amendment was submitted:

Insert next after the word "must," line seven of printed bill, the word "forthwith."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to election of School Trustees.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 358—An Act to provide for the building and furnishing of a hospital building for the Whittier State School, at Whittier, California, and to make an appropriation for the same.

Passed on file.

Assembly Bill No. 435—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Passed on file.

Assembly Bill No. 349—An Act to amend Sections 628, 629, 632, 636, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Passed on file.

Assembly Bill No. 522—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 414—An Act to appropriate $40,000 out of any money in the State Treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Passed on file.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 137.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 137 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Passed on file.

Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of the State of California No. 592, issued July 9, 1858.

Passed on file.

Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Passed on file.

Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 38.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 38 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill"—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the title and inserting in lieu thereof the following: "An Act to pay the claim of C. W. King, and making an appropriation therefor."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of section one of printed bill after word "appropriated," in line two thereof, and insert in lieu of same the words: "out of any moneys in the State treasury not otherwise appropriated, to pay the claim of C. W. King."

Amendment adopted.

AMENDMENT No 3.

Insert after word "sum," in line two of section two, printed bill, the words "in favor of C. W. King, or his assigns."

Amendment adopted.

AMENDMENT No. 4.

Insert after word "same," in line three of section two of printed bill, the words "and the direction herein is hereby exempted from the provisions of Section 672 of the Political Code."

Amendment adopted.

AMENDMENT No. 5.

Strike out all of section three of printed bill and insert in lieu thereof the following: "SEC. 3. This Act shall take effect January first, nineteen hundred and three."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Passed on file.

Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D. Fish.

Passed on file.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

Read second time, and ordered to engrossment and third reading.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONTESTED ELECTIONS

MR. SPEAKER: Your Committee on Contested Elections, having had under consideration the bills in the case of Wanzer versus Duffey, beg leave to submit the following:

*Expenses of Harry Wanzer, Contestant.*

| | |
|---|---|
| Clerk's fees for filing statement | $6 00 |
| Clerk's fees, certified copies for service | 2 10 |
| Sheriff's fees, serving notice | 2 75 |
| Notary's fees | 1 50 |
| Rose Lay, stenographer in Justice's Court proceedings | 17 50 |
| Transcribing and typewriting depositions | 28 75 |
| Justice Bias, fees, 8 days at $10 per day | 80 00 |
| Justice Conasst, fees, 8 days at $10 per day | 80 00 |
| Witness fees— | |
| Three witnesses from Santa Cruz, 1 day each and mileage | 6 60 |
| Four witnesses from Watsonville, 2 days each | 16 00 |
| Mileage of four witnesses from Watsonville, 2 trips, 40 miles | 24 00 |
| Expenses of summoning witnesses from Watsonville | 19 00 |
| James O. Wanzer, attorney's fees at Santa Cruz, office work, twelve days Justice's Court, and one day Superior Court | 250 00 |
| John W. Johnstone, attorney's fees | 500 00 |
| Total | $1,034 20 |

Amounts approved by your committee, in the case of the contestant, are as follows:

| | |
|---|---|
| Clerk's fees, filing statement | $6 00 |
| Clerk's fees, certified copies for service | 2 10 |
| Sheriff's fees, serving notice | 2 75 |
| Notary's fees | 1 50 |
| Rose Lay, stenographer in Justice's Court proceedings | 17 50 |
| Transcribing and typewriting depositions | 28 75 |
| Three witnesses from Santa Cruz, one day each and mileage | 6 60 |
| Four witnesses from Watsonville, two days each | 16 00 |
| Mileage of four witnesses from Watsonville, two trips, forty miles | 16 00 |
| John W. Johnstone, attorney's fees | 500 00 |
| Total | $597 20 |

*Expenses of A. D. Duffey, Contestee:*

| | |
|---|---|
| County Clerk, Santa Cruz County, fees for filing complaint in action of Duffey vs. Conasst and Bias, Justices, to restrain them from taking testimony herein | $6 00 |
| Typewriting plaintiff's pleadings | 5 00 |
| Costs in said action | 2 00 |
| Filing notice of and undertaking on appeal in said action | 50 |
| Costs thereinafter to be incurred on dismissal of appeal | 3 00 |
| Fees of witnesses whose testimony was taken for contestee before Justices, at $2.00 each per day and 10 cents per mile one way: Charles N. Haines, 1 day, 15 miles and cost of securing attendance, 50 cents | 4 00 |
| O. J. Lincoln, 1 day, 1 mile and Sheriff's fee for serving subpœna, 75 cents | 2 85 |
| Costs of typewriting objections to taking of testimony herein, and demurrer to statement of contest | 2 50 |
| Cost of printing answer to statement of grounds of contest | 3 00 |
| To King Chase for service as special tally clerk for contestee, 4 days at $4 00 per day | 16 00 |
| Certificate of County Clerk to 3 exhibits filed herein | 1 50 |
| Railroad fare of counsel from Santa Cruz to Sacramento (fare Santa Cruz to San Francisco, $2 80; San Francisco to Sacramento, $2 50 or $3.00), four round trips | 46 40 |
| Personal expenses of counsel, other than railroad fare while in Sacramento and traveling thereto January 19 to 23; 28 to February 1 (both counsel), February 2 and 7, all dates inclusive, 20 days at $5 00 per day | 100 00 |
| Attorneys' fees for William T. Jeter and Charles B. Younger, Jr., who were engaged in this matter before Justices, Superior Court, committee, and in traveling more than thirty calendar days | 500 00 |
| To James A. Hall, of Watsonville, for services alleged to have been rendered by him herein ere the taking of testimony, and for which he has been paid an attorney's fee in the sum of | 50 00 |
| Total | $742 75 |

Amounts approved by your committee, in the case of the contestee, are as follows:

| | |
|---|---|
| Fees for witnesses whose testimony was taken for contestee before Justices, at $2 00 each per day and ten cents per mile one way: Charles N. Haines, 1 day, 15 miles and cost of securing attendance 50 cents | $4 00 |
| O. J. Lincoln, 1 day, 1 mile, and Sheriff's fees for serving subpœna, 75 cents | 2 85 |
| Certificate of County Clerk to 3 exhibits filed herein | 1 50 |
| Attorneys' fees for William T. Jeter and Charles B. Younger, Jr., who were engaged in this matter before Justices, Superior Court, committee, and in traveling more than thirty calendar days | 500 00 |
| Total | $508 35 |

*Expenses of H. H. Miller, County Clerk of Santa Cruz County.*

| | |
|---|---|
| Mileage, 410 miles | $41 00 |
| Express charges on ballots | 7 50 |
| Telephoning | 1 00 |
| Attendance on committee, eleven days | 55 00 |
| Hotel bill | 33 00 |
| Total | $137 50 |

Amounts approved by your committee, in the case of H. H. Miller, County Clerk of Santa Cruz County:

| | |
|---|---|
| Mileage, 410 miles | $41 00 |
| Express charges on ballots | 7 50 |
| Telephoning | 1 00 |
| Attendance on committee, eleven days | 55 00 |
| Total | $104 50 |

*Expenses of J. T. Stafford, Sergeant-at-Arms:*

| | |
|---|---|
| Mileage to Santa Cruz and return | $41 00 |
| To serving subpœna | 1 00 |
| Total | $42 00 |
| Amount allowed by your committee to the Sergeant-at-Arms | $42 00 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same, in favor of the following-named persons, for the amount set after their respective names, to be distributed in accordance with the bills allowed:

| | |
|---|---|
| John W. Johnstone, attorney for said Wanzer | $597 20 |
| Charles B. Younger, one of the attorneys for said contestee | 508 35 |
| H. H. Miller, County Clerk of Santa Cruz County | 104 50 |
| J. T. Stafford, Sergeant-at-Arms | 42 00 |

WRIGHT, Chairman.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following-named persons for the amounts set after their respective names:

| | |
|---|---|
| Darby Knowles, 9 nights watching ballots | $27 00 |
| Frank O'Brien, 9 nights watching ballots | 27 00 |
| Fred Rabe, 4 days watching ballots | 12 00 |

Resolution read and ordered printed in Journal.

MOTION.

At four o'clock and twenty minutes P. M., Mr. Dougherty moved that the Assembly do now adjourn.

Motion lost.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of H. S. Wanzer, as a member of the Assembly from the Fifty-fourth Assembly District, Santa Cruz County, from January 5, 1903, up to and including February 10, 1903, at the rate fixed by law; and be it further

*Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of said Wanzer for the sum of $25.00 for contingent expenses as a member of the Assembly, as provided for by Section 23 of Article IV of the Constitution of the State; and be it further

*Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of said Wanzer for the sum of $41 for his mileage as a member of the Assembly; be it further

*Resolved*, That the warrants ordered to be drawn by these resolutions be drawn upon and be made payable out of the appropriation for the contingent expenses of the Assembly, and the Treasurer of State is hereby authorized and directed to pay the same.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

Mr. Wanzer offered the following amendment:

WHEREAS, In the organization of this Assembly said Wanzer was paid for two weeks' services of a clerical nature rendered this body; be it further

*Resolved*, That said sum so paid be deducted from the total amount of this resolution.

Mr. Dunlap accepted the amendment.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. King: Assembly Bill No. 760—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State received by him from the United States for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress, approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Read first time, and referred to Committee on Military Affairs.

By Mr. Killingsworth: Assembly Bill No. 761—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 763—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Joint Resolution No. 11—Relating to new method of printing amended bills, so that the amended portions will be discernible at sight.

Referred to Committee on Public Printing.

ADJOURNMENT.

At four o'clock and twenty-seven minutes P. M., on motion of Mr. Rolley, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 12, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker pro tem. Carter in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser,

Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson

LEAVE OF ABSENCE.

Messrs. Howard, Stansell, and Bates were granted leave of absence for the day.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, February 10, 1903, was read, corrected, and approved.

STATEMENT.

By Mr. Dougherty:

SACRAMENTO, February 12, 1903.

Journal of February 10, page thirty-five—Senate Bill No. 55, roll call:
I desire to have my vote recorded as I cast it, "no" in place of "aye."

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

WHEREAS, To day is the anniversary of the birth of Abraham Lincoln; and

WHEREAS, It is the duty of all Americans to render praise to the memory of one who so grandly illustrated in his life the virtues of honesty and patriotism, and who by his services to our country in its hour of direst peril justly earned the name of its preserver; therefore, be it

*Resolved*, That when we adjourn it be in honor of the memory of Abraham Lincoln.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

Seconded by Mr. Killingsworth.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1876—report the same back, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No. 496—An Act to amend Section 130 of the Civil Code, relating to divorce.

Also: Assembly Bill No. 497—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

And report the same back, with the recommendation that they do not pass.

Also: Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 596—An Act to add a new section to the Code of Civil Procedure, to be numbered 1040, providing a method of relieving persons satisfactorily shown to be unable to prepay the same, from the necessity of prepaying the fees, costs, charges, and expenses fixed by law or rule of court and incident to actions or special proceedings in courts of justice—report the same back, with the recommendation that it do not pass.

*Also: Senate Bill No 95—An Act amending Section 1570 of the Penal Code of the* State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Also: Senate Bill No 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

And report the same back, with the recommendation that they do pass.

Also: Assembly Bill No 687—An Act to amend Section 686 of the Penal Code, relative to the rights of defendant in a criminal action.

Also: Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

And report the same back, and, by a majority vote, recommend that they do pass.

SOWARD, Acting Chairman.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution amended as follows:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the modern hospital building for the Veterans' Home located at Yountville, Napa County, California, have visited the same.

The following members are entitled to mileage for the same, to wit: 140 miles:

| | |
|---|---|
| Barnes, chairman | $14 00 |
| Pyle | 14 00 |
| McCartney | 14 00 |
| Walker | 14 00 |
| McNeil | 14 00 |
| Transue | 14 00 |
| Snyder | 14 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of F. W. Barnes, chairman of said committee, for the sum of $98, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay same.

BATES, Chairman.

Resolution read and adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution amended as follows:

Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit the State Normal School at Chico, California, have visited the same:

The following members are entitled to mileage for the same, to wit: 180 miles:

| | |
|---|---|
| Barnes, chairman | $18 00 |
| Pyle | 18 00 |
| McCartney | 18 00 |
| Walker | 18 00 |
| John | 18 00 |
| Steadman | 18 00 |
| Snyder | 18 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of F. W Barnes, chairman of said committee, for the sum of $126.00, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay same.

Have had the same under consideration, and respectfully report the same back, as amended, and recommend that the same be adopted.

BATES, Chairman.

Resolution read and adopted.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass

Also: Assembly Bill No 515—An Act to amend Section 1848 of the Political Code, relating to the apportionment of school funds—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

MATTOS, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Also: Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

DUNLAP, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

DUNLAP, Chairman.

Assembly Bill No. 125 withdrawn by the author.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Assembly Bill No 580—An Act making an appropriation to pay a judgment for the sum of $600.00, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Also: Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners

Also: Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor for the sum of $1,856.78, on bond of the State of California, No. 592, issued July 9, 1858

Also: Assembly Bill No 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks and employés.

Also: Senate Bill No. 144—An Act to amend Sections 408, 409, 410 and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 691—An Act to prohibit the sale of spirituous, or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Also: Senate Bill No 292—An Act in relation to municipal bonds

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 632—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 25 thereof, relating to the general permanent powers of Boards of Supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on County and Township Governments.

McLAUGHLIN, Chairman.

Assembly Bill No. 632 re-referred to Committee on County and Township Governments.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 564—An Act to provide for the building of fencing, and for the purchase of farming implements, tools, and equipment at and for the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same

Also: Assembly Bill No 572—An Act to provide for the purchase of additional grounds for the Napa State Hospital, located near the City of Napa, State of California, and appropriating money therefor.

Also: Assembly Bill No 573—An Act to provide for the construction of a dam in Kruse Canyon, in the County of Napa, for the improvement and increase of the water supply of the Napa State Hospital.

Also: Assembly Bill No. 574—An Act to provide for the erection and furnishing of an eighty-room cottage for the Napa State Hospital, located near the City of Napa, and appropriating money therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and that the authors be permitted to withdraw the same.

CROMWELL, Chairman.

Assembly Bill No. 564 withdrawn by author.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Ways and Means.

CROMWELL, Chairman.

Assembly Bill No. 159 re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction

Also: Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CROMWELL, Chairman.

MOTION.

Mr. Wright moved that the rules be suspended and that the Assembly do now consider the report of the Committee on Contested Elections.

So ordered.

REPORT OF COMMITTEE ON CONTESTED ELECTIONS.

MR. SPEAKER: Your Committee on Contested Elections, having had under consideration the bills in the case of Wanzer versus Duffey, beg leave to submit the following:

*Expenses of Harry Wanzer, Contestant:*

| | |
|---|---|
| Clerk's fees for filing statement | $6 00 |
| Clerk's fees, certified copies for services | 2 10 |
| Sheriff's fees, serving notice | 2 75 |
| Notary's fees | 1 50 |
| Rose Lay, a stenographer in Justice's Court proceedings | 17 50 |
| Transcribing and typewriting depositions | 28 75 |
| Justice Bias, fees, 8 days at $10 per day | 80 00 |
| Justice Conasst, fees, 8 days at $10 per day | 80 00 |
| Witness fees— | |
| Three witnesses from Santa Cruz, 1 day each and mileage | 6 60 |
| Four witnesses from Watsonville, 2 days each | 16 00 |
| Mileage of four witnesses from Watsonville, 2 trips, 40 miles | 24 00 |
| Expenses of summoning witnesses from Watsonville | 19 00 |
| James O Wanzer, attorney's fees at Santa Cruz, office work, twelve days Justice's Court, and one day Superior Court | 250 00 |
| John W. Johnstone, attorney's fees | 500 00 |
| Total | $1,034 20 |

Amounts approved by your committee, in the case of the contestant, are as follows:

| | |
|---|---|
| Clerk's fees, filing statement | $6 00 |
| Clerk's fees, certified copies for service | 2 10 |
| Sheriff's fees, serving notice | 2 75 |
| Notary's fees | 1 50 |
| Rose Lay, stenographer in Justice's Court proceedings | 17 50 |
| Transcribing and typewriting depositions | 28 75 |
| Three witnesses from Santa Cruz, one day each and mileage | 6 60 |
| Four witnesses from Watsonville, two days each | 16 00 |
| Mileage of four witnesses from Watsonville, two trips, forty miles | 16 00 |
| John W. Johnstone, attorney's fees | 500 00 |
| Total | $597 20 |

*Expenses of A. D. Duffey, Contestee:*

| | |
|---|---|
| County Clerk, Santa Cruz County, fees for filing complaint in action of Duffey vs. Conasst and Bias, Justices, to restrain them from taking testimony herein | $6 00 |
| Typewriting plaintiff's pleadings | 5 00 |
| Costs in said action | 2 00 |
| Filing notice of an undertaking on appeal in said action | 50 |
| Costs thereinafter to be incurred on dismissal of appeal | 3 00 |
| Fees of witnesses whose testimony was taken for contestee before Justices at $2 00 each per day and 10 cents per mile one way: Charles N. Haines, 1 day, 15 miles and cost of securing attendance, 50 cents | 4 00 |
| O. J. Lincoln, 1 day, 1 mile, and Sheriff's fees for serving subpœna, 75 cents | 2 85 |
| Costs of typewriting objections to taking of testimony herein, and demurrer to statement of contest | 2 50 |
| Cost of printing answer to statement of grounds of contest | 3 00 |
| To King Chase for services as special tally clerk for contestee, 4 days at $4 00 per day | 16 00 |
| Certificate of County Clerk to 3 exhibits filed herein | 1 50 |

| | |
|---|---|
| Railroad fare of counsel from Santa Cruz to Sacramento (fare Santa Cruz to San Francisco, $2.80; San Francisco to Sacramento, $2.50 or $3 00) four round trips | $46 40 |
| Personal expenses of counsel, other than railroad fare while in Sacramento and traveling thereto, January 19 to 23; 28 to February 1 (both counsel), February 2 and 7, all dates inclusive, 20 days at $5.00 per day | 100 00 |
| Attorneys' fees for William T. Jeter and Charles B. Younger, Jr., who were engaged in this matter before Justices, Superior Court, committee, and in traveling more than thirty calendar days | 500 00 |
| To James A Hall, of Watsonville, for services alleged to have been rendered by him herein ere the taking of testimony, and for which he has been paid an attorney's fee in the sum of | 50 00 |
| Total | $742 75 |

Amounts approved by your committee, in the case of the contestee, are as follows:

| | |
|---|---|
| Fees for witnesses whose testimony was taken for contestee before justices at $2 00 each per day and ten cents per mile one way: Charles N. Haines, 1 day, 15 miles and cost of securing attendance 50 cents | $4 00 |
| O. J. Lincoln, 1 day, 1 mile, and Sheriff's fees for serving subpœna, 75 cents | 2 85 |
| Certificate of County Clerk to 3 exhibits filed herein | 1 50 |
| Attorneys' fees for William T. Jeter and Charles B. Younger, Jr., who were engaged in this matter before Justices, Superior Court, committee, and in traveling more than thirty calendar days | 500 00 |
| Total | $508 35 |

*Expenses of H. H. Miller, County Clerk of Santa Cruz County.*

| | |
|---|---|
| Mileage, 410 miles | $41 00 |
| Express charges on ballots | 7 50 |
| Telephoning | 1 00 |
| Attendance on committee, eleven days | 55 00 |
| Hotel bill | 33 00 |
| Total | $137 50 |

Amounts approved by your committee, in the case of H. H. Miller, County Clerk of Santa Cruz County:

| | |
|---|---|
| Mileage, 410 miles | $41 00 |
| Express charges on ballots | 7 50 |
| Telephoning | 1 00 |
| Attendance on committee, eleven days | 55 00 |
| Total | $104 50 |

*Expenses of J. T. Stafford, Sergeant-at-Arms:*

| | |
|---|---|
| Mileage to Santa Cruz and return | $41 00 |
| To serving subpœna | 1 00 |
| Total | $42 00 |
| Amount allowed by your committee to the Sergeant-at-Arms | $42 00 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly in favor of the following-named persons, for the amount set after their respective names, to be distributed in accordance with the bills allowed:

| | |
|---|---|
| John W. Johnstone, attorney for said Wanzer | $597 20 |
| Charles B Younger, one of the attorneys for said contestee | 508 35 |
| H. H. Miller, County Clerk of Santa Cruz County | 104 50 |
| J. T. Stafford, Sergeant-at-Arms | 42 00 |

WRIGHT, Chairman.

MOTION.

Mr. Wright moved that the following correction of the report as printed in the Journal of February 11th be made:

After the word "same," in the second line of the resolution, insert the following words: "out of the Contingent Fund of the Assembly."

So ordered.

Mr Johnson submitted the following amendment:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following-named persons for the amounts set after their respective names.

| | |
|---|---|
| Darby Knowles, 9 nights watching ballots | $27 00 |
| Frank O'Brien, 9 nights watching ballots | 27 00 |
| Fred Rabe, 4 days watching ballots | 12 00 |

Mr. Mattos submitted the following amendment to the amendment:

Amend by making attorney's fees in each case $250 instead of $500.

The question being on the adoption of the amendment to the amendment.

Amendment lost.

The question being on the amendment.

Amendment adopted.

The question recurring upon the adoption of the report and resolution as amended.

The ayes and noes were demanded by Messrs. Mattos, Pann, and Walker.

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

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Ells, Goodrich, Greer, Higgins, Houser, John, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Waste, Weger, and Wright—55.

NOES—Messrs. Amerige, Black, Dougherty, Foster, Mattos, Pann, Walker, and Walsh—8.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred a resolution by Mr. Baxter, relating to the purchasing and making free by the United States Government of the toll roads passing over the Yosemite National, Park in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOODRICH, Chairman.

Report adopted.

### RESOLUTION.

By Mr. Baxter:

Relating to the purchasing and making free, by the United States Government, of the toll roads passing over the Yosemite National Park, in the State of California.

WHEREAS, The State of California did, in the years 1885 and 1889, purchase and make free the portions of those certain three toll roads lying within the bounds of the grant of the Yosemite Valley (containing about thirty-six thousand acres) made to the State of California by Act of Congress passed June 30, 1864, said roads having been built into and over said grant by permission of the State of California, and the commissioners to manage said park provided by said Act of Congress; and

WHEREAS, The Congress of the United States did, on October first, eighteen hundred and ninety, pass an Act establishing the Yosemite National Park, containing about one million acres, in the center of which the said original Yosemite Valley Grant lies, but did not provide for the making free of the said three toll roads which pass over said National Park and into said Yosemite Valley, or for the making free of that certain fourth toll road which passes through said park, but not into said Yosemite Valley; and

WHEREAS, The Yosemite National Park is visited annually by many thousands of Californians and others, and it is a matter of great importance to the people of the United States and particularly to the people of the State of California that these toll roads should be made free by the National Government, and the anomaly of paying tolls in a people's park be done away with; and

WHEREAS, Congress has appropriated for the Yellowstone National Park over $1,100,000, of which the sum of $257,800 was appropriated at the last session of the present Congress, and has appropriated many hundreds of thousands of dollars for other national parks, but only the sum of $22,000 for the Yosemite National Park; and

WHEREAS, At the fifty-sixth session of Congress a special commission was created to examine and report upon the feasibility of acquiring the four toll roads in and about said park, and for the construction of other necessary new roads within said park; and

WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor, and did recommend that the said four toll roads be purchased at the price of $208,750 before the National Government construct any new roads; therefore be it

*Resolved by the Assembly, the Senate concurring*, That the same policy which induced the State of California to buy and make free the toll roads and trails in the California Yosemite Valley Grant, should also influence the National Government to buy and make free the toll roads which traverse the Yosemite National Park; and our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations at the present session of Congress, in accordance with the report of said commission, for the purchase of these roads, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

*Resolved further*, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C

Resolution read.

Mr. Goodrich moved the adoption of the resolution.

Resolution adopted.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

FOSTER, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 343—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEININGER, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Senate Bill No. 96—An Act to amend Section 1083 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Also: Adopted Assembly Concurrent Resolution No. 4—Approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Also: Amended and adopted Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Also: Refused to adopt Assembly Joint Resolution No 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity treaty.

Also: Passed Assembly Bill No. 483—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Assembly Bill No 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

F. J. BRANDON, Secretary of the Senate,
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Read first time, and referred to Committee on Public Morals.

Senate Bill No. 96—An Act to amend Section 1183 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Read first time, and referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 4—Relative to approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Ordered to enrollment.

Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

On motion of Mr. Johnson, ordered on Senate special file.

Assembly Bills Nos. 483, 169, and 236 ordered to enrollment.

MOTION TO RECONSIDER.

Mr. Stanton moved that the Assembly do now reconsider the vote whereby Senate Bill No. 97 was yesterday refused final adoption.

The question being, "Shall the Assembly now reconsider ?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—65.

NOES—Mr. Traber—1.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Waste: Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California, by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer, in relation thereto.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 765—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to terms of office.

Read first time, and referred to Committee on Judiciary.

By Mr. Weger: Assembly Bill No. 766—An Act fixing the salaries of the attendants and assistant attendants in the hospitals for the insane.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Drew: Assembly Bill No. 767—An Act to amend an Act to provide for the incorporation, operation, and management of co-operative associations.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnstone: Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Wanzer: Assembly Bill No. 769—An Act making an appropriation to pay the claim of A. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blanther, for murder.

Read first time, and referred to Committee on Ways and Means.

By Mr. Traber: Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No. 771—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read first time, and referred to Committee on Judiciary.

By Mr. Camp: Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 8, Article II of the Constitution of the State of California, relating to charters.

Referred to Committee on Constitutional Amendments.

By Mr. Brown: Assembly Bill No. 772—An Act to add a new section to the Political Code of the State of California, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Read first time, and referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools—have had the same under consideration, and respectfully report the same back, amended, and without recommendation.

MATTOS, Chairman.

## WITHDRAWAL OF BILLS.

Assembly Bills Nos. 250, 251, and 252 withdrawn by author.

MOTION.

Mr. Olmsted moved that Senate Bill No. 59 be recalled from Committee on Ways and Means.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Dunlap:

*Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of W. H. Gleeson, as a member of the Assembly from the Thirty-fourth Assembly District, San Francisco County, from and including January 5, 1903, to and including the 26th day of January, 1903, at the rate fixed by law; and be it further

*Resolved*, That the warrants ordered to be drawn by this resolution be drawn upon and made payable out of the appropriation for the contingent expenses of the Assembly, and the Treasurer of State is hereby authorized and directed to pay the same.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

Resolution adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 7—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation (at request of author).

Also: Assembly Bill No. 610—An Act making an appropriation of $52 40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Also: Assembly Bill No 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California, issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Also: Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Also: Assembly Bill No 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Have had the same under consideration, and respectfully report the same back without recommendation (at request of authors).

Also: Assembly Bill No. 454—An Act to appropriate the sum of $2,218 50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L McCarthy against the State of California—have had the same under consideration, and respectfully report the same back without recommendation (at request of author).

Also: Assembly Bill No. 533—An Act providing for the relief of J H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of $1,130, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No. 355—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 375, relating to the publication of the financial conditions of corporations (except banking and insurance companies and building and loan societies).

Have had the same under consideration, and respectfully report the same back, and ask that they be re-referred to Committee on Municipal Corporations.

DORSEY, Chairman.

Senate Bill No. 355 re-referred to Committee on Municipal Corporations.

MOTION.

Mr. Dorsey moved that the Assembly reconsider the vote whereby the resolution for the purchase of books for certain committees was yesterday refused adoption.

POINT OF ORDER.

Point of order raised by Mr. Johnson, that a motion to reconsider a resolution is not in order.

Point of order sustained by the Chair.

UNFINISHED BUSINESS.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title of the printed bill by inserting in the first line after "2641" the number "2642"; also, in line two, by striking out the words "two new sections" and in lieu thereof inserting the words "one new section"; also, in line three, by striking out after the word "as" the words "Sections 2642 and," and inserting in lieu thereof the word "section."

Amendment adopted.

AMENDMENT No. 2.

Amend section one of the printed bill, lines six and seven, by striking out the words "overseers' districts to correspond with the present township divisions," and inserting in lieu thereof the words "overseer districts."

Amendment adopted.

AMENDMENT No. 3.

Amend section two of the printed bill by striking out all of lines one, two and three, and inserting in lieu thereof the words:

"SEC. 2 Section two thousand six hundred and forty-two of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No. 4.

Amend section three of the printed bill, line four, by striking out the words "overseer or" and inserting in lieu thereof the words "overseers of."

Amendment adopted.

AMENDMENT No. 5.

Amend section five of the printed bill, in line seven, by inserting the word "teams" after the word "men"; also, by striking out the word "is" in line ten, and inserting in lieu thereof the word "in"; also, by striking out, in line eleven, the words "at least one a year."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board

of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Passed on file.

MOTION.

Mr. Johnson moved that the Assembly do now reconsider the vote whereby Assembly Constitutional Amendment No. 16 was yesterday refused adoption.

Mr. Higgins moved to lay the motion on the table.

So ordered.

At eleven o'clock and fifteen minutes A. M., Speaker Fisk in the chair.

SPECIAL FILE.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House, providing for biennial and special sessions of the Legislature.

Heretofore read.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eleven o'clock and twenty minutes A. M., Mr. McCartney moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twenty-six minutes A. M., Mr. Mattos moved that further proceedings under call of the House be dispensed with.

So ordered.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Camp, Carter, Copus, Covert, Dunbar, Dunlap, Finn, Foster, Goodrich, Greer, Hart, Higgins, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—Messrs. Brown, Burgess, Cromwell, Dorsey, Dougherty, Drew, Houser, John, Johnstone, Pyle, and Soward—11.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending sections two and twenty-three of article four of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employés of the Senate and House; providing for biennial and special sessions of the Legislature.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, A. D. nineteen hundred and three, two thirds of all the members

elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections two and twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock M on the first Monday after the first day of January next succeeding the election of its members, and, after the election held in the year eighteen hundred and eighty, shall be biennial, unless the Governor shall, in the interim convene the Legislature by proclamation. No session of the Legislature shall extend beyond the term of one hundred and twenty days, nor any special session beyond the term of fifty days. And no bill shall be introduced in either house after the expiration of one hundred days of the commencement of any regular session, nor after forty days after the commencement of any special session, without the consent of two thirds of the members thereof.

Section 23. The members of the Legislature shall receive for their services a compensation not exceeding one thousand dollars during every regular session and a compensation not exceeding four hundred dollars during every special session of the Legislature and mileage, to be fixed by law and paid out of the public treasury; but no contingent expenses or other compensation shall be allowed No increase in compensation shall take effect during the term for which the members of either house shall have been elected. The officers and employés of the Senate (except the Lieutenant-Governor, who shall receive for his services a compensation of twelve hundred dollars for every biennial session, and five hundred dollars for every special session of the Legislature) shall receive for their services a per diem, to be fixed by law, and paid out of the public treasury; such per diem and officers and employés shall not exceed the following:

One secretary at nine dollars; two assistant secretaries at seven dollars each; one minute clerk and one sergeant-at-arms at eight dollars each; one assistant secretary, two assistant minute clerks, one bookkeeper to the sergeant-at-arms, one journal clerk, one clerk to the judiciary committee, one clerk to the finance committee, one engrossing and enrolling clerk and one assistant secretary at the desk at six dollars each; two assistant minute clerks, four assistant sergeants-at-arms, one assistant bookkeeper to the sergeant-at-arms, two assistant journal clerks, two history clerks, one stenographer to the finance committee, one stenographer to the judiciary committee, and five stenographers at large and two assistant engrossing and enrolling clerks at five dollars each; one postmistress, one chaplain, twenty committee clerks, two assistant engrossing and enrolling clerks and three bill filers at four dollars each; one ladies' cloakroom attendant and one assistant, one gentlemen's cloakroom attendant and one assistant, three porters, one mail carrier and two messengers at three dollars each, and six pages at two dollars and fifty cents each.

The officers and employés of the Assembly (except the Speaker, who shall receive a compensation for his services of twelve hundred dollars for every biennial session and five hundred dollars for every special session of the Legislature) shall receive for their services a per diem to be fixed by law and paid out of the public treasury; such per diem and officers and employés shall not exceed the following: One chief clerk at nine dollars; two assistants to the chief clerk at seven dollars each, two assistants to the chief clerk at the desk; two assistants to the minute clerk; one bookkeeper to the sergeant-at-arms; one journal clerk; one engrossing and enrolling clerk; one clerk to the judiciary committee and one clerk to the ways and means committee at six dollars each; one minute clerk and one sergeant-at-arms at eight dollars each; one assistant minute clerk and two copyists for the minute clerk; six assistant sergeants-at-arms; one assistant bookkeeper to the sergeant-at-arms; two assistant journal clerks; four assistant engrossing and enrolling clerks; two history clerks; one stenographer to the ways and means committee and one stenographer to the judiciary committee, and ten stenographers at large at five dollars each; two assistant engrossing and enrolling clerks; one postmistress; thirty committee clerks; three bill filers at four dollars each; two assistant postmistresses, three porters; one mail carrier; two messengers; one ladies' cloakroom attendant and one assistant; one gentlemen's cloakroom attendant and one assistant, at three dollars each, and eight pages at two dollars and fifty cents each.

The officers and employés of the respective houses shall be elected or appointed by the members thereof, and the pay of no officer or employé shall be increased after he is elected or appointed.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Passed on file.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating

and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 297.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 297 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto—and do now report the same back, with amendments, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out words "Secretary of State," in lines three and four, page one, printed bill, and inserting in lieu thereof the words "Board of State Capitol Commissioners."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "Secretary of State," in line three of section two, printed bill, and inserting in lieu thereof the words "Board of State Capitol Commissioners."

Amendment adopted.

AMENDMENT No. 3.

Amend title in line two, after word "attic," by inserting the words "and dome."

Amendment adopted.

AMENDMENT No. 4.

Amend title by adding to the last line thereof, after the word "thereto," the following: "including iron stairs and platform to reach lantern on dome."

Amendment adopted.

AMENDMENT No. 5.

Amend section one, in line four, by adding after the word "attic" the words "and dome." Also, on line eleven of section one, amend by adding after the word "thereto" the following: "including iron stairs and platform to reach lantern on dome."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Read second time.

MOTION.

Mr. Walker moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 126.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 126 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California, and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 125—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Passed on file.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Passed on file.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

Heretofore read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—58.

NOES—Messrs. Allen, Amerige, Barber, Carter, Dunlap, and Wanzer—6

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5.

A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, anno domini one thousand nine hundred and three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Section 10 of Article XIII of the Constitution of the State of California be amended to read as follows:

Section 10 All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this state, shall be assessed by the state board of equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts; but that of the cities, cities and counties, towns, townships, and districts of and in the several counties for purposes of taxation therein, shall be made by the boards of supervisors of such counties, respectively, after assessment and apportionment by the state board of equalization.

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Greer, Houser, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell. McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Passed on file.

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Passed on file.

Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Hart, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McMahon, McMartin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—55.

NOES—None.

Title read and approved.

MOTION.

Mr. Copus moved that the Assembly do now consider Assembly Bills Nos. 224, 225, 382, and 383.

So ordered.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Finn, Goodrich, Hart, Houser, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell Stanton, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr Speaker—59.

NOES—Messrs. Dougherty, Greer, Snyder, and Steadman—4.

Title read and approved.

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children to the public schools of the State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—Messrs. Amerige, Dougherty, Soward, and Steadman—4.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No 8—An Act to add a new section to the Political Code of the State of California, to be known as Section Number 3611, relating to the general revenue of the State, and to property exempt from taxation—and was presented to the Governor February 12, 1903, at eleven o'clock and fifteen minutes A. M.

AMERIGE, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education—have had the same under consideration, and respectfully report the same back without recommendation.

MATTOS, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker pro tem. Carter in the chair.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Duryea: Assembly Bill No. 773—An Act to regulate and control the sale, rental and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use.
Read first time, and referred to Committee on Irrigation.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, 440, 199, 191, 83, 203, 427, 475, 240, 57, 50, 116, 258, 257, 259, 221, 550, 181, 395, 408, 447, 455, and 506 passed on file.
Assembly Bill No. 295—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.
Read second time, and ordered to engrossment and third reading.
Assembly Bills Nos. 202, 177, 344, 358, 435, 414, and 531 passed on file.
Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of State of California No. 592, issued July 9, 1858.
Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 81.
So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.
Assembly Bill No. 81 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of the State of California No. 592, issued July 9, 1858—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Report adopted.
Ordered to engrossment and third reading.

Assembly Bills Nos. 296, 162 and 238 passed on file.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 218—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony, and providing a penalty therefor.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 467—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new Article, to be numbered XIII, to be added to Chapter II, Title I, Part III of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 161—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 122—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 319.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 319 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

CARTER, *Chairman.*

Report adopted.

The following committee amendment was submitted:

Amend by striking out the word "appointed" in line two, section twelve, fifth page, printed bill, and inserting in lieu thereof the word "appropriated."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 431—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers and providing for their equipment and maintenance.

Read second time, and ordered to engrossment, and third reading.

Mr. Mott moved that the vote on Assembly Bill No. 431 be reconsidered.

Motion lost.

Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities, to create, authorize, and empower a board of examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having sewer, water, or gas mains, to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections, to require ordinances by cities as to sewerage, water, and gas connections, and for permits authorizing such connections.

Passed on file.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "approval" in line two, section two, first page, printed bill, and inserting in lieu thereof the word "passage."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 206—An Act to regulate the practice of chiropody, the registering and licensing of persons to carry on such practice, and to promote competency and skill among the practitioners of chiropody in the State of California.

Withdrawn by author.

Assembly Bill No. 207—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and

licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Withdrawn by author.

Assembly Bill No. 208—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice; and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof.

Withdrawn by author.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by amending Section 2, relating to the term of office of members of said board, and to insert three new sections, to be numbered 18, 19, and 20, relating to sanitary conditions of barber shops and barber schools, and the regulation thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 678—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003 as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provision of Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia, and for other purposes."

Passed on file.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 387.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 387 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation

therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

CARTER, Chairman.

Report adopted.

The following committee amendment was submitted:

Amend by striking out all of said bill after the enacting clause and inserting in lieu thereof the following:

SECTION 1. The sum of five thousand two hundred and twenty-three and fifty-nine one-hundredths ($5,223.59) dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to pay the claim of Tirey L. Ford.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of Tirey L. Ford in the sum of five thousand two hundred twenty-three and fifty-nine one-hundredths ($5,223.59) dollars, and the State Treasurer is directed to pay said warrant; and this appropriation and this warrant is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 597.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 597 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Report adopted.

On motion of Mr. Johnson, re-referred to Committee on Judiciary, after engrossment.

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 557.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 557 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 557—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 381—An Act relating to keepers of intelligence offices, regulating the business thereof, and repealing all Acts and parts of Acts in conflict herewith, and providing punishment for violations of the provisions thereof.

Withdrawn by author.

Assembly Bill No. 426—An Act to prevent misrepresentation of employment, and making it a misdemeanor to misrepresent conditions of employment.

Read second time.

The following committee amendment was submitted:

Strike out title in printed bill and substitute: "An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to mileage in the State.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "one hundred and ninety-nine (199)" in line four, section fifteen, third page, printed bill, and inserting in lieu thereof the following: "two hundred and fourteen (214)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "two hundred and sixteen (216)" in line four, section fifty three, seventh page, printed bill, and inserting in lieu thereof the following: "two hundred and six (206)."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to the preservation of affidavits of registration.

Read second time, and ordered to engrossment and third reading.

At two o'clock and thirty-five minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend title by inserting next after the word "adoption" the words "and preservation."

Amendment adopted.

AMENDMENT No. 2.

Insert next after the word "surveys" in line thirty-one, page two of printed bill, the words "and the field notes thereof."

Amendment adopted.

AMENDMENT No. 3.

Insert next after the word "hands," line thirty-nine of printed bill, the words "of a majority."

Amendment adopted.

AMENDMENT No. 4.

Insert next after the word "and," line forty-five of printed bill, the following: "the said recorder shall immediately securely fasten and bind in one of a series of firmly bound books, to be provided, together with proper indexes thereof, and appropriately marked for the reception of the maps herein provided for, each such map so filed with him, and"

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "and filed" next after the word "certified," in line forty-seven of printed bill, and insert in lieu thereof the following: "filed and bound."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities or towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Next before the word "into" in line eleven, page one of printed bill, insert the words "shall be laid out."

Amendment adopted.

AMENDMENT No. 2.

Insert next after the word "blocks," line eleven, page one of printed bill, the words "for the purpose of sale."

Amendment adopted.

AMENDMENT No. 3.

Insert the word "hereafter," next after the word "shall," in line twelve, page two of section one of printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "subdivided" in line fifteen, of section one, page two of the printed bill, and insert in lieu thereof the words "laid out into lots or blocks."

Amendment adopted.

AMENDMENT No. 5.

In line twenty-one of section one, page two of printed bill, strike out the word "reservation," next after the word "such," and insert in lieu thereof the word "dedications."

Amendment adopted.

AMENDMENT No. 6.

Strike out all of printed bill after the word "land," in line four, section two, page two, down to and including the word "estate" in line eight of said section.

Amendment adopted.

AMENDMENT No. 7.

Strike out all of section three of the printed bill and insert in lieu thereof the following: "SEC. 3. The map or plat so made, acknowledged and certified shall be presented to the governing body having control of the streets, roads, alleys and highways in the territory shown on the map or plat, and the said governing body shall indorse thereon which streets, roads, alleys and highways offered by said map or plat they accept on behalf of the public, and thereupon such streets, roads, alleys and highways only as have been thus accepted shall be and become dedicated to public use, when so indorsed and not before said map or plat shall be recorded in the office of the county recorder of the county in which the city, town, addition or subdivision is situated in a book kept for that purpose. The map or plat shall not be more than 36 inches by 36 inches in size and shall be drawn in all details clearly and legibly, and if not so drawn may be refused by the county recorder. When such map or plat is presented to be recorded the county recorder shall paste the same securely in a book of maps and it shall then be deemed to have been recorded under the provisions of this Act."

Amendment adopted.

AMENDMENT No. 8.

Add a new sentence to section four, page three, printed bill, to read as follows: "Nothing contained in this Act shall be held to require the mapping or platting of lots or subdivisions of land when laid out for sale for cemetery purposes only."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by putting in a semicolon instead of a comma after the word "attachment," in line eighteen, page two of printed bill.

Amendment adopted.

AMENDMENT No. 2.

In line eighteen, page two of printed bill, strike out the word "undertaking" and insert in lieu thereof the words "order granting."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 460—An Act to establish the fees of jurors in criminal cases in Justices' and Recorders' Courts.

Passed on file.

Assembly Bill No. 611—An Act to amend Sections 2641, 2642, and 2645 of the Political Code of the State of California, and to add a new section to said Code, to be known as Section 2644.

Mr. Wright moved to substitute Assembly Bill No. 405 for Assembly Bill No. 611 on file.

So ordered.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged land.

Read second time, and passed on file pending amendments.

Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "therefore," in line forty, second page, printed bill, and inserting in lieu thereof the word "therefor."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 312—An Act to add a section to "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 121—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Withdrawn by author.

Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Read second time.

Passed on file, pending amendment.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 273—An Act to add one new section to the Political Code of California, to be known as Section 416½, exempting mutual building and loan corporations, organized under the laws of this State, from paying fees to the Secretary of State for filing certificates of increase of capital stock.

Withdrawn by author.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Passed on file.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Read second time.

The following committee amendments were submitted:

AMENDMENT No 1.

Insert in line two, section one, printed bill, before the word "excavations" the word "abandoned."

Amendment adopted.

AMENDMENT No 2.

Add at the end of section two the following words: "*provided*, that the cost thereof shall be and the amount thereof is hereby constituted and declared to be a debt due from such negligent owner to such county, recoverable in a suit by such county, with costs"

Amendment adopted.

AMENDMENT No. 3.

In line two of section one, printed bill, after the word "excavations" insert the words "dangerous to passers-by or livestock."

Amendment adopted.

AMENDMENT No. 4.

In line one, section three, printed bill, after the word "persons" insert the word "maliciously."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting in section one, page one, line five of printed bill, the word "sixty" in lieu of the word "thirty."

Amendment adopted.

AMENDMENT No. 2.

In line one of section one, after the word "after," insert "the appointment of an inspector of weights as provided in section four."

Amendment adopted.

AMENDMENT No. 3.

At the beginning of line six, section one, strike out the following words: "the passage."

Amendment adopted.

AMENDMENT No. 4.

Strike out words "in or weighed out" in line four, section one.

Amendment adopted.

Ordered to print, engrossment, and third reading.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Committee Substitute for Senate Bills 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California

Senate Bill No 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Senate Bill No 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony; and providing a penalty therefor.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection which has heretofore been, or which may hereafter be, authorized by said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected

Senate Bill No 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897

Concurred in Assembly amendments to Senate Bill No 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Passed Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California relating to investing school funds.

Assembly Bill No 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Amended, and passed as amended, Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district

Assembly Bill No. 556—An Act to re enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

F. J BRANDON, Secretary of the Senate.
By FRED L THOMAS, Assistant Secretary.

Committee Substitute for Senate Bills Nos. 261, 307, and 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read first time, and referred to Committee on Military Affairs.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among stationary steam engineers in the State of California.

Read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read first time.

On motion of Mr. Waste, ordered on Senate special file without reference to committee.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read first time.

On motion of Mr. McNeil, ordered on Senate special file without reference to committee.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony, and providing a penalty therefor.

Read first time.

On motion of Mr. Lewis of Riverside, ordered on Senate special file without reference to committee

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the

27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read first time, and referred to Committee on Agriculture.

On motion of Mr. Johnson, Senate Bill No. 343 ordered on Senate special file without reference to committee.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Ordered to enrollment.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Ordered to enrollment.

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Ordered to enrollment.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

The following Senate amendments were submitted:

SENATE AMENDMENT.

After the last word in section one, add the following: "*provided*, the provisions of this Act shall not apply to any license tax, the validity of which is involved in any suit now pending, or to any such license tax due when this Act takes effect."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "and" on page one, section one, line three, and inserting in lieu thereof the word "or."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "or of any thereof or on any business or business connected therewith," on page one, section one, lines four and five.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 3.

Amend by striking out the words "on any or all of said business," on page one, section one, lines five and six.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 4.

On page one, section one, line seven, strike out the words "singly or in the aggregate," and insert in lieu thereof the following: "on the business of raising, herding or pasturing sheep."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 5

On page one, of printed bill, strike out all of section two.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 6.

On page one of printed bill, last line, strike out the figure "3," and insert in lieu thereof the figure "2."

Amendment adopted.

Mr. McLaughlin moved that the Assembly do now concur in the Senate amendments.

The question being: "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

The following Senate amendments were submitted:

SENATE COMMITTEE AMENDMENTS.

Amend title after the word "constituting," in line seven, "The Second Assembly District the ninth district."

After the word "district," line eight, add the words: "The Third Assembly District the forty-seventh district, the County of Riverside the forty-eighth district, the County of Madera the forty-ninth district."

Amend by inserting after the district forty-eight: "The County of Madera shall constitute agricultural district number forty-nine."

Amend by striking out the word "counties" in line fifty-one, page three, and inserting the word "county"; also, strike out the words "and Madera," same line.

Amend by striking out the word "counties" in line sixty-five and inserting in lieu thereof the word "county," and by striking out of line sixty-four the words "and Riverside" and by inserting after district number forty-seven the following: "The County of Riverside shall constitute agricultural district number forty-eight"

Amend section one, page two, line twenty-two, by striking out the words "County of Humboldt" and inserting in lieu thereof the words: "Second Assembly District."

Add a new paragraph to line one hundred and four as follows: "The Third Assembly District shall constitute agricultural district number forty-seven."

Mr. Lumley moved that the Assembly do now concur in the Senate amendments.

The question being: "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—58.

NOES—None.

At three o'clock and thirty minutes P. M., the Speaker called Mr. Wanzer to the chair.

WITHDRAWAL OF BILLS.

Assembly Bills Nos. 522, 655, and 218 withdrawn by authors.

MOTION.

Mr. Bates moved that this Assembly do now consider Senate Bill No. 97.

So ordered.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Brown, Camp, Copus, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—52.

NOES—Messrs. Amerige, Bangs, Burgess, Covert, Dougherty, Johnstone, King, McConnell, Soward, Stansell, and Traber—11.

Title read and approved.

SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better

education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Passed on file.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto, providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Houser, John Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—59.

NOES—None.

Title read and approved.

At three o'clock and forty-five minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Bangs, Bates, Bliss, Copus, Covert, Dorsey, Drew, Ells, Finn, Goodrich, Hart, Higgins, Johnson, Killingsworth, Leininger, Lewis of San Francisco, Lumley, Mahany, McCartney, McLaughlin, McMahon, McMartin, Murphy, Rolley, Siskron, Stanton, Steadman, Susman, Transue, Waste, and Mr. Speaker—32.

NOES—Messrs Amerige, Barnes, Baxter, Black, Brown, Burgess Camp, Cromwell, Dougherty, Dunbar, Duryea, Foster, Houser, John Johnstone, Kelso, King, Knight, Lewis of Riverside, Mattos, McConnell, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Walker, Weger, and Wright—33.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 79 was this day refused final passage.

Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Goodrich, Hart, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMartin,

McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59

NOES—Messrs. Amerige, Bangs, Black, Covert, Houser, and Johnstone—6.

Title read and approved.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for nonpayment of taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Boisson, Copus, Covert, Cromwell, Dunbar, Ellis, Finn, Foster, Hart, Higgins, Houser, John, Kerrigan, Lumley, Mahany, McMartin, McNeil, Moore, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Susman, Transue, Wanzer, and Waste—34

NOES—Messrs. Bangs, Black, Bliss, Brown, Burgess, Camp, Dorsey, Dougherty, Drew, Greer, Johnson, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, McCartney, McConnell, McKenney, McLaughlin, McMahon, Murphy, Olmsted, Pyle, Snyder, Steadman, Traber, Walker, Weger, Wright, and Mr. Speaker—31.

NOTICE OF MOTION TO RECONSIDER.

Mr. McCartney gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 260 was this day refused final passage.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read second time, and ordered to third reading.

Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Passed on file.

MOTION.

Mr. Drew moved that Assembly Bill No. 240 be recalled from Committee on Ways and Means, and that Senate Bill No. 21 be recalled from Committee on Education, and be ordered on the Senate special file.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Mr. Amerige gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 224 was this day finally passed.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Stanton: Assembly Bill No. 774—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, undertaking, and writ of ejectment, and the manner of serving writ.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Brown: Assembly Bill No. 776—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read first time, and referred to Committee on Judiciary.

By Mr. Allen: Assembly Bill No. 777—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Christopher McNulty, for the sum of $1,500, against the State of California.

Read first time, and referred to Committee on Claims.

By Mr. Burgess: Assembly Bill No. 778—An Act to amend Section 2955 of the Civil Code of California, relating to the mortgaging of personal property.

Read first time, and referred to Committee on Judiciary.

By Mr. Carter: Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools.

Read first time, and referred to Committee on Education.

Also: Assembly Bill No. 780—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools.

Read first time, and referred to Committee on Education.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 2—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that the same be withdrawn, being identical with Senate Bill No 80, this day placed on file.

Also: Senate Bill No 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BOISSON, Chairman.

## WITHDRAWAL OF BILL.

Assembly Bill No. 2 withdrawn by author.

## ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Stanton, the Assembly adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 13, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker pro tem. Carter in the chair.

### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leninger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—73.

### PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

### LEAVE OF ABSENCE.

Messrs. McMartin, Lewis of San Francisco. Susman, and Howard were granted leave of absence until Monday, February 16, 1903.

### READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

### READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, February 11, 1903, was read, corrected, and approved.

### PETITION.

Mr Waste presented the following petition from the San Francisco Dental Society, which was ordered printed in the Journal:

*To the Honorable the Legislature of the State of California:*

WHEREAS, There is now pending before your honorable body an Act designed to correct some minor defects of the existing Act relating to the practice of dentistry in the State of California approved March 23, 1901; and

WHEREAS The amendments desired by the practicing dentists of this State have been prepared, after due and careful consideration of all the matters involved in the proposed changes, by the State Central Committee on Dental Legislation (a body composed of delegates representing all the dental associations, and all the dental alumni associations of the State of California); and

WHEREAS, By reason of the above-mentioned defects several important provisions of the present law are inoperative, to the detriment of the public welfare; and

WHEREAS, We firmly believe the amendments proposed in Senate Bill No. 359 and Assembly Bill No 617, which are identical, as amended in committee, will correct the said defects, and promote the public welfare;

Now, therefore, we, the following-named associations, clubs, societies, and bodies composed of practicing dentists in the State of California, do heartily endorse said amendments proposed in said bills, and do hereby most respectfully petition your honorable body to enact the same.

(Signed:) San Francisco Dental Society (composed of seventy-five (75) members).

By CHAS. H. DUBOIS, President.
GEORGE EATON DANIELS, D.D.S., Secretary.

The Alumni Association of the Dental Department of the University of California (composed of five hundred and twenty-five (525) members).

By F. G. BAIRD, President.
GUY S. MILLBERRY, Vice-President.
H. G. ALLEN, Corresponding Secretary.
C. H. BOWMAN, Secretary
JOSEPH A. JEFFREY, Treasurer.

The California State Dental Association (composed of one hundred and seventy (170) members).

By FRANK L PLATT, President.
C. E. POST, Secretary.

The Southern California Dental Association (composed of one hundred and thirty (130) members).

By J. M. WHITE, President.
L. E. FORD, Secretary.

The Faculty of the Dental Department of the University of California.

By HARRY P. CARLTON, D.D.S., Dean.

San Francisco Dental Society (composed of seventy-five (75) members).

By CHAS H. DUBOIS, President.
GEORGE EATON DANIELS, D D S., Secretary.

Alumni Association of the College of Physicians and Surgeons of San Francisco (embracing about one hundred and seventy (170) practicing dentists).

By C. O. SOUTHWARD, M.D., President.
CHAS. M. TROPPMANN, Ph G., M.D., Secretary.

Santa Clara Valley Dental Association (composed of twenty-five (25) members).

By A. M. BARKER, President.
F. L. CAUCH, Secretary.

Oakland Dental Club (composed of thirty-one (31) members).

By JOSEPH LORAN PEASE, President.
A. G. GILBERTSON, Secretary.

Sacramento Dental Society (composed of twenty-three (23) members).

By W. J. TAYLOR, President.
H. H STEPHENSON, Secretary.

Santa Barbara Dental Club (composed of ten (10) members): H. W. Moore, C. J. Stinson, J. J. Dickover, J. B. Saxby, George A White, C. S. Lane, W. L. Warnekross, E. F. Herbert, G. W. Simpson, Edw. P. Bradbury.

San Diego Dental Society (composed of thirteen (13) members).

By E. W. SHERIFF, President.
E. T. READ, Secretary.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same—report the same back, with the recommendation that it do pass

Also: Assembly Bill No. 526—An Act providing the manner of payment of fees of the County Clerk in cases of petitions for letters of administration filed by public administrators—report the same back, and, by a majority vote, recommend it do not pass

Also: Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by public administrators—report the same back, with three amendments, and, by a majority vote, recommend it do pass

Also: Assembly Bill No 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to the duties of Public Administrator—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 528—An Act to amend Section 81 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to duties of County Treasurer concerning moneys and property received from the Public Administrator—report the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices—report the same back, with the recommendation that it do pass.

Also: Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Also: Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

And report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 59—An Act to divide the State of California into fish and game districts, and for the protection and preservation of fish and game in each of such respective districts, and in the State of California at large—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LEININGER, Chairman

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 636—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Also: Assembly Bill No 637—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered 625*a*, relating to unlawful interferences with public fire alarms.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 421—An Act to regulate the times of payment by employers of compensation of their employés and to repeal all conflicting or inconsistent Acts and provisions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Assembly Bill No. 692—An Act regulating the hours of employment in underground mines, in smelting and ore reduction works, and of hoisting in and about mines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 551—An Act to protect trade and commerce against unlawful restraints and monopolies—have had the same under consideration, and respectfully report the same back, and the majority recommend that the same do pass.

Also: Assembly Bill No 543—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appro-

priating money for the purposes of entomological research—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 172—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRABER, Chairman.

ON PUBLIC WORKS, STATE CAPITOL, AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. SPEAKER: Your Committee on Public Works, State Capitol, and Parks, to whom was referred Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ROLLEY, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 384—An Act to appropriate money for the survey, location, acquisition of rights of way, and construction of a free wagon road or State highway from the town of Boulder Creek, in Santa Cruz County, through California Redwood Park, in Santa Cruz County, and from thence down the east branch of Waddell Creek to Pacific Ocean—have had the same under consideration, and respectfully report the same back without recommendation

Also: Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREER, Chairman.

ON LABOR AND CAPITAL—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 551—An Act to protect trade and commerce against unlawful restraints and monopolies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, submitting herewith said amendment.

WASTE.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. John: Assembly Bill No. 781—An Act to amend Section 626*k* of the Penal Code of the State of California, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Allen (by request): Assembly Bill No. 782—An Act to prohibit the use of bristle-burr, tack-burr or other like device on horses or other animals in this State.

Read first time, and referred to Committee on Public Morals.

By Mr. McCartney: Assembly Bill No. 783—An Act to amend Section 2756 of the Civil Code, relating to insurance.

Read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 784—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Barber: Assembly Bill No. 785—An Act to provide special quarters in county jails, city and county jails, city jails, or police stations, for juvenile prisoners.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Susman: Assembly Bill No. 786—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered 2225, concerning the transfer of trust interests and the rights of creditors therein, and repealing Sections 859 and 867 of the Civil Code, relating to the same subject.

Read first time, and referred to Committee on Judiciary.

By Mr. Camp: Assembly Bill No. 787—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California.

Read first time, and referred to Committee on Labor and Capital.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BARBER, Chairman.

## MOTION TO RECONSIDER.

Mr. Mott moved that the Assembly do now reconsider the vote whereby Senate Bill No. 79 was on yesterday refused final passage.

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

Motion lost.

The question being, "Shall the Assembly now reconsider?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Bliss, Burgess, Camp, Carter, Dougherty, Dunbar, Ells, Finn, Gleeson, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, McCartney, McConnell, McLaughlin, Mott, Murphy, Pann, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walsh, Wanzer, Waste, and Weger—45.

NOES—Messrs. Allen, Black, Brown, Covert, Cromwell, Drew, Dunlap, Foster, Hart, Mahany, Mattos, McNeil, Olmsted, Prescott, Rolley, Stansell, Traber, Walker, and Wright—19.

Mr. Mott moved that further consideration of Senate Bill No. 79 be postponed until to-morrow morning, February 14, 1903.

So ordered.

## WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. King moved that Assembly Bill No. 159 be recalled from Committee on Ways and Means and re-referred to Committee on Public Buildings and Grounds.

So ordered.

Assembly Bills Nos. 572, 573, and 574 withdrawn by author.

## PRIVILEGES OF THE HOUSE.

On motion of Mr. Boisson, the privileges of the floor were extended to Hon. Lorenzo Henry, an ex-member of the Assembly.

MOTION TO RECONSIDER.

Mr. McCartney moved that the Assembly do now reconsider the vote whereby Senate Bill No. 260 was on yesterday refused final passage.

The question being, "Shall the Assembly now reconsider?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Bliss, Burgess, Camp, Carter, Cromwell, Dunbar, Dunlap, Ellis, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McLaughlin, McMahon, McNeil, Moore, Murphy, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walsh, Wanzer, Waste, and Weger—45

NOES—Messrs. Bangs, Black, Brown, Copus, Covert, Dougherty, Drew, K n Traber, Walker, and Wright—12.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Bliss, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Kelso, Kerrigan, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—53.

NOES—Messrs. Black, Brown, Johnson, Killingsworth, King, Pyle, and Traber—7.

Title read and approved.

MOTION TO RECONSIDER.

Mr. Amerige moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 224 was on yesterday passed.

Mr. Pann moved to lay the motion on the table.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Assembly Bill No 464—An Act to amend an Act entitled an Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Assembly Bill No 465—An Act to amend Section 3196 of the Political Code, relating to definition of trademarks.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making the continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

Assembly Bill No. 481—An Act providing for the loaning of books and documents in the State Library, and for the establishment of traveling libraries.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts

in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds."

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller, and payments into the State treasury

Assembly Bill No. 160—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and Justices of the Peace.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California

Assembly Bill No. 541—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court

Assembly Bill No 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Assembly Bill No 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Assembly Bill No 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901.

Assembly Bill No 217—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled an Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same and fixing the salary thereof

Assembly Bill No 138—An Act providing for an appropriation of $5,000 00 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance

Assembly Bill No. 245—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Assembly Bill No 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Assembly Bill No 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Assembly Bill No 60—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative bodies of any incorporated city and county, city, town, or other municipality to obtain the necessary information from any corporation, company, or person supplying such municipality with gas, electricity, or other illuminating light, used either for lighting, power, or fuel, and to enable them to regulate the charges therefor, and providing for regulating the charges therefor by such municipal authorities.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer and fixing the compensation of such stenographer.

Assembly Bill No 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Assembly Bill No. 525—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep.

Assembly Bill No 504—An Act to amend Section 300 of the Code of Civil Procedure of the State of California

Assembly Bill No 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public

Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Assembly Bill No 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests,

and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893, approved March 9 1897," which became a law March 14, 1899.

Assembly Bill No 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees

Assembly Bill No 522—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211 61 to pay the claim of B. A. Johnson for supplies furnished the National Guards of California during the month of July, 1894.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

AMERIGE, Chairman.

UNFINISHED BUSINESS.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

On motion of Mr. Johnson, the consideration of Assembly Bill No. 75 made a special order for Thursday, February 19, 1903, at eleven o'clock A.M.

SPECIAL FILE.

Assembly Bills Nos. 428, 297, 1, 126, 367, and 524 passed on file.

Assembly Bill No. 583—An Act to amend Section 1215 of the Political Code of the State of California.

Read third time.

Passed on file.

Assembly Bills Nos. 320, 570, 489, 357, 359, 360, 361, 362, 363, 404, 422, 423, 558, and 621 passed on file.

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Black, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McLaughlin, McMartin, Moore, Mott, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—56.

NOES—Mr. Mattos—1.

Title read and approved.

Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos,

McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—61.
NOES—Messrs. Dougherty and Houser—2.

Title read and approved.

RESOLUTION.

By Mr. Amerige:

In accordance with Section 539 of the Political Code:

*Resolved*, That the Chief Clerk be and he is hereby directed to deliver without delay, to the Engrossing and Enrolling Clerk of the Assembly, all bills and other documents ordered engrossed or enrolled.

Resolution read.

Mr. Amerige moved the adoption of the resolution.

Resolution adopted.

Assembly Bill No. 138—An Act providing for an appropriation of five thousand dollars ($5,000) for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Leminger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—68.
NOES—None.

Title read and approved.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. McMartin: Assembly Bill No. 788—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Dorsey: Assembly Bill No. 789—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from Justices' Courts, and providing that several writs may be issued at the same time to the Sheriffs or Constables of counties other than the one in which said Justice's Court may be situated.

Read first time, and referred to Committee on Judiciary.

By Mr. Bates: Assembly Bill No. 790—An Act to create and regulate public warehouses.

Read first time, and referred to Committee on Corporations.

By Mr. Ells: Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publica-

tion of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Brown: Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOISSON, Chairman.

At eleven o'clock and three minutes A. M., Speaker Fisk in the chair.

## MOTION.

Mr. Johnson moved to postpone consideration of Assembly Bill No. 72 until two o'clock P. M. of this day.

So ordered.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ellis, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Leminger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McLaughlin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr Speaker—63.

NOES—Messrs. Copus, Covert, and Kerrigan—3.

Title read and approved.

## PRIVILEGES OF THE HOUSE.

On motion of Mr. Killingsworth, the privileges of the floor were extended to the Hon. Robert J. Curry, ex-member of the Assembly.

On motion of Mr. Duryea, the privileges of the floor were extended to the Hon. Harold T. Power, ex-member of the Assembly.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Fisk: Assembly Bill No. 793—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of $100.

Read first time, and referred to Committee on Judiciary.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Passed on file.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Heretofore read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Barber, Barnes Bates, Black, Bliss, Boisson, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—60.

NOES—Messrs. Bangs, Baxter, Burgess, Lewis of Riverside, Mott, Soward, and Stansell—7.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17.

A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, Anno Domini 1903, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding a new section thereto, to be numbered Section 10½, to read as follows:

Section 10½. The personal property of every householder to the amount of $200, the articles to be selected by each householder, shall be exempt from taxation.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read second time.

The following committee amendment was submitted:

Amend section eleven hundred and forty-two by striking out the period after the word "held" in line twenty-four of the printed bill, and inserting in lieu thereof a semicolon, and adding the words "or in a weekly paper published in the county for two successive weeks prior to the election."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 562, 159, 158, 560, and 697 passed on file.

Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

The following Senate amendments were submitted:

SENATE AMENDMENTS.

Amend by striking out the words "by clay, mud or other material" in line twenty-three, page two.

Amendment adopted.

Also: Amend by striking out the word "instruct" in line two, and insert in lieu thereof the word "request."

Amendment adopted.

The question being, "Shall the Assembly concur in the Senate amendments?"

The Assembly concurred in the Senate amendments.

ASSEMBLY JOINT RESOLUTION No. 1.

Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

WHEREAS, There now lies along the watersheds of the Bear and the American rivers in this State vast channels of placer deposits, containing many millions of dollars,

WHEREAS, Titles to said placer deposits were obtained from the Government of the United States by various mining companies who have expended large sums of money in equipping them to be worked by the hydraulic mining process,

WHEREAS, By decrees of the United States courts these properties have been rendered valueless;

WHEREAS, The California Miners' Association, in convention assembled, has petitioned the Congress of the United States for appropriations of money with which to erect restraining barriers, by the General Government, having in view the resumption of hydraulic mining; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That we instruct our Senators to co-operate with our Representatives, who are earnestly requested to cause to be inserted in the River and Harbor Bill of the present session an item making an appropriation for the purposes herein contained, and directing the Chief of the Engineer Corps of the United States Army to appoint a commission of Government engineers, whose duties it shall be to investigate the business of hydraulic mining along the watersheds of the Bear and American rivers, and estimate the cost for the construction of permanent restraining dams, to be connected with diverting canals for the purpose of permitting the resumption of hydraulic mining, and the filling of the low lands or the reclaiming of the tule lands adjacent to said rivers. Any reports heretofore made under the direction of the Government to be made a part of the report of the commission so appointed, in so far as they may conform to the purposes outlined; *provided*, that any plans or estimates submitted by the engineers shall insure absolute and permanent protection to navigable channels, and to lands and all property interests of the Sacramento Valley, from all possibility of injury through such resumption of hydraulic mining, and from further pollution of the rivers of the valley by clay, mud or other material resulting from such mining operations

*Resolved*, That a copy of these resolutions be transmitted by mail to each of our members in Congress, and to each of the members of the House Committee on Rivers and Harbors, and the Senate Committee on Commerce.

## REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education

Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, to impose a license tax.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Assembly Bill No. 312—An Act to add a section to "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893

Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by amending Section 2, relating to the term of office of members of said board, and to insert three new sections, to be numbered 18, 19, and 20, relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

Assembly Bill No. 431—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Assembly Bill No. 161—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 467—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article to be numbered 13, to be added to Chapter II, Title I, Part III of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Assembly Bill No. 122—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 218—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony; and providing a penalty therefor.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Assembly Bill No. 81—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of the State of California, number 592, issued July 9, 1858.

Assembly Bill No. 295—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act

AMERIGE, Chairman.

THIRD-READING FILE.

Assembly Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Passed on file.

Assembly Bill No. 264—An Act to amend Section 653 of the Political Code of the State of California, relating to Board of Supervisors to fix property highway tax.

Passed on file.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, McKenney, McLaughlin, McNeil, Moore, Mott, Pann, Pyle, Rolley, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—55.

NOES—Messrs. Covert, Kerrigan, Mahany, Mattos, McCartney, McConnell, McMahon, Murphy, Siskron, and Stansell—10.

Title read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Dunbar until Monday, February 16, 1903.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 483—An Act to appropriate the sum of twelve hundred (1,200) dollars to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts

And were presented to the Governor February 13, 1903, at eleven o'clock and thirty minutes A. M.

AMERIGE, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Dunlap: Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Goodrich, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on State Prisons and Reformatory Institutions visited San Quentin Prison, February 1st, and Folsom Prison, February 11th and 12th, and after

inspecting the various departments of each institution as to their wants and needs, proceeded to the investigation as directed by the following resolution, adopted by the Assembly, January 31, 1903:

"*Resolved*, That the Committee on State Prisons and Reformatory Institutions are hereby instructed and empowered to inquire whether prisoners confined in San Quentin and Folsom State prisons are now or have been within the last year subjected to cruel and unusual punishments, and especially to what extent the strait-jacket is being used at said prisons upon said prisoners confined in said prisons for the purpose of discipline or punishment; that said committee make this inquiry during their visit to said prisons, which they have been directed to make by this Assembly, and said committee is hereby directed to report to the Assembly in writing the result of their investigation as soon as practicable."

At San Quentin we examined numerous witnesses, including officers and convicts, and obtained conclusive evidence to the effect that the strait-jacket has been used during the entire term of the present Warden, and is now being used as a means of punishment. It was also used to a limited extent under the administration of Warden Hale, during the latter part of his term of office. Its use was admitted, and is upheld by Warden Aguirre, and by other officers of the institution. We find that in over 300 instances the strait-jacket has been applied as a punishment under the present Warden. The use of the strait-jacket was pronounced to be a severe punishment, one much dreaded by all prisoners The only other mode of punishment used was confinement in a dungeon on a diet of bread and water.

We find that prisoners have been confined in the strait-jacket for very slight causes at both prisons, sometimes continuously for more than forty-eight hours, and that, as the result of such confinement, some of the prisoners were permanently injured. In the cases of Evve Thompson and Jack Shaughnessy we find that they are, as a result of the injury received from being confined in the strait-jacket, badly crippled, having lost the use of their hands. The offense for which these two prisoners were punished was that of fighting.

At Folsom your committee found that the strait-jacket had never been in use until about three years ago. It was in use for about two years. Warden Wilkinson deciding to discontinue it about one year ago During the time that the strait-jacket was in use, we found one Robert Smith had been permanently crippled in his right arm and hand, and sustained other injuries. In the case of Morris Weiss, alias Weitz, who was a tailor by trade, and worked at the same up to the time he was put in the strait-jacket, we find that he sustained such injuries to his hands and arms as the result of said punishment, that in all probability he will never be able to work at his trade again.

In the case of James Deare we learned that he was found dead in his cell within twenty-four hours after being released from the strait-jacket From the evidence taken by your committee, it is not prepared to report that death resulted from injuries received by the use of the strait-jacket, but such is the opinion of persons conversant with all the facts in this case

Owing to the limited time at the disposal of your committee, it was unable to make the thorough investigation the subject warrants. Therefore your committee recommends that a special committee be appointed with full power to summon witnesses, administer oaths, take testimony, and thoroughly inquire into and investigate the management of said prisons, to the end that a more humane mode of punishment may be prescribed and a better system of management evolved.

It has been further ascertained by your committee that the State Board of Prison Directors has not held a meeting for some months. It is the opinion of your committee that a separate Board of Directors for each prison would insure better results and be the means of bringing about much needed reforms.

Facts in possession of your committee constitute conclusive evidence that the strait-jacket is an inhuman and cruel instrument of punishment. Whether or not the Assembly accepts the recommendation to appoint a special committee to make a more thorough investigation in this matter, we would respectfully and most earnestly recommend that the use of the strait-jacket as a means of punishment in all penal institutions of this State be prohibited by statute

In order that the members of this Assembly and any committee appointed pursuant to the recommendations herein contained, may have a better comprehension of the "strait-jacket" as used at the prisons of our State, the knowledge of which was gained by us from documents in our possession and through our efforts while pursuing our duties as directed by the resolution under which we acted, your committee informs you, sir, that the inhumanity, cruelty and degradation resulting to the unfortunate victim and also to the officer and officers who administer the punishment are far beyond the comprehension of any one who has not had an opportunity of investigating as we have had. The strait-jacket is what its name implies, made of heavy canvas, with lacings in the back, and is long enough to extend from the neck to the ankles. It is used by placing it around the body of the victim, his arms being in pockets, and his hands down in front of him, placing him face down on the floor and then lacing the "jacket" as tight as one, two, three or four men, with feet or knees on the victim's back, may desire to pull the lacings, the number of men depending upon various circumstances surrounding each individual case; thus tightly laced the punishment consists of compressing the body and the internal organs. The victims are usually laid on the back in a dungeon and allowed to remain for many hours while in the jacket. The victim is not able to take much

nourishment, but often is forced to take water and epsom salts which is poured into the mouth with a spoon. During the course of this treatment the victim is forced to respond to the calls of nature, with the result that he has to remain prone in his own filth until such time as those in charge of his case see fit to release him.

Any one can easily see that by the use of such an instrument of torture nerves may be wrecked, limbs may be severely crippled, and permanent injury or death may result.

OLMSTED, Chairman.
McKENNEY.
BARBER.
MURPHY.
BLISS.

Mr. Carter moved that the consideration of the report be continued until Monday morning, February 16, 1903.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

MOTION.

Mr. Johnson moved to refer Assembly Bill No. 72 to a special committee of one, with special instructions to amend the same as follows:

Add after the word "violence" in line eighteen, page two of the printed, bill the words "or threat thereof."

On motion of Mr. Johnson, the consideration of Assembly Bill No. 72 was continued until eleven o'clock A. M., Tuesday, February 17, 1903.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back without recommendation.

TRANSUE, Chairman.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Dougherty: Assembly Bill No. 795—An Act to amend an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Read first time, and referred to Committee on County and Township Governments.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, 440, 199, 191, 83, 203, 427, 475, 240, 57, 50, 116, 258, 257, 259, 221, 550, 395, 408, 447, 455, 506, 202, 177, 344, 358, 435, 414, 531, 296, 162, 238, and 229 passed on file.

Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities, to create, authorize, and empower a board of examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having

sewer, water, or gas mains, to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections, to require ordinances by cities as to sewerage, water, and gas connections, and for permits authorizing such connections.

Read second time.

Passed on file pending amendment.

Assembly Bill No. 678—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2074, 2082, 2094, and to repeal Sections 2003 as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, 2099, of the Political Code, relating to the State militia, and to conform the State militia to the provision of Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of militia, and for other purposes."

Passed on file.

Assembly Bill No. 460—An Act to establish the fees of jurors in criminal cases in Justices' and Recorders' Courts.

Passed on file.

Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Heretofore read second time.

The following committee amendments were submitted:

Amend as follows: Strike out all of section two, printed bill, and insert the following: "SEC. 2 Any person or persons, firm or corporation, violating any of the provisions or requirements of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars, nor more than three hundred dollars

"SEC. 3. This Act shall take effect six months from and after its passage."

Amendment adopted.

Also:

Strike out the period at the end of the title of said bill and insert the following: "and providing a penalty for the violation of its provisions."

Amendment adopted.

Also:

Insert after the word "propel," section one, line four, printed bill, the words "directly or indirectly by steam or electric power."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Passed on file, pending amendments.

Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has

not been published, or whose place of business established, in the county for one or more years prior to the time of fixing prices, and adding a new provision in place of the part omitted, that no supplies of printed or lithographed, or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed, or will be printed and bound or lithographed, and manufactured in the State of California; and job printing, and lithographing, and advertising, under this section, shall be done in the State of California.

Read second time, and passed on file, pending amendments.

Assembly Bills 578, 306, 401, 398, and 242 passed on file.

Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 230.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 230 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California for professional services and advice in the case of D. B. Murphy vs. Charles F Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners—and do now report the same back, and recommend that the same do pass

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Passed on file.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 576.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 576 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia A. Jones, plaintiff, vs. The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 580.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 580 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia A. Jones, plaintiff, vs. The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No 67 of Department Eight of said Superior Court, at page 575—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment, and then to be referred to Committee on Judiciary.

Assembly Bill No 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Read second time, and ordered to engrossment and third reading.

SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 10—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Passed on file.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ellis, Finn, Goodrich, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, McCartney, McConnell, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Passed on file.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Passed on file.

Senate Bill No. 68—An Act to amend Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Passed on file, and referred to Committee on Judiciary.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Read second time, and ordered to third reading.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 70.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 70 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that the same do pass

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 144.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 144 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 292—An Act in relation to municipal bonds.

Read second time, and ordered to third reading.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read second time, and ordered to third reading.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read second time, and ordered to third reading.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 311.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 311 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of or attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Read second time, and ordered to third reading.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read second time.

The following amendment was submitted by Mr. Soward:

Amend by striking out all of section two.

Amendment adopted.

Ordered to print and third reading.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Read second time, and ordered to third reading.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read second time, and ordered to third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Knight: Assembly Bill No. 796—An Act to amend and re-enact Section 4161 of the Political Code, in relation to the duties of County Treasurers in respect to public moneys.

Read first time, and referred to Committee on County and Township Governments.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses

Senate Bill No 513—An Act to amend Section 3097 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Senate Bill No 315—An Act making an appropriation of $700 to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, A D. 1903.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Read first time, and referred to Committee on Mines and Mining.

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 315—An Act making an appropriation of $700 to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Read first time, and referred to Committee on Ways and Means.

MOTION.

Mr. Dunlap moved that Senate Bill No. 252 be placed upon the Senate special file in place of Assembly Bill No. 464, the same being identical, without reference to committee. Also, that Senate Bill No. 253 be placed upon the Senate special file in place of Assembly Bill No. 465, the same being identical, without reference to committee.

So ordered.

Assembly Bills Nos. 464 and 465 withdrawn by author.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Carter: Assembly Bill No. 797—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish and improve, and maintain public boulevards.

Read first time, and referred to Committee on County and Township Governments.

By Mr. McKenney: Assembly Bill No. 798—An Act to pay the claim of M. Isaacs against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

At three o'clock and twenty-three minutes P. M., the Speaker called Mr. Killingsworth to the chair.

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCart-

ney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, and Wright—61.

NOES—None.

Title read and approved.

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Read third time.

Mr. Camp moved that a select committee of one be appointed to amend Assembly Bill No. 371 as follows:

By striking out of line four of section three the word "Sacramento" and substituting therefor the words "San José."

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mattos, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Wanzer, and Waste—55.

NOES—Messrs Mahany, Walker, Weger, and Wright—4.

Title read and approved.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Haniły against the State of California for damages sustained by the breakage of Fremont Street Wharf, in the City and County of San Francisco.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Cromwell, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.

NOES—None.

Title read and approved.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Passed on file.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

Mr. Johnstone moved that a select committee of one be appointed to amend Assembly Bill No. 544, as follows:

Section one, line one of printed bill, strike out the words "subdivision thirty eight of."
In line seventy-seven of printed bill strike out the whole line.
Line two hundred and forty-one of printed bill, substitute word "and" for "any."
Amend title of printed bill by striking out the words "subdivision thirty-eight of."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSTONE, Committee.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of the County Superintendents of Schools.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Walker, Wanzer, Waste, Weger, and Wright—53

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Assembly Bill No 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 547¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California

Assembly Bill No. 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California.

Assembly Bill No 416—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Assembly Bill No. 589—An Act to require the equipment of certain street cars with air brakes and provide a penalty for non-compliance therewith.

Assembly Bill No 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to expenses of Sheriffs in pursuit of criminals.

Assembly Bill No 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Assembly Bill No 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Assembly Bill No. 38—An Act to pay the claim of C. W. King and making an appropriation therefor.

Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

AMERIGE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors in levying county school tax.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Traber, Transue, Walker, Waste, and Weger—53.

NOES—None.

Title read and approved.

Assembly Bill No. 247—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

On motion of Mr. Olmsted, passed on file, pending amendment.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employés of State institutions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King,

Knight, Leininger, Lumley, Mattos, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Steadman, Traber, Transue, Walker, Wanzer, Waste, and Weger—50.

NOES—Messrs. Baxter and Soward—2.

Title read and approved.

At four o'clock and ten minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure.

Read third time.

Mr. Camp moved that a select committee of one be appointed to amend Assembly Bill No. 65 as follows:

*Provided, however*, that judgments for money recovered after March 9, 1890, and before January 1, 1898, may be enforced or carried into effect before January 1, 1904, by leave of court, on motion or by judgment for that purpose founded upon supplemental pleadings.

Mr. Johnson moved that a select committee of one be appointed to amend the amendment to Assembly Bill No. 65 as follows:

Strike out "January 1, 1904," and insert in lieu thereof "July 1, 1903."

The question being upon the adoption of Mr. Johnson's motion.

Motion lost.

The question recurring upon Mr. Camp's motion.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Copus, Covert, Cromwell, Dunlap, Duryea, Ellis, Foster, Greer, Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McLaughlin, McNeil, Mott, Murphy, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Steadman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr Speaker—44.

NOES—Messrs Amerige, Camp, Dorsey, Dougherty, Drew, Goodrich, Higgins, Houser, Johnstone, Kelso, Pyle, Snyder, Stanton, Traber, and Transue—15.

Title read and approved.

COMMUNICATION.

The following communication was received and ordered printed in the Journal:

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

MILLS BUILDING, SAN FRANCISCO, February 9, 1903.

*To the Honorable Senate and Assembly of the State of California:*

GENTLEMEN: We respectfully represent to your honorable bodies that the effect of the enactment into law of the provisions of Senate Bill No. 354, now pending before you, or similar provisions in any other bill, would be to paralyze the manufacturing industries of California and many of the producing industries depending upon them, for the reasons below stated

The effect of this bill, if passed, will be to require that every article manufactured in this State shall be conspicuously labeled and stamped with the name and address of the manufacturer, and in towns and cities with his street and number, and to prohibit all dealers and other persons from selling or exposing for sale any articles made in this State, unless so labeled, etc., under penalty, both in the case of the manufacturer and of the dealer, of conviction and punishment for misdemeanor.

Under the proposed Act every one of the millions of cans, bottles and other containers of fruits and other products made in this State would have to be stamped as specified. Likewise the ordinary labels covering these containers as well as the boxes in which they are packed. Many parts of a battleship, of machinery, wagons and other articles made here in part would have to carry the prescribed name and address. The requirement would apply to every brick made in the State and to other articles of clay, and even to a spool of thread selling for one cent. The cost of compliance would in many cases be prohibitive of manufacture and in other cases burdensome and oppressive, and the value of many thousands of dollars' worth of labels already prepared for use in the ordinary course of business and now on hand with our manufacturers would be destroyed upon the passage of the bill.

The cause of this protest is that the provisions of this measure are utterly impracticable in character, opposed to fixed conditions of trade, and that they grossly discriminate

against the manufacturers of this State and in favor of articles made elsewhere and brought into this State, because the requirements of the bill do not and can not apply to articles made outside of this State. Should this bill specifically recite that no article made elsewhere and brought into this State shall be required to be so labeled, etc, and that no person selling it shall be punished, but that all articles made in our own State shall be so labeled and that any person making or selling anything made in this State not so labeled shall be fined and imprisoned, it would more clearly define the practical working of this measure, which seeks to brand the manufacturers of our State as criminals for doing what every manufacturer outside of the State is permitted to do and can not be prevented from doing

The established conditions of trade imperatively require the manufacturer here and elsewhere to put up goods in many instances under the brand and label of the jobber or merchant. Refusal on the part of manufacturers of this State to comply with this demand of the jobber would inevitably send him to the manufacturers of States whose laws seek to build up their industries instead of to destroy them. One third of the market of many of our manufacturers would be lost in this manner alone through this measure and the producers of fruits, vegetables, and other products, as well as the manufacturer, would be irreparably injured.

We further respectfully represent to your honorable bodies that no part of this opposition to said bill relates to the purpose of the measure to distinguish between the products of white and of Chinese labor, and that, while it is possible that the originators of this measure conceived that they were working to a laudable end, no more sweeping blow, disastrous in its effects, could be struck at our industries than this proposed law.

We therefore most emphatically protest against the passage of Senate Bill No 354, and of any other bill containing similar provisions.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A SBARBORO, President.

[SEAL.] CHARLES E. BANCROFT, Secretary.

The Manufacturers and Producers' Association of California was organized in March, 1895 It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

MOTION.

Mr. Stanton moved that the Assembly do now consider Assembly Bill No. 536.

So ordered.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

The following Senate amendment was submitted:

SENATE AMENDMENT.

Amend section twelve hundred and sixty-five by inserting the following words after the word "notified," line thirty-one, page two of the printed bill: "by the contestant."

Mr. Stanton moved that the Assembly do now concur in the Senate amendment.

The question being, "Shall the Assembly concur in the Senate amendment?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Copus, Covert, Dougherty, Drew, Dunlap, Ells, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Mr Speaker—54

NOES—None.

LEAVE OF ABSENCE.

Messrs. Moore and Burgess were granted leave of absence until Monday, February 16, 1903.

Mr. Weger moved that when the Assembly adjourn to-night it be until eleven o'clock A. M., Monday, February 16, 1903.

Mr. Dunlap moved to amend that it be until ten o'clock A. M., Saturday, February 14, 1903.

Amendment adopted.

The question being on the motion as amended.

So ordered.

RECESS.

On motion of Mr. Dougherty, at four o'clock and forty minutes P. M., the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Carter in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER. Your Committee on Ways and Means, having had under consideration Assembly Bill No 321—An Act to pay the claim of the California State Agricultural Society against the State of California, and appropriating money therefor—report the same back and recommend its passage

DUNLAP, Chairman.

THIRD-READING FILE.

Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Transue, Walker, Wanzer, Waste, and Weger—50

NOES—None.

Title read and approved.

Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636*a*. relating to voluntary withdrawals of stock from land and building corporations (also called building and loan associations).

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote.

AYES—Messrs Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Carter, Copus, Cromwell, Dorsey, Drew, Ells, Finn, Foster, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Transue, Walker, Wanzer, Waste, and Weger—48.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Mr. Cromwell was granted leave of absence until Monday, February 16, 1903.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Read third time.

Mr. Transue moved that a select committee of one be appointed to amend Assembly Bill No. 164 as follows:

By adding to section six hundred and forty-eight the following: "save and except all societies, organizations, corporations, and associations, whether incorporated or not, doing a strictly co operative business."

The question being, "Shall a select committee of one be appointed?"

The ayes and noes were demanded by Messrs. Transue, Camp, and Soward.

The roll was called, and the motion to appoint a select committee lost by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Boisson, Camp, Carter, Dorsey, Dougherty, Kelso, Lumley, McKenney, McLaughlin, Olmsted, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, and Walker—23

NOES—Messrs. Barber, Bates, Brown, Copus, Drew, Ells, Finn, Greer, Hart, Higgins, Houser, Johnstone, Kerrigan, King, Knight, Leininger, Mahany, Mattos, McNeil, Mott, Murphy, Pann, Prescott, Rolley, Wanzer, Waste, Weger, and Wright—28.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Boisson, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Ells, Finn, Foster, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Stanton, Steadman, Traber, Walker, Wanzer, Waste, Weger, and Wright—49

NOES—Messrs. Barnes, Baxter, Soward, and Transue—4.

Title read and approved.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Camp, Carter, Copus, Dorsey, Drew, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Wanzer, Waste, and Weger—49

NOES—Messrs. Dougherty, Mattos, Murphy, Walker, and Wright—5.

Title read and approved.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Camp, Carter, Copus, Dorsey, Drew, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of River-

side, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—52.
NOES—Mr. Dougherty—1.

Title read and approved.

Assembly Bills Nos. 3, 5, 346, 347, 480, 476, 4, 477, 85, 373, 390, 400, 364, 365, 469, 494, 425, 552, 420, 479, and 507 passed on file.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, 415 of the Code of Civil Procedure, all relating to the services of summons in civil actions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Barber, Barnes, Baxter, Brown, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunlap, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—54.
NOES—Messrs. Kerrigan and Siskron—2.

Title read and approved.

Assembly Bill No. 35—An Act to regulate contracts on behalf of the State, in relation to erection and buildings.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Walker, Wanzer, Waste, Weger, and Wright—56.
NOES—None.

Title read and approved.

Assembly Bill No. 187—An Act to appropriate the sum of $5,487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Boisson, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.
NOES—None.

Title read and approved.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Read third time.

Mr. Waste moved that a select committee of one be appointed to amend Assembly Bill No. 394 as follows:

Insert the word "after" after the word "and" in section two, line one, page two of printed bill; change the word "care" to read "car" in line seventeen of section one of the printed bill.

The question being, "Shall a select committee of one be appointed?" Messrs. McCartney, Higgins, and Greer demanded the ayes and noes. The roll was called.

CALL OF THE HOUSE.

Pending roll call, at nine o'clock and sixteen minutes P. M., Mr. Waste moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—59

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and thirty minutes P. M., Mr. Drew moved that further proceedings under call of the House be dispensed with.

So ordered.

Mr. Johnson moved that roll call be dispensed with on Mr. Waste's motion for the appointment of a select committee of one.

Motion carried unanimously.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants—with instructions, does now report that the instructions of the Assembly have been carried out.

WASTE, Committee.

Mr. Waste moved the adoption of the report of the select committee of one.

Report adopted.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Copus, Mahany, Stanton, and Knight.

MOTION TO ADJOURN.

At ten o'clock and forty-six minutes P. M., Mr. Prescott moved that the Assembly do now adjourn until eleven o'clock A. M., Monday, February 16, 1903.

Mr. Dunlap moved to amend that the Assembly adjourn until ten o'clock A. M., Saturday, February 14, 1903.

The question being on the amendment.

Amendment adopted.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., the Assembly adjourned until ten o'clock A. M., Saturday, February 14, 1903.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 14, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—61.

Quorum present.

LEAVES OF ABSENCE.

Messrs. Baxter, Burgess, Bliss, Foster, Duryea, and Houser were granted leaves of absence until Monday, February 16, 1903.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Kelso, the further reading of the Journal was dispensed with.

MOTION.

Mr. Wanzer moved that the Assembly do now reconsider the vote whereby the Journal of Wednesday, February 11, 1903. was approved.

So ordered.

Mr. Wanzer moved that the following corrections be made in the Journal of Wednesday, February 11, 1903, on the first page, after "1902":

On the eighth line from the bottom of the page, insert the body of the charter as corrected in Assembly February 10, 1903

On the seventh line from the bottom, strike out the word "heretofore" and insert in lieu thereof the word "resolution"

On the sixth line from the bottom, strike out the words "do now concur" and insert in lieu thereof the words "adopt the resolution."

On the fifth line from the bottom, strike out the words "shall the Assembly concur" and insert in lieu thereof the words "on the adoption of the resolution"

On the fourth line from the bottom, strike out the word "concurred" and insert in lieu thereof the words "adopted the resolution."

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, February 12, 1903, was read, corrected, and approved.

COMMUNICATION

The Speaker presented the following communication from the Chamber of Commerce, San Francisco, which was read and ordered printed in the Journal:

SAN FRANCISCO, February 12, 1903.

HON. ARTHUR G. FISK, *Speaker of the Assembly, State of California, Sacramento, California:*

DEAR SIR: At the regular monthly meeting of the Board of Trustees of the Chamber of Commerce of San Francisco, held Tuesday, February 10, 1903, the following resolution was unanimously adopted, which we commend to your courteous and careful consideration:

WHEREAS, There is to be held at the City of St Louis, Missouri, in 1904, a World's Fair, known as the "Louisiana Purchase Exposition"; and

WHEREAS, Large appropriations have been made by the National Congress and the Legislatures of many of the States for exhibits at this Fair; and

WHEREAS, We believe that the State of California should be properly represented, and an exhibit made on that occasion of her abundant resources and productions; therefore, the Chamber of Commerce of San Francisco have

*Resolved*, That we hereby respectfully request the honorable Senate and Assembly of the State of California, now in session, to appropriate an adequate fund for defraying the expense of a proper State exhibit at the said Louisiana Purchase Exposition to be held at St. Louis in 1904.

Copies of the above resolution have been sent to the members of the Senate and Assembly from San Francisco.

With kind regards, we remain, yours respectfully,

[SEAL.] GEO. A. NEWHALL, President

Attest: E. SCOTT, Secretary.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

JOHNSON, Chairman.

### ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 395—An Act to provide for the appointment of a county live stock, dairy food, and sanitary inspector, prescribing his duties, powers, and compensation—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

STEADMAN, Chairman.

### ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California

Also: Assembly Bill No. 269—An Act to appropriate the sum of $4 150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Also: Assembly Bill No 394—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Assembly Bill No. 427—An Act making an appropriation of $250 000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E Tucker, as administrator of the estate of James H Tucker, deceased, vs The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer from the State of California.

Also: Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LEININGER, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Goodrich (by request): Assembly Bill No. 799—An Act to amend Section 598 of the Civil Code of the State of California, relating to the sale or mortgage of real property of benevolent corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Amerige: Assembly Bill No. 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Read first time, and referred to Committee on Judiciary.

By Mr. Weger: Assembly Bill No. 801—An Act to prevent the use of adulterants in the manufacture of beer in lieu of hops, and providing for the amount of hops to be used in each barrel of beer so manufactured.

Read first time, and referred to Committee on Agriculture.

By Mr. Bangs: Assembly Bill No. 802—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Olmsted: Assembly Bill No. 803—An Act to provide for the payment of the claim of M. F. Cochrane.

Read first time, and referred to Committee on Claims.

By Mr. Mott: Assembly Bill No. 804—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to the preservation of game

Read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 805—An Act to add a new section to the Penal Code, to be known as 626*n*, making it a misdemeanor to hunt, pursue, kill or destroy certain birds by the aid of artificial light.

Read first time, and referred to Committee on Fish and Game.

By Mr. Camp: Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 807—An Act to amend Section 3423 of the Civil Code, relating to injunctions.

Read first time, and referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State Hospitals for the Insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CROMWELL, Chairman.

## INTRODUCTION AND REFERENCE OF BILLS, ETC.—(RESUMED).

By Mr. Wright: Assembly Constitutional Amendment No. 28—Submitting to the people of the State of California an amendment to the Constitution, amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same.

Referred to Committee on Constitutional Amendments.

## RESOLUTIONS.

By Mr. King:

*Resolved*, That R. L. Thomas be and he is hereby appointed Assistant Clerk at the desk, regardless of membership patronage, to be under the instruction of the Chief Clerk of the Assembly, to act as Reading Clerk, at the same per diem as the other Assistant Clerks at the desk, said per diem to be payable out of the Contingent Fund of the Assembly, and the State Controller is hereby directed to draw his warrant in favor of said Thomas for said per diem, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés and Employés.

By Mr. Waste:

WHEREAS, The Secretary of the Interior, through the U. S. Land Commissioner, at Washington, has directed the U. S. Surveyor-General at San Francisco to transfer the "Spanish archives" from San Francisco to Washington; and

WHEREAS, Said archives are of local importance and relate to many titles to real estate in California but to few titles in other portions of the country; and

WHEREAS, Great hardship will result in many instances in land matters in California should such removal be accomplished, be it

*Resolved*, That the Assembly of the California Legislature request the authorities at Washington to reconsider their action ordering the transfer of the Spanish archives from San Francisco to Washington.

Resolution read.

Mr. Waste moved that the resolution be made a special order for eleven o'clock A. M. Friday, February 20, 1903.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Folsom State Prison located at Folsom, Sacramento County, California, have visited the same.

The following members are entitled to mileage for the same, to wit, 44 miles:

| | |
|---|---|
| Olmsted, chairman | $4 40 |
| Carter | 4 40 |
| Barber | 4 40 |
| Bliss | 4 40 |
| McKenney | 4 40 |
| Murphy | 4 40 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S. H. Olmsted, chairman of said committee, for the sum of twenty-six and forty one-hundredths dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer is directed to pay the same.

OLMSTED, Chairman.

Read, and referred to Committee on Mileage.

MOTION TO RECONSIDER POSTPONED.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for the officers of said court, and fix the compensation of the officers thereof.

Mr. Mott moved that the consideration of Senate Bill No. 79 be postponed until Wednesday, February 18, 1903, as unfinished business.

So ordered.

SPECIAL FILE.

Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read second time.

MOTION.

Mr. Bates moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 428.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 428 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 428—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

The following committee amendments were submitted:

On page one, section one, line two, strike out the word "one" and insert in lieu thereof the word "two."

Amendment adopted.

Also:

On page one, section one, line three, strike out the words "a resident of the County of Monterey" and insert in lieu thereof "residents of the City of Monterey."

Amendment adopted.

Also:

On page two, section four, line two, strike out the words and figures "one thousand ($1,000) dollars" and insert in lieu thereof "five hundred ($500) dollars."

Amendment adopted.

Also:

On page two, section four, lines four and five, strike out the words and figures "five hundred ($500) dollars" and insert in lieu thereof the following: "one thousand ($1,000) dollars."

Assembly Bill No. 428 ordered to print, engrossment, and third reading.

Assembly Bills Nos. 297 and 1 passed on file.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunlap, Ells, Goodrich, Greer, Higgins, John, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Assembly Bills Nos. 367, 524, 583, 320, 570, 489, 357, 359, 361, 360, 362, 363, 404, 422, 423, 558, 621, 201, 675, 562, 159, 158, 560, and 697 passed on file.

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State of California, and appropriating money therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 321.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 321 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society

against the State, and appropriating money therefor—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 659—An Act to amend certain sections of the Political Code, to make the militia law conform to the Federal law—have had the same under consideration, and respectfully report the same back without recommendation.

KING, Chairman.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, 440 and 199 passed on file.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 191.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 191 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

The following committee amendment was submitted:

Amend by adding the following new section after section two, first page, printed bill: "SEC. 3. This Act shall take effect January first, nineteen hundred and five."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 83 and 203 passed on file.

Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read second time.

MOTION.

Mr. Waste moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 427.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 427 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bills Nos. 475, 240, 57, 50, 116, 258, 257, 259, 221, and 550 passed on file.

Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Insert after the word "supervisors" in line two, section one, page one of the printed bill, the words "of any county."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "that" in line four, section one, page one of the printed bill, and insert in lieu thereof the word "the."

Amendment adopted.

AMENDMENT No. 3.

After the word "empowered" in line six, section three, on page two of the printed bill, insert the words "to inspect all places where such animals are kept and."

Amendment adopted.

AMENDMENT No. 4.

Insert after the word "county" in line two, section eleven, page three of the printed bill, the following words: "where domestic animals are kept or."

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "official" in line ten of section one, page one of the printed bill, and insert in lieu thereof the word "person."

Amendment adopted.

AMENDMENT No. 6.

Insert after the word "traveled" on line four, section two, page two of the printed bill, the words "the same to be fixed by the board of supervisors."

Amendment adopted.

AMENDMENT No. 7.

Insert after the word "persons" in line one, section nine, page three of the printed bill, the word "knowingly."

Amendment adopted.

AMENDMENT No. 8.

Strike out after the word "cow" in line three of section nine, page three of the printed bill, the words "known to be."

Amendment adopted.

AMENDMENT No. 9.

Strike out all of section twelve, page four of the printed bill, and substitute the following:

"SEC. 12. It shall be the duty of the county livestock, dairy, food and sanitary inspector to inspect all cattle kept for dairy, creamery or milking purposes in the county, and to inspect all animals intended to be slaughtered for human food in order to ascertain the pathological condition of such animals, and to condemn and cause to be removed from contact with other animals, or to be destroyed, all such animals as may be found to be unfit to be converted into human food, or suffering from any contagious or infectious disease; to condemn and cause to be destroyed all meats, poultry, game or fish exposed or intended for sale for human food, which may be found to be wholly or partly diseased, decomposed, putrid, or infected; and to prevent the sale of milk from any diseased cow, or other diseased animal, and all such milk as is found to be unclean or adulterated, by destroying or disposing of same."

Amendment adopted.

AMENDMENT No. 10.

Strike out all of section thirteen on page four of the printed bill, and substitute the following:

"SEC 13. Any animal or animals that are found on the inspection of the county livestock, dairy, food, and sanitary inspector to be infected or affected with any contagious, infectious or other disease capable of affecting the products of said animal, and liable to be communicated to the consumer of said products, shall be branded with the letters "CD" on the left jaw of said animal, each letter to be two inches square."

Amendment adopted.

AMENDMENT No. 11.

Strike out all of section fourteen on page four of the printed bill, and substitute the following:

"SEC. 14. It shall be the duty of the county livestock, dairy, food, and sanitary inspector to make a monthly report to the board of supervisors, and to the state veterinarian, giving a full and complete record of all inspections and work performed by himself"

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 408, 447, 455, 506, 202, 177, 344, 358, 435, 414, 531, 296, 162, 238, and 229 passed on file.

Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities, to create, authorize, and empower a board of examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having sewer, water, or gas mains, to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections, to require ordinances by cities as to sewerage, water, and gas connections, and for permits authorizing such connections.

Heretofore read second time.

The following committee amendments were submitted:

Amend by striking out the word "five dollars" in line twenty-two, page four of the printed bill, and inserting in place thereof the words "two dollars and fifty cents."

Amendment adopted.

Also:

Strike out the words "two dollars and fifty cents" in lines twenty-three and twenty-four, page four of the printed bill, and insert in place thereof the words "one dollar."

Amendment adopted.

Also:

Strike out the words "two dollars" in line twenty-six, page four of the printed bill, and insert in place thereof "one dollar and fifty cents."

Amendment adopted.

Also:

Amend subdivision (*b*) of section seven by inserting in line ten, page five, after the word "corporation," the following: "or employé having in charge the plumbing business of such person, firm, or corporation."

Amendment adopted.

Also:

Amend the same section by adding after the word thereof in line fourteen, page five, the following: "*provided*, that where a license is issued on the certificate of an employé as provided herein, such license shall be issued in the name of and for the use and benefit of the person, firm, or corporation by whom such person is employed."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 678—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2074, 2082, 2094 and to repeal Sections 2003 as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, 2099, of the Political Code, relating to the State militia, and to conform the State militia to the provision of Act of Congress, approved January 21, 1903, entitled "An Act to promote the efficiency of militia, and for other purposes."

Read second time, ordered to engrossment and third reading.

Assembly Bills Nos. 460, 405, 415, 578, 306, and 401 passed on file.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 398.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 398 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, on lands belonging to the University of

California, known as the "Flood property," and to appropriate money therefor—and do now report the same back, with amendments, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

The following amendment was submitted:

Amend by striking out the words "immediately" in line one, section six, second page, printed bill, and inserting in lieu thereof the following: "January first, nineteen hundred and four"

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 242—An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon.

On motion of Mr. McKenney, recalled from Committee on Ways and Means, and withdrawn.

Assembly Bill No. 269—An Act to appropriate the sum $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Passed on file.

Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population and providing for the appointment of a justice's clerk and his assistants, prescribing their duties, and fixing their compensation.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the word "one" in the second line of the title, and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "one" in line two, section one, page one of the printed bill, and insert in lieu thereof the word "two."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 568—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read second time.

The following committee amendments were submitted:

Amend section one, subdivision two, in line fifteen, after the word "provision" by inserting the word "fuel."

Amendment adopted.

Also:

Section one, subdivision three, in line twenty-three, after the word "or," by inserting the words "buggy and two."

Amendment adopted.

Also:

Section one, subdivision three, in line twenty-three, by adding the letter "s" to the word "wagon."

Amendment adopted.

Also:

Section one, subdivision four, in line thirty-eight, after the word "furniture," by inserting the following: "including one safe and one typewriter."

Amendment adopted.

Also:

Section one, subdivision five, in line fifty-six, by striking out the word "in" and inserting in lieu thereof the word "on."

Amendment adopted.

Also:

Section one, subdivision eight, in line seventy-one, strike out the word "twenty-five" and insert in lieu thereof the word "seventy-five."

Amendment adopted.

Also:

Section one, subdivision eleven, in line ninety-one, after the word "state," number the balance of the subdivision, including all on lines ninety-two and ninety-three, subdivision "twelve"

Amendment adopted.

Also:

Section one, strike out all of subdivision twelve included in lines ninety-four, ninety-five, ninety-six, and ninety-seven.

Amendment adopted.

Also:

Section one, subdivision thirteen, in line one hundred and one, strike out the word "any," and insert in lieu thereof the word "the."

Amendment adopted.

Also:

Section one, subdivision fourteen, in line one hundred and three, after the word "arms," insert the word "and"

Amendment adopted.

Also:

Section one, subdivision fifteen, in line one hundred and nine, after the word "county," strike out all up to the word "and," in line one hundred and ten.

Amendment adopted.

Also:

Section one, subdivision sixteen, in line one hundred and eighteen, after the word "material," insert the following: "not exceeding one thousand dollars in value."

Amendment adopted.

Also:

Section one, subdivision seventeen, in line one hundred and twenty-eight, strike out all after "etc." to the end of line one hundred and twenty-eight, and insert in lieu thereof the following: "*provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars."

Amendment adopted.

Also:

Section one, subdivision seventeen, strike out all of lines one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two, and insert in lieu thereof the following:

"Subdivision 18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

"Subdivision 19. Shares of stock in any building and loan association to the value of one thousand dollars.

"No article, however, or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 518—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 689—An Act to amend Section 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors at law in the courts of the State of California.

Read second time.

The following committee amendment was submitted:

Amend by striking out all after the enacting clause and inserting as follows:

SECTION 1. Section two hundred and seventy-five of said Code of Civil Procedure is hereby amended to read as follows: All persons are attorneys and counselors of the supreme court of this state, who, when this Act takes effect, are entitled to practice in that court; *provided, however*, that if, at said date, any such person be not a citizen of the United States, or has not declared his or her intention to become such in accordance with the law, his or her right to practice in the courts of this state shall cease upon the expiration of six months from said date, unless within said time he or she shall become a citizen, or shall, in the manner provided by law, declare his or her intention to become a citizen. No citizen shall be admitted to practice as an attorney and counselor at law in the courts of this state except by the supreme court, and then only upon motion therein, the applicant being personally present in open court; *provided, further*, that any citizen and resident of this state, of good moral character, who, prior to the sixteenth day of March, eighteen hundred and ninety-five, was regularly admitted to practice in any superior court of this state, pursuant to the law, and who, since being admitted as aforesaid, has been continuously engaged in the practice of the law in this state, and whose license is in full force, and unrevoked, shall, upon filing with the clerk of the supreme court a certificate of the county clerk of the court where the said attorney was admitted to practice, certifying the date of his admission; that he has, since said date, been continuously practicing before said court, and that he is a good citizen of good moral character, and that his certificate is unrevoked, shall receive from said clerk of the supreme court, and said clerk is hereby authorized and directed to issue to said applicant, a certificate entitling him to practice in all the courts of this state. Said certificate shall be in form the same as certificates granted on examination of applicants. At the time of issuing said certificate, said applicant must sign the roll of attorneys kept by said clerk.

SEC. 2. Section two hundred and seventy-six of said Code of Civil Procedure is hereby amended to read as follows:

Any citizen of the United States, regardless of sex, of the age of twenty-one years or over, of good moral character, who has complied with the requirements of this chapter, is entitled to admission as an attorney and counselor at law in all the courts of this state. To entitle a citizen to make application for admission, and to be admitted to practice, as an attorney and counselor at law in the courts of this state, he or she must have complied with the following, in addition to the other requirements of this chapter:

1. Such person must produce and file, with his or her written application, satisfactory testimonials of good moral character from at least two persons who have been members of the bar of the supreme court of this state for at least five years preceding the day of making the application. It must further satisfactorily appear by affidavit of the applicant that he or she has studiously pursued the study of law for at least two years preceding the day of the application, stating the time he or she has actually studied, giving the dates, the place or places, and the course of study pursued; and it must further appear by such affidavit that the applicant has been a bona fide resident of the judicial district in which such application is filed for a period of six months immediately preceding the day of the application; and such person must satisfactorily pass the examination required by this chapter; or

2. Such person must have been duly and regularly admitted to practice law in the highest court of a sister state, territory, or of a foreign country, where the common law of England constitutes the basis of jurisprudence; must produce his or her license or certificate of admission, and satisfactory evidence of good moral character, as in subdivision one of this section provided, and must also produce and file, with his or her written application for admission, the affidavit or certificate of judge or judges of the

court or courts of record of such state or country, under the seal of such court or courts, affirming or certifying that the applicant, for a term of at least two years next preceding the day of the application for admission to practice in the courts of this state, had actually been engaged in the practice of the law as an attorney and counselor in all the courts of such state, territory, or country, giving the dates and the place or places of practice, and that his or her license is in full force and unrevoked; such applicant must also, if required, satisfactorily pass the required examination. Every citizen admitted upon motion under the provisions of this subdivision shall pay a fee of twenty-five dollars, which shall, or may, be used under the direction of the supreme court, in the payment of the expenses of holding and conducting examinations and the compensation of the board of examiners, as in this chapter provided with reference to other fees. Any fraudulent act or representation by the applicant in connection with his application for admission shall be sufficient cause for the revocation of his or her license by the supreme court.

SEC. 3. Section two hundred and seventy-seven of said Code of Civil Procedure is hereby amended as follows:

A state board of examiners is hereby created, to consist of three members, who shall be attorneys and counselors of at least five years' standing at the bar of the supreme court of this state, one of whom shall be a resident of the San Francisco district, one of the Los Angeles district, and one of the Sacramento district, as said districts are now established, and who shall be appointed by and hold office at the pleasure of the supreme court. The compensation of said board of examiners shall be fixed by the supreme court for each examination, and shall be paid, upon the order of the chief justice of said court, from the fees of all applicants for admission to practice law in this state, as in this chapter provided for, but the aggregate amount of such compensation and the expenses of holding and conducting such examination shall not exceed the total of such fees. Every applicant for examination shall pay a fee of twenty-five dollars. The payment of one examination fee shall entitle the applicant to the privilege of two succeeding examinations. The board of examiners shall hold one examination in the city of San Francisco, one in the city of Sacramento, and one in the city of Los Angeles, in each year after the taking effect of this act, and at such time during such year as the supreme court shall determine. No other examinations shall be held. It shall be the duty of the board of examiners to personally conduct and hold written and oral examinations of applicants for admission; to make all needful rules and regulations to govern the same; to prepare written questions for the written examinations, and to propound the oral questions upon the oral examinations hereinafter provided for. All examinations shall be publicly held and conducted, and shall be based upon both written and oral questions, which shall be sufficient in number to furnish a fair and thorough test of the applicant's attainments in the law. The board of examiners shall carefully examine all of the answers of each applicant to the written questions, and shall carefully note the answers of each applicant to the oral questions; and shall make and file, with the clerk of the supreme court, a written report thereon, giving the standing of each applicant, both upon the written and upon the oral examination, and therewith shall make their written recommendation to the supreme court as to which of the applicants are entitled to be admitted to practice and as to which of them are not, and file the same with the clerk of the supreme court. The written answers of each applicant shall also be filed with the clerk of the supreme court.

SEC. 4. Section two hundred and seventy-eight of said Code of Civil Procedure is hereby amended to read as follows:

The examinations herein provided for shall be based upon constitutional law, equity, jurisprudence, common law, and the general statutory law of California, excepting the Political Code.

SEC 5. Section two hundred and seventy-nine of said Code of Civil Procedure is hereby amended to read as follows:

At any time after the examination, and after the filing of the written report and answers and recommendation, as provided in section two hundred and seventy-seven, or after the filing of the application for admission and the certificate and testimonials, as provided in subdivision two of section two hundred and seventy-six, the supreme court may, upon motion, in open court, based upon such examination, report, and recommendation, or upon such application, certificates, and testimonials, admit such applicant as an attorney and counselor at law in all the courts of this state, provided he or she is entitled to be admitted under the provisions of this chapter; and, if admitted, shall direct an order to be entered to that effect upon its records, and that a certificate of such record be given to the applicant by the clerk of the supreme court, which certificate shall be his or her license to practice law in all the courts of this state.

SEC. 6 Section two hundred and eighty of said Code of Civil Procedure is hereby amended to read as follows:

Every person on being admitted must take an oath to support the Constitution of the United States and the Constitution of the State of California, and to faithfully discharge the duties of an attorney and counselor at law to the best of his knowledge and ability. A certificate of such oath must be indorsed upon the license. The clerk of the supreme court shall keep a roll of attorneys and counselors admitted to practice by the court of which he is clerk, which roll shall be signed by the person admitted before such person shall be entitled to receive his or her license.

SEC. 7 Section two hundred and eighty-one of said Code of Civil Procedure is hereby amended to read as follows:

Advertising, or in any manner holding one's self out as practicing, or entitled to practice law, without being entitled to practice under the provisions of this chapter, shall constitute, and be punishable as a contempt of court in the court respecting which such person shall so advertise to hold himself, or herself, out as practicing, or entitled to practice.

SEC. 8. No person shall be entitled to make application for admission, or be admitted to practice, except as in this chapter provided.

SEC. 9. This act shall take effect immediately.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and terms of office.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes.

Read second time.

The following committee amendment was submitted:

Insert in line thirty-four, page two of the printed bill, after the word "had," the following: "unless the owner thereof shall pay the expense of publication of the same or his proportionate part, where other property is included in said notice and the other amount required by law for the redemption of such property."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 688, 607, 660, 473, and 31 passed on file.

Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies.

Read second time.

Passed on file pending further amendment.

Re-referred to Committee on Ways and Means.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on State Library, to whom was referred Senate Bill No. 241—An Act to amend Sections 2293, 2295, and 2298 of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRESCOTT, Chairman.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Read second time.

The following committee amendment was submitted:

Amend the title so as to read as follows: "An Act to amend sections two, three, and four of an Act entitled 'An Act to regulate the employment, hours of labor, etc, of children, and to prohibit the employment of minors under a certain age,' approved March 23, 1901."

Amendment adopted.

The following amendment was submitted by Mr. Dorsey:

Strike out all after the enacting clause and substitute therefor the following:

SECTION 1. Section 2 of an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901, is hereby amended to read as follows.

Section 2. No minor under the age of eighteen years shall be employed or permitted to work in any mercantile institution, store, office, laundry, manufacturing establishment, factory, or workshop, between the hours of ten o'clock in the evening and six o'clock in the morning.

No minor under the age of eighteen years shall be employed or permitted to work at any employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.

No child under fourteen years of age shall be employed in any mercantile institution, store, office, laundry, manufacturing establishment, factory, or workshop.

The presence during working hours of any minor in any mercantile institution, store, office, laundry, manufacturing establishment, factory, or workshop shall be considered as prima facie evidence of the employment of said minor in such place.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the time that the public schools of the city, town, or school district in which his place of employment is situated, are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences.

SEC. 2. Section 3 of an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901, is hereby amended to read as follows:

Section 3. Every person or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted in a conspicuous place in every room where such help is employed, a printed notice stating the number of hours per day for each day of the week required of such persons

Every person, firm, corporation, agent, or officer of a firm or corporation employing or permitting minors under sixteen years and over fourteen years of age to work in any mercantile institution, store, office, laundry, manufacturing establishment, factory, or workshop, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in Section 5 of this Act, for every such minor so employed, said record and certificate to be open at all times to the inspection of those whose duty it is to enforce the provisions of this Act.

Certificates of age and schooling may be issued to minors who are under sixteen years and over fourteen years of age by all officers qualified to administer oaths, but no such officer shall at any time receive any fee or compensation for such services. The following form shall be used:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, or guardian) of (name of child), and that (he or she) was born at (name of town or city), in the county of (name of county, if known), and state (or country) of (name), on the (day and year of birth), and is now (number of years and of months) old.

Signature, as provided in Section 9 of this Act.

Town or city and date.

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) can read English at sight and can write legibly simple sentences in the English language.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the person in whose behalf it is drawn, and it shall be surrendered to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen and over fourteen years of age shall be signed by his father, if living, and a resident of the same city or town; if not, by his mother, or if his mother is not a resident of the same city or town, by his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

The penalty for signing a false statement as to the age of any such minor shall be a fine of not less than five or more than fifty dollars, or imprisonment of not more than thirty days, or both such fine and imprisonment.

SEC. 3. Section 4 of an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901, is hereby amended to read as follows:

Section 4 Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this Act, or that employs, or suffers, or permits any minor to be employed, in violation thereof, shall, on conviction, be punished by a fine of not less than fifty or more than two hundred dollars, or by imprisonment of not more than sixty days, or by both such fine and imprisonment, for each and every offense. Any fine collected under the provisions of this Act shall be paid into the school funds of the county, or city and county in which the offense occurred It shall be the duty of the labor commissioner, his deputies, and the district attorneys of each county or city and county to investigate violations of and secure the enforcement of the provisions of this Act. Any person may file complaint of the violation of the provisions of this Act, and, upon the filing of such complaint, it shall be the duty of the district attorney of the county or city and county in which the complaint is filed, to investigate such violation and secure the enforcement of the provisions of this Act, *provided*, that nothing in this Act shall be construed to prohibit the employment of minors at agricultural, horticultural or domestic labor during the time that the public schools are not in session.

SEC. 4. This Act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class and to the amount and payment of the salary of such deputy.

Read second time.

The following amendments were submitted:

Amend by striking out the words "one hundred and seventy-seven and one half" on line seven, first page, printed bill, and inserting in lieu thereof the following: "one hundred and seventy-eight and one half."

Amendment lost.

Also:

Amend by striking out the words "one hundred and seventy-seven and one half" on line four of title, first page, printed bill, and inserting in lieu thereof the following: "one hundred and seventy-eight and one half."

Amendment lost.

Also:

Amend by striking out the words "seventy-seven" on line five, first page, printed bill, and inserting in lieu thereof the following: "seventy-eight."

Amendment lost.

Also:

Insert in line three of title after 1897, the following: "and an Act amendatory thereof approved March 23, 1901."

Amendment lost.

Also:

Amend by striking out the word "twentieth" on line seven, first page, printed bill, and inserting in lieu thereof the word "twenty-first."

Amendment lost.

Also:

Insert in line four, first page, printed bill, after the word "ninety-seven," the following: "and an Act amendatory thereof, approved the twenty-third day of March, nineteen hundred and one."

Amendment lost.

Ordered to engrossment and third reading.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Read second time.

The following committee amendment was submitted:

Amend by striking out all the words and figures beginning with line three hundred and six, ninth page of printed bill, down to and including line three hundred and twenty-three of printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county, and city and county supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words: "legitimate and reasonable," on line six, first page, printed bill, and inserting in lieu thereof the word "actual."

Amendment adopted.

Ordered to print, engrossment, and third reading.

At eleven o'clock and twenty-five minutes A. M., the Speaker called Mr. Drew to the chair.

Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read second time.

The following committee amendments were submitted:

Amend by striking out all after the word "entitled" in second line thereof in printed bill, and inserting in lieu thereof the following: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof."

Amendment adopted.

Also:

Amend by striking out all of lines one, two, and three on first page, printed bill, and inserting in lieu thereof the following:

"SECTION 1. Section twenty-three of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, is hereby amended to read as follows:

"Section 23. Section one hundred and seventy-six (176) of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April first, one thousand eight hundred and ninety-seven, is hereby amended to read as follows."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 727—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Passed on file.

Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by the direct vote of the people.

Passed on file.

Assembly Joint Resolution No. 9—Memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. Alston G. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

Resolution read.

Mr. Goodrich moved the adoption of the resolution.

Resolution adopted.

ASSEMBLY JOINT RESOLUTION No. 9.

Memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. Alston G. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

WHEREAS There is now pending before Congress a resolution introduced by Representative Alston G. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy; and,

WHEREAS, In view of the fact that battleships of modern construction are necessary for the first line of defense of our long line of coast and general commercial and maritime interests; and,

WHEREAS, The Naval War College has recommended a policy whereby the strength of our navy could be brought to a condition within a fixed and definite period that would make it strong enough to cope on our own or insular shores with any possible combination that is likely to be formed; and,

WHEREAS, The coast line of California is greater in extent than that of any other State in the Union, a proper naval protection of our State is a matter of supreme interest and vast importance; therefore, be it

*Resolved*, That it is the sense of this Legislature that the purposes indicated in said resolution are wise and worthy of hearty support, and that the Chief Clerk of the Assembly is hereby instructed to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Read second time.

The following amendments were submitted:

Amend by striking out the word "June," section two, on line two, first page, printed bill, and inserting in lieu thereof the word "April."

Amendment adopted.

Also:

Strike out "30th of April" and insert "31st of March."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 520—An Act to repeal an Act entitled "An Act to create and establish a commission for revising and reforming the law, and for the appointment of the members of the said commission, to be known as the Commission for Revision and Reform of the Laws, etc."

Passed on file.

Assembly Bill No. 684—An Act to prevent the propagation by seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Read second time.

The following amendments were submitted:

AMENDMENT No. 1.

Amend the title by inserting after the word "of" in line four of the title the words "the State of California."

Amendment adopted.

Also:

AMENDMENT No. 2.

After the word "the" in line six of section one of the printed bill, insert the words "Controller of the State of California or the."

Amendment adopted.

Also:

AMENDMENT No. 3.

Strike out the words "or with any public officer," in line eight, section one of the printed bill.

Amendment adopted.

Also:

AMENDMENT No. 4

Strike out the word "whom" in line eight, section one, page one of the printed bill, and insert in lieu thereof the word "which."

Amendment adopted.

Also:

AMENDMENT No. 5.

After the word "such" in line fifteen of section one, page two of the printed bill, insert the words "State of California."

Amendment adopted.

Also:

AMENDMENT No. 6

After the word "debtor" in line twenty-seven, section one, page two of the printed bill, insert the words "such transcript, when so filed, shall be accompanied by an affidavit on behalf of the person in whose interest the same is filed, stating the exact amount at the time due on such judgment, and that such person desires to avail himself of the provisions of this section."

Amendment adopted.

Also:

AMENDMENT No. 7.

Insert before the word "a," in line one, on page one of the printed bill, the words "section one."

Amendment adopted.

Ordered to print, engrossment, and third reading.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Greer: Assembly Bill No. 808—An Act to amend Section 3 of an Act for the protection of horticulture, and to prevent the introduction

into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Read first time, and referred to Committee on Fruit and Vine Interests.

ASSEMBLY BILL No. 808 MADE RUSH ORDER TO PRINT.

Mr. Greer moved that Assembly Bill No. 808 be made a rush order to print.

So ordered.

SPECIAL ORDER SET.

Mr. Greer moved that the consideration of Assembly Bill No. 808 be made a special order for Monday, February 16, 1903, immediately after the reading of the Journal.

So ordered.

Mr. Olmsted asked unanimous consent to consider Assembly Bill No. 104.

So ordered.

Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend the bill, as follows:

Amend by striking out of line one of section three of printed bill the word "January" and inserting in lieu thereof the word "July."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California—with instructions, do now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report adopted.

Assembly Bill No. 104 ordered to print, re-engrossment, and on file for final passage.

RESOLUTION—(OUT OF ORDER).

By Mr. Soward:

*Resolved*, That all bills amending the County Government Act be placed at the head of the special file.

Resolution read, and referred to Committee on Rules and Regulations.

SECOND-READING FILE—(RESUMED).

Assembly Bills Nos. 249, 253, 611, 406, 407, 513, and 694 passed on file.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 496 and 497 passed on file.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 596—An Act to add a new section to the Code of Civil Procedure, to be numbered 1040, providing a method of relieving persons satisfactorily shown to be unable to prepay the same from the necessity of prepaying the fees, costs, charges, and expenses fixed by law or rule of court and incident to actions or special proceedings in courts of justice.

Passed on file.

Assembly Bill No. 687—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read second time.

The following committee amendments were submitted:

Amend in line twenty, second page, printed bill, after the word "census," by inserting the following: "and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each twelve deaf children or fraction of such number actually attending such classes."

Amendment adopted.

Also:

Amend by striking out all after the word "taken," on line thirty-nine, page two, printed bill, to the word "census," on line forty-four, second page, printed bill, and inserting in lieu thereof the following: "The average daily attendance shall be such percentage of the average daily attendance of the old district or districts from which its territory was taken as the census of the new district is of the old and new districts combined. The county superintendent shall deduct from the average daily attendance of the old district or districts the average daily attendance of the new district as above determined."

Amendment adopted.

Also:

In line twenty-five, page two, printed bill, strike out the word "children" and insert the word "teachers" in its place.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Read second time.

Mr. Johnson submitted the following amendment:

COMMITTEE AMENDMENT No. 1.

Strike out the word "three," on line three, page one of the printed bill, and insert in lieu thereof the word "four."

Amendment adopted.

Ordered to print, engrossment, and third reading, and to go on special file.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 691—An Act to prohibit the sale of spirituous or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 559, 462, 561, and 563 passed on file.

Assembly Bill No. 343—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, and 18, and adding a new section, to be numbered and designated Section 22½.

Read second time.

Passed on file, and re-referred to Committee on Judiciary.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Read second time.

The following amendments were submitted:

Amend by striking out the word "majority" in line thirty, second page, printed bill, and inserting in lieu thereof the following: "two thirds."

Amendment lost.

Also:

That line one hundred and ninety-six, page six, be amended by adding after the word "districts" the words "and of the trustees in the district or districts admitted"

Amendment adopted.

Also:

That page eight be amended by striking therefrom from and including the word "provided" in line two hundred and fifty-five to and including the word "road" in line two hundred and fifty-eight.

Amendment adopted.

Also:

Amend page eight by striking from line two hundred and fifty-two the word "daily."

Amendment adopted.

Also:

That page eight be amended by striking therefrom the word "further" in line two hundred and fifty-eight.

Amendment adopted.

Also:

That page eight be amended by adding thereto a new paragraph between lines two hundred and sixty-one and two hundred and sixty-two, to read as follows:

"Fourteenth—Whenever in their judgment it may be deemed advisable, the board of trustees for any union, or joint union school district, may unite with the trustees of any

other school district, single, union, or joint, in the employment of a supervising principal, who shall devote such time to the supervision of instruction in the several school districts, and shall receive such compensation from each board of trustees as may be agreed upon by them."

Amendment adopted.

Also:

That page eight be amended by striking from line two hundred and sixty-two the word "fourteenth" and inserting in place thereof the word "fifteenth."

Amendment adopted.

Also:

That page nine be amended by striking from line two hundred and eighty-six the word "fifteenth" and inserting in lieu thereof the word "sixteenth."

Amendment adopted.

Also:

That page ten be amended by striking from line three hundred and fifty-four the word "sixteenth" and inserting in place thereof the word "seventeenth."

Amendment adopted.

Ordered to print, engrossment, and third reading.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 13, 1903.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No 8—An Act to add a new section to the Political Code, relating to property exempt from taxation.

Also: Assembly Bill No. 109—An Act to amend an Act to provide for the proper sanitary condition of factories and workshops.

Also: Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Also: Assembly Bill No. 168—An Act to amend the Political Code in relation to the organization of reclamation districts.

GEO. C. PARDEE,
Governor of the State of California.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON STATE PRISONS AND REFORMATORY INSTITUTIONS—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: The minority of your Committee on State Prisons and Reformatory Institutions beg leave to report respecting the said prisons at San Quentin and Folsom, and in particular as to the use of the strait-jacket at said prisons, in pursuance to a certain resolution of this House, adopted January 31, 1903, which resolution is set out in the majority report of this committee.

*San Quentin State Prison.*

On or about the 2d day of February six members of said committee, namely, Olmsted, Carter, Bliss, Barber, Murphy, and McKenney, visited San Quentin Prison. The Warden and officers of the prison conducted us through the entire prison and freely and voluntarily granted us every opportunity to thoroughly inspect the prison in every department. We found that the prison contained about 1,468 prisoners, serving from one year to life sentences, and a number awaiting execution. The grounds and interior of the buildings appear in a good and cleanly condition. The food that we inspected appeared wholesome and of good quality. The prisoners appeared well clothed and looked to be in a healthy condition. The individual members of the committee conversed with quite a number of prisoners while passing through the grounds and buildings, and speaking for the minority signing this report, heard no word of complaint of ill-treatment except in two instances from inmates confined in incorrigible cells.

*Incorrigible Cells.*

We found no prisoners in the dungeons. Five or six men were imprisoned in the incorrigible cells and we were informed some of them have been there for a number of years. These cells are located in a light and dry room, but are small, with very few comforts for the inmates. The discipline so far as our investigation went seemed to be

good. It is generally conceded, and we believe not denied, that for many years past the greatest difficulty that the officials of this prison have had to contend with has been the surreptitious dealing in and use of opium in this prison. Many prisoners are now dope fiends who were not addicted to the use of the drug before entering the prison. The use of the drug in the prison resulted in the degradation of the men using it, and tended to incite the prisoners to disturbance and infraction of the prison rules, and generally affected the discipline of the institution. Our investigation, based on statements of the Warden, officers and prisoners, showed that within the past two years the use of the drug has been almost entirely stopped, and by reason of this fact there is less fighting and contention among the prisoners; that they are more contented, in better health, and capable of doing more work than in former years

*Folsom State Prison.*

On the 11th and 12th of this month the same members of your committee who went to San Quentin visited the Folsom State Prison As at San Quentin we were treated courteously by the Warden and officials and given every opportunity to investigate the condition of the prisoners and the methods of punishment in vogue at the prison. This prison, as at San Quentin, appeared clean and well kept; most of the men are employed in the quarries and about the prison. The men at this prison appeared to be in a healthy condition, but the committee heard universal complaint from the prisoners about the food they received; it being stated that they had sufficient in quantity, but that it is not properly prepared, that their work on the rock-crusher and in the quarry is laborious and their hours long and that the food they receive does not give them sufficient strength for that work Some complaint was also heard concerning insufficiency of the blankets We found in this prison several men in what is known as the dungeon Some were confined in these cells for using opium, one was presented to us, and appeared to be of weak mind, or demented, and another was there because he claimed he was afraid to go in the yard and work among the other prisoners, fearing they would do him bodily harm He stated to us that he was there in the dungeon at his own request We found that at this prison there is a great deal of opium or what is called "dope" used by the prisoners The minority of your committee believes that the officers are diligent and sincere in trying to suppress the use of the drug among the men, but owing to the fact that the men work out of doors in the quarries and open fields at times far beyond the guard line, it is a difficult matter to cope with this terrible evil.

*The Strait-jacket*

The committee, while not empowered by the resolution under which they were acting to send for papers, administer oaths, and take testimony under oath, nevertheless took the unsworn statements of the Warden, officers, and a number of the prisoners at each of these institutions concerning the mode of punishment in vogue at said institutions, and in particular in reference to the use of the strait-jacket. At San Quentin the only mode of punishment now in vogue is the strait-jacket, except as to confinement in the incorrigible cells heretofore referred to At Folsom the use of the strait-jacket was discontinued about a year ago and has not since been used. At San Quentin some three hundred or more had been punished by the use of the strait-jacket and at Folsom about one hundred and sixty had received that punishment. The testimony showed that at San Quentin a colored man, named Evve Thompson, and one Shaugnessy have been crippled for life by the use of the strait-jacket. The statement of Dr. Casey, however, was to the effect that these men were suffering with a bad disease and that the use of the strait-jacket probably induced results that would not have occurred had the men been in a healthy condition A number of convicts at San Quentin were examined who had been in the strait-jacket for twenty four to forty eight hours at a time and stated that if it was not laced too tight, while the punishment was severe, yet it was preferable to them to being placed in a dungeon for thirty days on bread and water; that it had a better effect in disciplining the prisoners. They said that they had suffered no permanent injury from its use. At Folsom the committee heard the statements of a number of prisoners that had been in the strait-jacket One man, Morris Weitz, stated that he was by trade a lady and gentleman's tailor, capable of earning one hundred and twenty-five dollars per month at his trade; that he was put in the strait-jacket twice, the first time twelve hours and again for twenty-five and one half hours; that the last time, he was crippled in the hands and arms from the use of the jacket. The fingers of his right hand were stiffened to such an extent that he is unable to open his hand His right arm in places appeared to be withered and the whole arm crooked; he said he would be unable to follow his trade when released.

Another man named Robert Smith appeared before the committee, and stated that he was in a strait-jacket fifty-two hours. He exhibited to the committee his hand, which he claims was the result of the use of the strait-jacket, which was withered and scarred, and he is to-day a cripple for life. He stated that the strait-jacket was put on very tight, and he suffered great pain and agony while in the same

A man named John Deare was put in the strait-jacket for about twenty-five hours. He was released in the afternoon and taken to his cell. The next morning he was found dead in his cell. It is but fair to state, however, in this connection, that the committee took the statement of Dr Atkinson, a resident physician of Sacramento not connected with the prison, who held an autopsy on the body of Deare. The doctor stated that he found a congested condition of the brain and bruises on the head, which he believed the man had received in his cell, and which could have been done by the man striking his head

against the wall, thus producing death. The physician further stated that he also found his bowels were somewhat inflamed and other internal disarrangements, which were no doubt produced by the use of the strait-jacket. He further stated that the use of the strait-jacket will produce serious nervous disorders, as well as to cause internal injuries, if the victim is tightly laced.

All statements taken at each of these prisons developed the fact that the punishment in each case is fixed by the Captain, and O. K.'d by the Warden, but that the placing of the strait-jacket on the prisoner is left to the turnkey and the guards, and is not done under the supervision of the Warden or physician; although the statements showed that at Folsom each prisoner was examined by the physician to ascertain the condition of his health before he was put in the strait-jacket.

Warden Aguirre and other officers at San Quentin, and some of the prisoners who had had the strait-jacket used upon them, justified the use of the strait-jacket on the grounds that it is a necessity to maintain the discipline of the prison, claiming that by the use of other punishment as good discipline could not be maintained. Since the discontinuance of the use of the strait-jacket at Folsom, the punishment other than confinement in the dungeons, is by depriving the prisoner of his mail for a specified time, depriving him of credits, and a more severe punishment of tricing or hooking up, which is done by placing the prisoner's hands behind him handcuffed and fastening them up at such height that he can just keep his feet on the ground. From all of the statements made before the committee and the evidence in the shape of the crippled hands and limbs of the victims who have been in the strait-jacket, the minority of your committee is impressed with the belief that while, if it was used properly and in cases of gross violation of the rules, or in other words, where extreme punishment was required, its use might be permitted, but owing to the fact that it can be made an instrument of terrible torture, crippling its victims for life, and its use having in the past been so abused, it should be abolished.

The minority of your committee believes that the whole prison system and the law of this State affecting the punishment of criminals is radically defective and should be amended throughout. Your minority recommends that the aggregate system employed at the prisons should be abolished, and that a system should be adopted by which there could be a segregation of the men according to the most modern system adopted in penal institutions.

The minority of your committee further recommends that at Folsom State Prison there should be constructed a building capable of holding 75 to 100 inmates, to be used as a prison for insane prisoners; the committee being informed that there are now within the State hospitals about 65 insane persons convicted of crime that have been taken out of the prisons

The minority of your committee further recommends that there should be some place provided in the prisons where prisoners, such as the one at Folsom, who claims to be afraid to mingle among the convicts, or where they are addicted to the use of "dope," can be kept apart from the main body of prisoners without placing them in dark dungeon cells.

The minority of your committee believes that the Board of Prison Commissioners have invited public censure for neglect of duty in permitting the extreme punishments that have been given to the prisoners, and for not making more frequent visits to these institutions.

The minority of your committee further recommends that a select committee of five be appointed for the purpose of recommending to this Legislature legislation for the regulation of punishment of prisoners in our State prisons, and other legislation for the improvement of our present system.

Respectfully submitted.

HENRY E. CARTER

SECOND-READING FILE—(RESUMED).

Assembly Bills Nos. 7, 610, 69, 166, 227, 647, 454, 663, 605, 288, 28, 526, 54, 527, and 528 passed on file.

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Read second time, and ordered to engrossment and third reading.

ADJOURNMENT.

At twelve o'clock and eighteen minutes P. M., on motion of Mr. Johnson, the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 16, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer by the Rev. Dr. Reagor.

LEAVE OF ABSENCE.

On motion of Mr. Pyle, leave of absence was granted to Mr. Howard for the day.

READING OF THE JOURNAL.

On motion of Mr. Johnstone, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, February 13, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 159—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

BARNES, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No 299—An Act to amend Sections 2641, 2642, 2644, and 2645, of the Political Code of the State of California, and to add one new section thereto, to be numbered and known as Section 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Assembly Bill No 297—An Act to appropriate the sum of fifty thousand dollars ($50,000) for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stair and platform to reach lantern on dome.

Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Assembly Bill No. 230—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600 00, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No 67 of Department Eight of said Superior Court, at page 575.

Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled an Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds, approved February 27, 1893.

Assembly Bill No 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the Commission, and appropriating money for the use and control of said commission, its agents, clerks and employés.

AMERIGE, Chairman.

ON FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 808—An Act to amend Section 3 of an Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MATTOS, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Prescott: Assembly Bill No. 809—An Act to protect the public health of the State and to prevent the sale of poultry until the same has been properly prepared.

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Carter (by request): Assembly Bill No. 810—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, undertaking and writ of ejectment and the manner of serving the writ.

Read first time, and referred to Committee on Judiciary.

By Mr. Wanzer: Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

WITHDRAWAL OF BILL.

Assembly Bill No. 810 withdrawn by author.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Burgess: Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

Read first time, and referred to Committee on Judiciary.

By Mr. Johnstone: Assembly Bill No. 813—An Act to add a new section to the Penal Code, to be known as Section 626*a*, relating to the preservation of game.

Read first time, and referred to Committee on Fish and Game.

By Mr. Olmsted: Assembly Bill No. 814—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Committee on Ways and Means: Assembly Bill No 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Read first time, and sent to printer, with rush order.

RESOLUTION—(OUT OF ORDER).

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 815 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution withdrawn by author.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Black: Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art."

Read first time, and referred to Committee on Judiciary.

On motion of Mr. Black, sent to printer, with rush order.

RESOLUTION—(OUT OF ORDER).

By Mr. Greer:

*Resolved*, That Assembly Bill No. 808 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

Mr. Greer moved the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63

NOES—None.

Assembly Bill No. 808 read second time.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—None.

Title read and approved.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Fisk: Assembly Bill No. 817—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Read first time, and referred to Committee on Judiciary.

By Mr. Dougherty: Assembly Bill No. 818—An Act to appropriate money to be expended by the Regents of the University of California, through the Departments of Agriculture and Chemistry, in making experiments leading to the destruction of certain animal pests.

Read first time, and referred to Committee on Agriculture.

By Mr. Soward: Assembly Bill No. 819—An Act compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States or the State of California.

Read first time, and referred to Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER; Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Assembly Bill No. 427—An Act making an appropriation of $250,000.00 for the construction of a building to be erected by the Regents of the University of California in Alameda County, on the grounds of the University, for the accommodation of the students of the University; also, providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Assembly Bill No. 678—An Act to amend and re enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003 as amended April 1st, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099, of the Political Code relating to the State militia and to conform the State militia to the provisions of an Act of Congress approved January 21st, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes"

Assembly Bill No. 518—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Assembly Bill No 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Assembly Bill No. 613—An Act to add a new section to the Political Code to be numbered 1003*a*, relating to vacancies in office.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Assembly Bill No. 727—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Assembly Bill No 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Assembly Bill No. 687—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action

Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Assembly Bill No 691—An Act to prohibit the sale of spirituous, or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Assembly Bill No. 343—An Act to amend an Act, approved February 28th, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Assembly Bill No 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

AMERIGE, Chairman.

MOTION.

Mr. Carter moved that the consideration of the reports of the Committee on State Prisons and Reformatory Institutions be set for two o'clock P. M., February 17, 1903.

So ordered.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Boisson: Assembly Bill No. 820—An Act to appropriate the sum of $833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Read first time, and referred to Committee on Claims.

RESOLUTIONS.

By Mr. Bangs:

*Resolved*, That the Sergeant-at-Arms be instructed to see that the Assembly chamber be kept at a proper degree of temperature during all the hours intervening between seven o'clock A. M and eleven o'clock P. M. of every day in the week, including Sunday, and during the entire session of the Legislature.

Resolution read.

Mr. Bangs moved the adoption of the resolution.

Resolution adopted.

By Mr. Olmsted:

*Resolved*, That the State Printer be and he is hereby directed to have all bills, and other printed matter, delivered to the Sergeant at-Arms of the Assembly before the hour of eight o'clock A. M. on each legislative day; and be it further

*Resolved*, That the Bill Clerks be required to report for duty not later than eight o'clock A M, and be required to have copies of bills, histories, journals, files, etc., distributed on the desks of members at least a half hour before the hour for the meeting of the Assembly.

Resolution read.

Mr. Olmsted moved the adoption of the resolution.

Mr. Olmsted moved to amend the resolution by striking out the word "bills."

Mr. Higgins moved, as an amendment to the amendment, that the resolution and amendment be referred to the Committee on Attachés and Employés.

So ordered.

SPECIAL FILE.

Assembly Bills Nos. 428, 297, 1, 367, 524, 583, and 320 passed on file.

THIRD-READING FILE.

Assembly Bills Nos. 131 and 264 passed on file.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Gleeson, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Assembly Bills Nos. 544, 247, 3, 5, 346, 347, 480, 476, 4, 477, 85, 373, 390, 400, 364, 365, 469, 494, 425, 552, 420, 479, 507, and 394 passed on file.

Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61

NOES—None.

Title read and approved.

Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 103 as follows:

COMMITTEE AMENDMENT NO. 1.

Amend the title by inserting the letter "s" after the word "prison" in line three thereof; also by inserting the words "and at Folsom" after the words "San Quentin."

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

Amend by inserting at the end of section one the following: "and also to employ at least twenty prisoners under like conditions on roads extending from the State Prison at Folsom, in Sacramento County, or connecting therewith; *providing*, that no work shall be done by such prisoners beyond a point six miles distant from said prison buildings."

Amendment adopted.

REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—with instructions, do now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report adopted.

Ordered to print, re-engrossment, and final passage.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Walker, Walsh, Waste, Wright, and Mr. Speaker—54.

NOES—Messrs. Bangs, Covert, Ells, Lumley, and Weger—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Carter gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 27 was this day passed by the Assembly.

Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending announcement, at twelve o'clock and fifteen minutes P. M., Mr. Lewis of Riverside moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—67.

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE LOST.

At twelve o'clock and twenty-seven minutes P. M., Mr. Mattos moved that further proceedings under call of the House be dispensed with.

Motion lost.

TIME OF RECESS EXTENDED.

At twelve o'clock and twenty-eight minutes P. M., on motion of Mr. Brown, the time of recess was extended for ten minutes.

At twelve o'clock and thirty-two minutes P. M., Mr. McMartin moved that further proceedings under call of the House be dispensed with.

Motion lost.

Mr. Johnson moved that Mr. Howard be excused on account of sickness.

So ordered

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and thirty-six minutes P. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Steadman, Walker, Waste, and Wright—46.

NOES—Messrs. Allen, Bangs, Covert, Dorsey, Ells, Finn, Hart, Higgins, Kerrigan, Lumley, McMahon, McMartin, McNeil, Moore, Mott, Rolley, Siskron, Susman, Walsh, Wanzer, Weger, and Mr. Speaker—22.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Boisson gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 244 was this day passed by the Assembly.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 4—Approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the Second Assembly District the ninth district, the County of Tulare the twenty-fourth district, the County of Kings the forty-sixth district, the Third Assembly District the forty-seventh district, the County of Riverside the forty-eighth district, and the County of Madera the forty-ninth district.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election and their final destruction.

And were presented to the Governor February 16, 1903, at eleven o'clock and forty minutes A. M.

AMERIGE, Chairman.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Fisk in the chair.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 30, 114, 241, 32, 439, 442, 438, 440, 199, 83, 203, 475, 240, 57, 50, 116, 258, 257, 259, 221, 550, 408, 447, 455, 506, 202, 177, 344, 358, 435, 414, 531, 296, 162, 238, and 229 passed on file.

Assembly Bill No. 460—An Act to establish the fees of jurors in criminal cases in justices' and recorders' courts.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 405, 415, 578, 306, 401, and 398 passed on file.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Read second time.

The following committee amendment was submitted:

Amend by adding the following new section: "SEC. 3. This Act shall take effect January first, nineteen hundred and five," after section two, first page, printed bill.

Amendment adopted.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 269.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 269 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 688, 607, 660, 473, 31, 399, and 194 passed on file.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Read second time, and ordered to engrossment and third reading.

ASSEMBLY JOINT RESOLUTION No. 8.

Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by the direct vote of the people.

WHEREAS, A large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

WHEREAS, The national House of Representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

WHEREAS, Article five of the Constitution of the United States provides that Congress, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments; and believing there is a general desire upon the part of the citizens of the State of California that the United States Senators should be elected by a direct vote of the people; therefore, be it

*Resolved*, That the legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States Senators, by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an

amendment to the Constitution of the United States as provided for in article five of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people, and the request of and consent to, the calling and holding of such convention, as hereby made and given, is limited to the consideration and adoption of such amendment to said Constitution as herein mentioned and no other.

*Resolved*, That a copy of this concurrent resolution and application to Congress for the calling of a convention be sent to the Secretary of State of each of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Resolution read.

Mr. Bangs moved the adoption of the resolution.

Resolution adopted.

Assembly Bill No. 520—An Act to repeal an Act entitled "An Act to create and establish a commission for revising and reforming the law, and for the appointment of the members of the said commission, to be known as the Commission for Revision and Reform of the Laws, etc."

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 249, 253, 611, 406, and 407 passed on file.

Assembly Bill No. 513—An Act creating the office of Public Defender, in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Insert as section number four and one half, the following:

SEC. 4½. In counties other than the first, second, and third class, the said Public Defender shall receive as full compensation for the services required of him, the sum of fifteen dollars for each person with whose defense he is charged; *provided*, that in case of an appeal which has been, or which will be taken, as provided in section two of this Act, the said Public Defender shall be entitled to an additional sum of fifteen dollars upon the completion of the appeal, which shall be paid in like manner as the other fees of said officer upon his affidavit that said appeal has been completed. Said fees shall be paid monthly from the county salary fund of the treasury of the said respective counties on the warrant of the County Auditor, who must issue a warrant therefor upon the affidavit of the Public Defender, stating the names of the persons whose appeals he has completed and the names of the persons whose defense he has conducted and concluded in the Superior Court during the preceding month or since the warrant last drawn as aforesaid, and the amount that is due him in accordance with this section. Said Public Defender shall also be allowed, and there is hereby allowed to said Public Defender, a contingent fund of five hundred dollars per year with which to pay the expense of properly conducting the defense and prosecuting the appeals as in section two of this Act provided; and the said contingent fund, or any part thereof, must be paid in the same manner on the warrant of the County Auditor, who must issue a warrant in any amount required by the Public Defender upon his affidavit that the amount demanded is necessary for expenses incurred or to be incurred in properly conducting the defense or prosecuting the appeal of any person or persons as provided in section three of this Act; *provided*, that the aggregate amount of such warrants for contingent expenses shall not exceed the said sum of five hundred dollars in any one year.

Amendment adopted.

AMENDMENT No. 2.

In section one, lines one and two, strike out the words "counties of the first, second, and third class in," and insert in lieu thereof "each county of."

The question being on the adoption of the amendment.

Messrs. Burgess, Leininger, Stanton, and Houser demanded the ayes and noes.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Bates, Burgess, Camp, Copus, Dorsey, Drew, Goodrich, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Leininger, Lumley, McLaughlin, McMartin,

McNeil, Moore, Rolley, Stanton, Susman, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—29.

NOES—Messrs. Amerige, Bangs, Baxter, Black, Brown, Carter, Covert, Dougherty, Dunbar, Dunlap, Durvea, Finn, Foster, Gleeson, Joan, Kerrigan, Killingsworth, King, Mahany, Mattos, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Walsh, and Weger—33.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 694 passed on file.

Assembly Bill No. 496—An Act to amend Section 130 of the Civil Code, relating to divorce.

Read second time

The following amendment was submitted by Mr. Knight:

Amend by striking out of section one, lines four to seven, both inclusive, of printed bill, and inserting the following: "the defendant, or upon the uncorroborated admission of a party; or upon the uncorroborated statement or testimony of the parties unless it satisfactorily appear that there is no collusion between the parties; or upon any statement or finding of fact made by a referee; but the court must, in addition to any statement or finding of the referee, require proof of the facts alleged, and such proof, if not taken before the court, must be written questions and answers."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 497, 596, 691, 559, 462, 561, 563, 617, 7, 610, 69, 166, 227, 647, 454, and 663 passed on file.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out all of lines six, twelve, thirteen, nineteen, twenty-seven, thirty, thirty-three, thirty-six, fifty-two, fifty-four, sixty, sixty-four, sixty-seven, seventy-one, seventy-six, eighty-three, ninety-two, ninety-nine, one hundred and seven, and one hundred and twelve of printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out period after the word "years," in line twenty-one, third page, printed bill, and inserting in lieu thereof the following: "*and provided further*, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 526—An Act providing the manner of payment of fees of the County Clerk in cases of petitions for letters of administration filed by Public Administrators.

Read second time, and passed on file, pending amendment.

Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Read second time, and passed on file, pending amendment.

Assembly Bill No. 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township government," approved April 1, 1897, relating to the duties of Public Administrator.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 528 passed on file.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 59 passed on file.

Assembly Bill No. 636—An Act to amend an Act entitled "An Act providing for the sale of street railways and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 637—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interference with public fire alarms.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 421—An Act to regulate the times of payment by employers of compensation of their employés, and to repeal all conflicting or inconsistent Acts and provisions.

Read second time.

The following committee amendment was submitted:

In section one, strike out lines eleven, twelve, thirteen, fourteen, fifteen, sixteen, and seventeen to semicolon.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years and females in mines and smelters.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 551—An Act to protect trade and commerce against unlawful restraints and monopolies.

Read second time.

The following committee amendment was submitted:

Strike out of printed bill all of line two, section one, after the word "conspiracy," all of lines three, four, five, and six, and all of line seven to and including the word "behalf."

Amendment lost.

Ordered to engrossment and third reading.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Assembly Bill No 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material, and providing a penalty for the violation of its provisions.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Also: Assembly Bill No. 460—An Act to establish the fees of jurors in criminal cases in justices' and recorders' courts.

Assembly Bill No 731—An Act to provide for the improvement of the public highways.

Assembly Bill No. 520—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895.

AMERIGE, Chairman.

RESOLUTION—(OUT OF ORDER).

By Mr. Duryea:

WHEREAS, The several codes as supplied to the members were printed in 1899, and do not contain the amendments thereto of 1901; and

WHEREAS, It is necessary in examining said codes to know what amendments have been made since 1899; and

WHEREAS, Code slips containing said amendments can be procured at a small cost; therefore, be it

*Resolved*, That the Clerk of the Assembly be and he is hereby instructed to procure said code slips, one set for each member of the Assembly, at a cost not to exceed one dollar per set, payable out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant on said fund for the payment thereof, and the Treasurer is hereby authorized to pay the same.

Resolution read.

Mr. Duryea moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—Mr. Leininger—1.

SPECIAL FILE OF SENATE BILLS.

Senate Bills Nos. 310 and 118 passed on file.

Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

The following committee amendment was submitted:

Amend section two, line thirteen, by striking out the word "twenty-five" and inserting in lieu thereof the word "ten"; also, amend section two, line sixteen, by striking out the words "for such purpose."

Amendment adopted.

Mr. Johnstone submitted the following amendment:

Amend by adding in section two, line fourteen of printed bill, after the word "may" the words "at the time of levying taxes for general county purposes," and inserting the following after the word "district" in line sixteen: "as shown by the last assessment roll."

Amendment adopted.

Ordered to print and third reading.

Senate Bills Nos. 95 and 68 passed on file.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Dorsey, Drew, Dunbar, Dunlap, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—58.
NOES—Mr. Baxter—1.

Title read and approved.

At three o'clock and fifteen minutes P. M., the Speaker called Mr. Prescott to the chair.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—59.
NOES—None.

Title read and approved.

LEAVES OF ABSENCE.

On motion of Mr. Covert, Messrs. McKenney and Traber were granted leaves of absence for the day.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, and Wright—61.
NOES—None.

Title read and approved.

Senate Bill No. 292—An Act in relation to municipal bonds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Houser, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, and Wright—59.

NOES—None.

Title read and approved.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—62.

NOES—Messrs. Copus and Mattos—2.

Title read and approved.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—60.

NOES—None.

Title read and approved.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—61.

NOES—None.

Title read and approved.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of or attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, and Wright—59.

NOES—None.

Title read and approved.

Senate Bill No. 343 passed on file.

At three o'clock and forty-eight minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Read third time.

Mr. King moved that a select committee of one be appointed to amend Senate Bill No. 21, as follows:

Amend by striking out all of section one of the printed bill and inserting the following:

SECTION 1. There is hereby levied annually for the fifty-fifth and fifty sixth fiscal years, ending respectively June thirtieth, nineteen hundred and four, and June thirtieth, nineteen hundred and five, an ad valorem tax of one cent upon every hundred dollars of the value of the taxable property of the State, which tax shall be collected by the several officers charged with the collection of State taxes, in the same manner and at the same time as other State taxes are collected, upon all and any class of property, which tax is for the support of regularly established high schools of the State. And it is further enacted that, beginning with the fifty-seventh fiscal year, to wit: July first, nineteen hundred and six, it shall be the duty of the State Controller annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools This amount he shall estimate by determining the amount required at two hundred dollars for every full-time, fully certificated teacher employed in the duly established high schools of the State for the last preceding school year, as certified to him by the State Superintendent of Public Instruction. This amount the State Controller, between the dates above given, must certify to the State Board of Equalization.

Also: Amend by striking out all of section five of the printed bill and inserting the following:

SEC. 5. The money in said state high school fund shall be apportioned to the high schools of the State by the State Superintendent of Public Instruction in the following manner: He shall apportion the entire amount among the county, district, city, union, or joint union high schools of the State, at the rate of two hundred dollars to every full-time, fully certificated teacher employed therein for the last preceding school year; and any portion of the fund thereafter remaining undistributed, he shall apportion among the same schools, pro rata, upon the same basis, according to the number of full-time, fully certificated teachers employed therein; *provided*, that such high schools have been organized under the law of the State, or have been recognized as existing under the high school laws of the State, and have maintained the grade of instruction required by law of the high schools; *and provided*, that no school shall be eligible to a share of said high school fund, that has not during the last preceding school year employed at least two full-time, fully certificated teachers, for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly-established high schools, wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils; *and provided*, that before receiving State aid, each school shall furnish satisfactory evidence to the Superintendent of Public Instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, the preceding school year, proper high school instruction for a term of at least one hundred and eighty

days; *provided further*, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this Act from receiving a share of said state high school fund until July 1, 1904.

The question being, "Shall a select committee of one be appointed?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Brown, Burgess, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—55

NOES—Messrs. Baxter, Camp, Duryea, Hart, Houser, Lewis of Riverside, McCartney, and Soward—8.

Title read and approved.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read second time, and ordered to third reading.

Senate Bill No. 62 passed on file.

Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read second time, and ordered to third reading.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Read second time, and ordered to third reading.

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read second time, and ordered to third reading.

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aërated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section, after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read second time, and ordered to third reading.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read second time, and ordered to third reading.

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read second time, and ordered to third reading.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read second time, and ordered to third reading.

Senate Bill No. 241—An Act to amend Sections 293 and 298 of the Political Code, relating to the State Library.

Read second time, and ordered to third reading.

RESOLUTION—(OUT OF ORDER).

By Mr. Prescott:

*Resolved*, That a committee of three members of the Assembly to be appointed by the Speaker of the Assembly, and three members of the Senate to be appointed by the President of the Senate, be and they are hereby empowered to make necessary arrangements

for a joint session of the Legislature, to be held in the Assembly chamber on Monday evening, February 23, 1903, the same to be in honor of Washington's birthday.

Resolution read.

Mr. Prescott moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Higgins: Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State printing office and bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read first time, and referred to Committee on Public Printing.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) the following:

Assembly Bill No. 47—An Act to appropriate $8,000 00 for the extension of the laundry building, and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital

Also: Passed Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901

Also: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Also: Senate Bill No 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Also: Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Also: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Also: Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Also: Amended, and passed as amended, Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20¼, relating to the employment of special counsel—and respectfully ask your honorable body to concur in the amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Ordered to enrollment.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts,"

which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Ordered placed on Senate special file without reference to committee, in place of Assembly Bill No. 428, the same being identical.

Assembly Bill No. 428 withdrawn by author.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Ordered to enrollment.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Ordered to enrollment.

Assembly Bill No. 232—An Act to appropriate $2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Ordered to enrollment.

At four o'clock and seventeen minutes P. M., the Speaker called Mr. Foster to the chair.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

The following Senate amendments were submitted:

SENATE AMENDMENTS.

On page one in the title of said bill, in the fourth line thereof, between the figures "1893" and the word "by," insert the following: "and all Acts amendatory thereof."

On page one, section one, line nine, strike out the words "and the treasurer shall fix the compensation of such attorney or attorneys; *provided*, that such compensation shall be paid out of the fees now allowed the treasurer as provided in section twenty of this Act, and that in no case shall such compensation exceed the per centum as allowed as such fees," and insert in lieu thereof the following: "And such attorney shall be paid for his services out of the fees now allowed the treasurer as provided in section twenty of this Act, and that in no case shall such compensation exceed the per centum allowed as such fees."

Mr. Fisk moved that the Assembly do now concur in the Senate amendments to Assembly Bill No. 484.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ellis, Foster, Gleeson, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Mr. Stanton moved that Senate Bill No. 405 be placed on the Senate special file without reference to committee, in place of Assembly Bill No. 636, the same being identical.

So ordered.

Assembly Bill No. 636 withdrawn by author.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Dunlap: Assembly Bill No. 822—An Act to amend Section 1521 of Article I of Chapter III of Title III of Part III of the Political Code of the State of California by amending Subdivision 9 of said Section 1521, and repealing all Acts and parts of Acts in conflict therewith.

Read first time, and referred to Committee on Education.

By Mr. Weger: Assembly Bill No. 823—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Allen: Assembly Bill No. 824—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read first time, and referred to Committee on Corporations.

By Mr. Mattos: Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code, relating to the formation of new school districts.

Read first time, and referred to Committee on Education.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Mattos, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 17, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew,

Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—78.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Saturday, February 14, 1903, was read, corrected, and approved.

PETITIONS.

Mr. John presented the following petition from citizens of the County of San Luis Obispo, which was ordered printed in the Journal:

LYNCH, CAL., January 14, 1903.

HON. WARREN M. JOHN, *Member of Assembly, Sacramento, Cal* ·

DEAR SIR: Shippers of poultry and eggs to the San Francisco market lose yearly thousands of dollars' worth of chicken-coops and egg-cases. The express company charges for returning the empties by freight. Whenever they do not arrive at our station, the commission merchant says he delivered them to the depot, and the railroad company says they were not delivered to them, and the farmer has to bear the losses.

Therefore, we, the undersigned, very respectfully request you to introduce a bill, and try to have passed a law which compels the commission merchants to take receipts from the railroad company when delivering chicken-coops and egg-cases. The railroad company will then deliver them to the proper station.

Outgoing vessels take eggs and poultry along with cases and coops, the commission merchant charges them for the same, but the farmer never gets a cent for them.

(Signed:) H. Junge, John P. Kavanagh, John Stoney, Wm. Langenbeck, Alice C. Lynch, A. M. Lynch, Andrew Bransh, Solomon Maulbatch, E. S. Talley, H. Kohl, Mrs. I Van Auken, L. P. Van Auken, Ernst Konekamp, Chas. Forbes, J. M. Allen, Peter Christensen, Sol Cox, Lud Clark, Mrs. H. P. De Tracey, Clara A. McKenney, Louisa H. McKenney, Maude C. De Tracey, J. T. Reasons, and W. Kitchen.

Also: The following communication from the secretary of the California Central Coast Counties Improvement Association, which was also ordered printed in the Journal:

SALINAS, January 24, 1903.

HON. WARREN M. JOHN:

DEAR SIR: A bill is now or is about to be brought before the State Legislature appropriating a sum of money for the purpose of instituting a California exhibit at the Louisiana Purchase Exposition at St Louis in 1904.

The Monterey County Chamber of Commerce, in connection with the California Central Coast Counties Improvement Association, intends installing and maintaining an exhibit at St. Louis, as is undoubtedly the case in nearly all counties having a Board of Trade or similar organization. The matter has been discussed at length by our directors and it is their unanimous opinion, and they desire to express to you that, instead of this fund being entirely controlled and expended by a board of commissioners, each county intending to make an exhibit at St Louis be apportioned, to be used for this purpose only, a certain amount from the appropriation.

Boards of Trade, etc, are organized and exist only for the purpose of advancing the interests and advertising the resources of their vicinity, and are mainly composed of business men—men who have at heart the advancement of their locality—and assisting these local organizations as above suggested will more evenly distribute to all portions of the State the assistance the Legislature intends giving the State as a whole, and make more effective the California exhibit.

We beg to remain, respectfully yours, C. A. RICKETTS,

Secretary California Central Coast Counties Improvement Association.

Mr. Wright presented the following petitions from Sacramento and Pomona Granges, P. of H., which were ordered printed in the Journal:

WHEREAS, An Act to provide for the marketing, branding, or labeling of boxes, barrels, or packages, containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions, known as Assembly Bill No 173, has been introduced in the Assembly of the State Legislature by Assemblyman Wright; and

WHEREAS, Said Act providing, as it does, for the proper labeling of prepared fruits for shipment, and the correct designation of the immediate locality and county in which said fruits were grown, together with provision making any violation of said Act a misdemeanor, and therefor imposing a reasonable fine upon any person or persons guilty of violating said Act, would prove to be of immeasurable benefit and value to the several branches of agriculture now carried on in various portions of the State, inasmuch as it would protect communities which make a specialty of producing superior grades of fruits, berries or cereals; now, therefore, be it

*Resolved*, That we, the members of Sacramento County Pomona Grange, No. 2, representing the interest of the farmers of Sacramento County and of this State, do earnestly petition that said Act be favorably considered, and passed by this Assembly of the Legislature of the State of California, and that it thereafter become a law.

SACRAMENTO COUNTY POMONA GRANGE, No. 2
H. MUDDOX, Chairman,
WM JOHNSTON,
E. GREER,
Committee.

WHEREAS, An Act to provide for the marketing, branding, or labeling of boxes, barrels, or packages, containing, fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions, known as Assembly Bill No. 173, has been introduced in the Assembly of the State Legislature by Assemblyman Wright; and

WHEREAS, Under the provisions of said Act, making it a misdemeanor for any person or persons improperly to label or wrongly designate the locality in which fruits prepared for shipping have been grown, the horticultural and agricultural interests of this State will be materially benefited, inasmuch as it will preserve to communities noted for the production of high-class fruits and cereals their standing in the markets of the world as well as protect careful, conscientious packers from the encroachments of careless and unscrupulous persons; be it

*Resolved*, That we, the members of Sacramento Grange, No. 12, farmers and residents of Sacramento County, do earnestly favor and recommend the passage of said bill, and that it go into effect immediately subsequent thereto.

SACRAMENTO GRANGE, No. 12.
H. MUDDOX, Master.

## REPORTS OF STANDING COMMITTEES.

### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McNEIL, Chairman.

### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Assembly Bill No. 28—An Act to add a new section to the Penal Code, and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Assembly Bill No. 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to the duties of Public Administrator.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond or other assurance in law upon its application to purchase.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Assembly Bill No. 636—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution without the Governor's approval, March 11, 1901.

Assembly Bill No 637—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relative to unlawful interferences with public fire alarms.

Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years, and females, in mines and smelters.

Assembly Bill No. 551—An Act to protect trade and commerce against unlawful restraints and monopolies.

Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Assembly Bill No 423—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Assembly Bill No. 233—An Act to provide for the promotion and protection of the public health and safety in cities; to create, authorize and empower a board of examiners to license corporations or persons to conduct the plumbing business or to work at plumbing in cities having sewer, water, or gas mains; to examine applicants for such license as to their knowledge and qualifications to perform work in connection with house drainage and ventilation, water, steam, gas, and sewer connections; to require ordinances by cities as to sewerage, water and gas connections, and for permits authorizing such connections; also fixing penalties for violation of this Act.

Assembly Bill No 501—An Act relating to the justices' courts in cities and counties of more than two hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor.

Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes.

AMERIGE, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 533—An Act providing for the relief of J H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty ($1,130 00) dollars, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No 355—An Act providing for the relief of J. H Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty ($1,130 00) dollars, and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution, as follows:

Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Folsom State Prison, located at Folsom, Sacramento County, California, have visited the same.

The following members are entitled to mileage for the same, to wit, 44 miles:

| | |
|---|---|
| Olmsted, chairman | $4 40 |
| Carter | 4 40 |
| Barber | 4 40 |
| Bliss | 4 40 |
| McKenney | 4 40 |
| Murphy | 4 40 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S. H. Olmsted, chairman of said committee, for the sum of twenty-six and forty one-hundredths dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BATES, Chairman.

Report adopted.

Resolution read.

Mr. Bates moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Drew, Duryea, Ellis, Foster, Goodrich, Higgins, Houser, John, Johnson, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Wright, and Mr Speaker—58.

NOES—None.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That a session shall be held this evening from seven o'clock and thirty minutes to ten o'clock, and that, commencing on to-morrow, February 18, 1903, the sessions of the Assembly shall be held as follows, viz: From nine o'clock and thirty minutes A. M. to twelve o'clock M; from two o'clock P. M. to four o'clock and thirty minutes P. M.; and from seven o'clock and thirty minutes P. M. to ten o'clock P. M., unless otherwise ordered by the Assembly. And that at evening sessions the third-reading file shall be first considered.

BROWN, Chairman.

Resolution read.

Mr. Brown moved the adoption of the resolution and rule.

Mr. Carter moved to amend the rule by striking out "nine o'clock and thirty minutes A. M." and inserting in lieu thereof "ten A. M."

Amendment lost.

Mr. Drew moved to amend the rule by striking out the word "to-night" and substituting in lieu thereof "to-morrow night."

Mr. Brown accepted the amendment.

The question being on the adoption of the resolution and rule, as amended.

Resolution and rule adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following rule, relating to debate:

Not more than twenty minutes shall be allowed for debating any bill at the same stage, which time shall be divided between those who favor the bill and those who oppose it. The member in charge of the bill shall have the apportionment of the time allowed to the advocates of the bill, and the Speaker shall recognize a member in opposition who shall have the apportionment of the time allowed to the opponents of the bill; *provided*, that the Assembly, by a two-thirds vote, may extend the time, but no roll call shall be allowed upon a motion to extend time.

BROWN, Chairman.

Rule read.

Mr. Brown moved that the rule be printed in the Journal, and consideration go over until Wednesday, February 18, 1903.

So ordered.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds visited the Veterans' Home at Yountville on February 8, 1903. We were shown every courtesy by the painstaking officials in charge, who seemed anxious that the committee should note the conditions of the home. After a close and careful examination, the committee were unanimous in their belief that the home is entitled to all possible aid from the State. We find that the modern new hospital building was constructed with a view of comfort to the unfortunate veterans, and that the directors have made a splendid showing for the $25,000 expended We believe that the additional $25,000 appropriation asked for is necessary, as it will allow the completion and furnishing of the building and the addition of a wing, to be used as a kitchen, dining-room, etc. The directors have also expended $7,000 additional in the building, aside from the State aid, this amount having about exhausted the Post Fund The new hospital will accommodate about 200 patients, and as there is a yearly increase of about ten per cent in hospital patients, the capacity will be fully taxed. The present hospital building will be used as barracks.

On the 910 acres of land there are 55 buildings, lighted by electricity, and with steam heating, water, and sewerage systems complete in every particular, and everything requisite for the care, comfort, health and amusement of its inhabitants.

There are 861 members in the home, and the average sick list for the past year has been 145, while the death rate is about 60. There are three large storage reservoirs on the grounds, with a combined capacity of about 12,000,000 gallons. The recapitulation of the Secretary shows the following:

| | |
|---|---|
| Cost of 910 acres land, comprising home grounds | $17,750 |
| " " 55 buildings, comprising home | 160,225 |
| " " permanent improvements | 80,247 |
| " " furniture and fittings of building | 53,277 |
| " " farming implements and livestock | 9,650 |
| Making total cost of real and personal property deeded to the State of California of | $321,149 |

The home is compelled to hold in reserve numerous applications for admittance, on account of the lack of accommodations.

At present many of the members have their sleeping quarters in the second story of a building in which the engine-rooms are located underneath. The danger of fire is apparent, and doubly so for reason that the engine-room floors are of wood. It is proposed with the additional appropriation asked for to erect and construct a new power plant and fire-proof building and to demolish the old structure, which is in bad shape. The barracks will be removed to the present hospital quarters.

Although not strictly within the province of your committee, we visited and inquired into the various departments of the home, and found but little complaint as to management. One complaint, however, which should be attended to, to the satisfaction of the members, is that no milk or sugar is placed upon the tables. This is especially a hardship on evenings when only rice or mush, with bread, butter and tea, is served. Another complaint is that scarcely enough blankets are given for such cold weather as we have been having lately. The canteen, as now run, is better than at any time since its introduction, yet a somewhat stricter enforcement of its rules might be adopted It is not at the canteen, however, that the troubles occur. In spite of the protest of those in charge of the home, the authorities of Napa County continue to license saloons at the very gates, over which the officers have no control. Many of the veterans while in the army contracted the drink habit to a greater or less extent, and while it is contended by the doctors at the home that a certain amount of stimulants is necessary, we think the canteen is amply sufficient to meet the case and we deprecate the action of the authorities in that respect.

BARNES, Chairman.

Ordered printed in the Journal.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No 204—An Act to permit and enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator at the general election in 1904

Also: Assembly Bill No. 397—An Act to allow the people of the State of California, by ballot, to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in deter-

mining the place of residence of any person entitled to vote therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

STANTON, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction, and while in use—have had the same under consideration, and respectfully report the same back without recommendation

PYLE, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 399—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year.

Also: Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Also: Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California, issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Also: Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Also: Assembly Bill No 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

ON WAYS AND MEANS—(MINORITY).

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: A minority of your Committee on Ways and Means, to whom was referred Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines—dissents from the action of the majority reporting said bill favorably, and your minority respectfully recommends that it do not pass.

F. E. DUNLAP.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment and inspection of bake-shops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bake shop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DUNLAP, Chairman.

ON WAYS AND MEANS—(MINORITY).

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR SPEAKER: A minority of your Committee on Ways and Means, to whom was referred Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment and inspection of bake-shops, kitchens and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bake-shop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions—dissents from the action of the majority reporting said bill unfavorably, and your minority respectfully recommends that it do pass.

F. E. DUNLAP.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation

Also: Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Also: Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Senate Bill No 67—An Act directing the Sutter's Fort Trustees to make the necessary repairs and improvements to preserve the monument of James W Marshall at Coloma, to pipe water on the grounds and to improve the grounds surrounding the same, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was re-referred Assembly Bill No 221, submit a committee substitute for said bill; the majority of your committee, as undersigned, recommend that said substitute do pass.

WALKER.
PYLE.
BANGS.
AMERIGE.
LUMLEY.

The minority of your committee recommend that said substitute do not pass.

DREW.
JOHNSTONE.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Irrigation: Assembly Bill No. 826 (Committee Substitute for Assembly Bill No. 221)—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

Read first time, and ordered on file as a substitute for Assembly Bill No. 221.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Also: Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOORE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Also: Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts

Also: Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California, by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said code, to be numbered consecutively 1233 and 1234, concerning the dissolution of private corporations.

Also: Senate Bill No 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Also: Assembly Bill No 490—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, providing what persons are competent to serve as executors and what persons are entitled to letters of administration with the will annexed, and in what order they are entitled

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 751—An Act to amend Section 338 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Also: Assembly Bill No 752—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Report the same back, by a majority vote, with the recommendation that they do not pass.

Also: Assembly Bill No. 105—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals—report the same back with the recommendation that the author have leave to withdraw the same

Also: Assembly Bill No 106—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages—report the same back, and by a majority vote recommend that it do pass.

Also: Assembly Bill No. 309—An Act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, hotel-keepers, boarding and lodging-house keepers, for personal property of their guests intrusted to their care.

Also: Assembly Bill No 340—An Act to protect employés and guarantee their rights to belong to labor organizations.

Also: Assembly Bill No 741—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies," approved March 23, 1901.

Also: Senate Bill No 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Report the same back, with the recommendation that they do not pass.

Also: Assembly Bill No. 598—An Act to add a new section to the Penal Code, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code—report the same back and by a majority vote recommend that it do pass.

Also: Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art"—report the same back with the recommendation that it do pass

Also: Assembly Bill No. 757—An Act to add a new section to the Civil Code of the State of California, under Title II, Part II thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Also: Assembly Bill No. 16—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1402 thereof, relating to the disposition of and succession to community property.

Also: Assembly Bill No. 17—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 1401 thereof, relating to community property.

Report the same back, and by a majority vote recommend that it do pass.

Also: Assembly Bill No 108—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California—report the same back, with one amendment, and by a majority vote recommend its passage as amended.

Also: Assembly Bill No 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 534—An Act to amend Section 274 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and of an Act amendatory thereof entitled "An Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article, and section of said Part I, and substitute a new Part I to take the place thereof in said code, relating to courts of justice and various officers connected therewith," approved April 1, 1880, fixing the status of official reporters of Superior Courts, providing for their compensation, and the mode of payment thereof.

Also: Assembly Bill No. 453—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by adding a new section thereto, to be numbered 54½, relating to the eligibility and qualifications of court reporters or official reporters of the Superior Courts of this State.

Also: Assembly Bill No. 53—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 141½, relating to the appointment, qualifications, duties, and fees to be collected for the county for services rendered by the official reporter of each Superior Court of each county of this State.

Also: Assembly Bill No 51—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Also: Assembly Bill No. 39—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, relative to qualifications of shorthand reporters, and the appointment of a commission for such purpose.

Also: Assembly Bill No. 452—An Act to amend Section 58 of the Political Code, relating to the qualifications and eligibility of officers.

Also: Assembly Bill No 213—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an Act amendatory thereof, approved March 23, 1901, by adding thereto a new section, to be called Section 234¼, declaring official reporters of the Superior Courts to be county officers of the respective counties, fixing their terms of office, and providing for their compensation and the mode of payment thereof.

Report the same back, with the recommendation that they do not pass.

JOHNSON, Chairman.

Assembly Bill No. 105 withdrawn by author.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 816.

So ordered.

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art."

Read second time.

Mr. Johnson moved that Assembly Bill No. 816 be made a special order for Thursday, February 19, 1903, immediately after the reading of the Journal.

So ordered.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 10—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863—have had the same under consideration, and respectfully report the same back without recommendation.

GOODRICH, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 728—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

TRANSUE, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 639—An Act to provide for the classification of Supervisors in counties of the fifteenth class, where they are not now classified, so that not all of them shall go out of office at the same time.

Also: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 658—An Act to amend Subdivision 2 of Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases—have had the same under consideration, and respectfully report the same back, with recommendation that the author be permitted to withdraw the same.

Also: Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 19 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the thirty-seventh class.

Also: Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the forty-fourth class

Also: Assembly Bill No. 664—An Act entitled "An Act establishing and declaring the population of the counties of the State of California"

Also: Assembly Bill No. 631—An Act to provide for the payment by the State, counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Also: Assembly Bill No 723—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class.

Also: Assembly Bill No. 718—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 162 thereof.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WALSH, Chairman.

Assembly Bill No. 658 passed on file.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. King: Assembly Bill No. 827—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to

extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States, approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

By Mr. McKenney: Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Soward: Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Read first time, and referred to Committee on Judiciary.

By Mr. Weger: Assembly Bill No. 830—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property and fixing a time when defective certificates of acknowledgment shall become valid.

Read first time, and referred to Committee on Judiciary.

By Mr. Houser (by request): Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Dougherty: Assembly Joint Resolution No. 12—Relative to an increase in the limit of packages of third and fourth class matter, described under the United States postal laws as provided by an Act of Congress, approved June 8, 1896.

Read first time, and referred to Committee on Federal Relations.

By Mr. Finn: Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr Gleeson: Assembly Bill No. 833—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Killingsworth: Assembly Bill No. 834—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 328, relating to lost or destroyed certificates of stock of a corporation.

Read first time, and referred to Committee on Judiciary.

By Mr. John: Assembly Bill No. 835—An Act to amend Section 1989 of the Code of Civil Procedure of the State of California, relating to the attendance of witnesses.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 836—An Act to quiet title to lands heretofore sold to the State of California for delinquent taxes.

Read first time, and referred to Committee on Judiciary.

By Mr. Black: Assembly Bill No. 837—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. McMahon. Assembly Bill No. 841—An Act providing for the labeling or stamping by the manufacturer, vender, or person offering for sale any article of hotel, boarding or lodging-house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Wright: Assembly Bill No. 842—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Prescott:

ASSEMBLY CONCURRENT RESOLUTION No. 8.

*Resolved by the Assembly, the Senate concurring*, That the Senate and Assembly meet in joint session in the Assembly chamber at eight o'clock P. M February 23d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it further

*Resolved*, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, said committees to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expense to be paid equally by the Assembly and Senate out of their contingent funds, said expense not to exceed $100 in the aggregate.

Resolution read.

Mr. Prescott moved the adoption of the resolution.

The question being on the adoption of the resolution.
Resolution adopted.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W B. Waldron against the State of California upon a judgment recovered in an action entitled "W B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Also Assembly Bill No 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento

Also: Assembly Bill No 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.

Also Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Also: Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the twenty-fifth day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Also: Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs The State of California."

Also: Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book No. 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,625 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador on the 6th day of December, 1902, in an action in said court, numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Qurolo, plaintiff, vs State of California, defendant.

Also: Assembly Bill No 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter, for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No 19 of Department Two of said Superior Court, page 391.

Also: Assembly Bill No 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California, upon judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California

Also: Assembly Bill No 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing

suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333

Also: Assembly Bill No 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29

Also: Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Also: Assembly Bill No 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T Laird vs. The State of California."

Also: Assembly Bill No 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book 1, at page 570, in the Superior Court of the County of Placer.

Also: Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A Forster against the State of California, upon a judgment recovered in an action entitled "M. A. Forster vs The State of California," in the Superior Court of the County of Orange.

Also: Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps

Also: Assembly Bill No 597—An Act making an appropriation to pay a judgment for the sum of $3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Report the same back, with the recommendation that each of the same do pass as amended.

JOHNSON, Chairman.

SECOND-READING FILE.

Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 815 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, Knight, Leminger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin,

McMahon, McMartin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—68.

NOES—None.

Assembly Bill No. 815 read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 815.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 815 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 815 read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—67.

NOES—None.

Title read and approved.

RESOLUTIONS.

By Mr. Wanzer:

*Resolved*, That Thomas G. Walker be and he is hereby appointed Assistant Minute Clerk of the Assembly, at the same per diem as paid such officers, such per diem to commence from and including February 10, 1903; and the Controller is authorized to draw his warrant in favor of said Walker for such services, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Resolution read and referred to Committee on Attachés and Employés.

By Mr. Brown:

WHEREAS, The Committee on State Prisons and Reformatory Institutions of the Assembly, after a partial investigation, have reported to the Assembly that certain abuses exist in the State prisons at San Quentin and Folsom, and a majority have recommended the appointment of a select committee to thoroughly investigate the said prisons; and

WHEREAS, It appears from said report that the administration of said prisons is inefficient, and that the system and methods of discipline are, in many instances, inhuman and cruel, and in need of immediate improvement and reform; now, therefore, be it

*Resolved*, That a select committee of seven (7) members of the Assembly be appointed by the Speaker to immediately and fully investigate the administration and condition

of both of said State prisons; the methods of discipline and punishment used therein, and any and all charges that may be made against the officers thereof; and to report its findings to this House; and that said committee have full power to subpœna witnesses, administer oaths, take testimony, send for persons, books and papers; that a clerk, stenographer, and sergeant-at-arms be assigned to said committee, and that it have leave to sit at San Quentin and Folsom prisons, and at the City and County of San Francisco, during the session of the Assembly, together with such other powers as shall be necessary for full performance of its duties, and to report fully and as speedily as possible to the Assembly with such recommendations as to necessary legislation and rules and regulations for the conduct and management of said prisons as it may deem necessary.

Resolution read.

Mr. Brown moved that the resolution be considered at the same time that the Assembly considers the report of the Committee on State Prisons and Reformatory Institutions.

So ordered.

LEAVE OF ABSENCE.

Mr. Dunlap was granted leave of absence until two o'clock P. M.

RESOLUTION.

By Mr. Dorsey:

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to purchase for the use of the committees named below, the number of copies of each book set opposite the name of each committee, the same to be paid for out of the Contingent Fund of the Assembly:

For Committee on Corporations, 9 copies of Son on California Corporations.

For Committee on County and Township Governments, 13 copies of Henning's County Government (2d edition).

For Committee on Municipal Corporations, 7 copies of Finlayson's Street Laws of California.

Resolution read.

Mr. Dorsey moved the adoption of the resolution.

Messrs. Mattos, Pann, and Barber demanded the ayes and noes.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, John, Johnstone, Kerrigan, King, Knight, Lewis of Riverside, McConnell, McKenney, McLaughlin, McMartin, Moore, Olmsted, Prescott, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Weger, and Wright—51.

NOES—Messrs Brown, Foster, Kelso, Killingsworth, Leininger, Mattos, McNeil, Mott, Murphy, Pann, Pyle, Stansell, Walker, Waste, and Mr. Speaker—15.

MOTION.

Mr. Carter moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 27 was passed on February 16th be continued until to-morrow.

So ordered.

RESOLUTION.

By Mr. Waste:

Resolution relative to a bill pending in the Congress of the United States establishing a library post.

WHEREAS, A bill on library post has been introduced in Congress by Honorable Henry Cabot Lodge and Honorable G. P. Lawrence whereby books from libraries supported wholly or in part by taxation, or tax exemption, may pass through the mails at one cent a pound—rates now granted to newspapers and magazines; and

WHEREAS, Said bill has the approval and support of many library, educational and other bodies and persons in California and throughout the United States, and said bill

is believed to be important and necessary to effective, economic. and progressive library administration;

*Resolved*, That the Legislature of California hereby commends said bill to the earnest and immediate support of its Senators and Representatives in Congress.

Resolution read.

Mr. Waste moved the adoption of the resolution.

Resolution adopted.

MOTION TO RECONSIDER.

Mr. Boisson moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 244 was on yesterday passed.

Mr Lewis of Riverside moved that the motion lay on the table.

The question being, "Shall the motion lay on the table?"

The ayes and noes were demanded by Messrs. Johnson, Prescott, and Susman.

The roll was called, and the motion to lay on the table lost by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Drew, Foster, Goodrich, Greer, Houser, Johnson, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Mattos, McConnell, McLaughlin, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Walker, Walsh, Waste, and Wright—33.

NOES—Messrs. Allen, Bangs, Barber, Baxter, Boisson, Covert, Dougherty, Dunlap, Ells, Finn, Gleeson, Higgins, Howard, John, Kerrigan, Killingsworth, Lewis of San Francisco, Lumley, Mahany, McKenney, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Weger, and Mr. Speaker—36.

The question now recurring to the motion to reconsider.

The ayes and noes were demanded by Messrs. Camp, John, and Lewis of Riverside.

The roll was called.

CALL OF THE HOUSE.

Pending announcement, at eleven o'clock and four minutes A. M., Mr. Boisson moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—77.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twelve minutes A. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs Allen, Bangs, Barber, Baxter, Boisson, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Duryea, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Howard, John, Kerrigan, Killingsworth, Lewis of San Francisco, Lumley, McConnell, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Wanzer, Weger, and Mr. Speaker—42.

NOES—Messrs Amerige, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Drew, Foster, Greer, Houser, Johnson, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Mattos, McCartney, McKenney, McLaughlin, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Walker, Walsh, Waste, and Wright—34.

On motion of Mr. Lewis of Riverside, Assembly Bill No. 244 passed on file.

SPECIAL ORDERS.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 72, as follows:

Add after the word "violence," in line eighteen, page two of the printed bill, the words "or threats thereof."

Pending the consideration of the motion to appoint a select committee, Mr. Johnson moved that the further consideration of the bill be continued until two o'clock P. M.

So ordered.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Johnson, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Mr. Copus was granted leave of absence until two o'clock P. M. of Wednesday, February 18, 1903.

UNFINISHED BUSINESS.

Further consideration of Assembly Bill No. 72, pending at the hour of recess.

The question being, "Shall a select committee of one be appointed to amend the bill?"

The ayes and noes were demanded by Messrs. Copus, Finn, and Dunbar.

The roll was called, and the motion to appoint a select committee carried by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Cromwell, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Houser, Howard, Johnson, Johnstone, Kelso, King, Knight, Lewis of Riverside, McCartney, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Steadman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—46.

NOES—Messrs. Bangs, Barber, Baxter, Boisson, Copus, Covert, Dorsey, Dougherty, Dunbar, Finn, Gleeson, Higgins, John, Kerrigan, Killingsworth, Leininger, Lumley, Mahany, Mattos, McConnell, McMahon, McMartin, Murphy, Rolley, Siskron, Snyder, Susman, Walsh, and Weger—29.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and

employés in the State of California—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and all Acts amendatory thereof, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel—and was presented to the Governor, February 17, 1903, at one o'clock and ten minutes P. M.

Also: Report that the following bills have been correctly engrossed:

Assembly Bill No. 104—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Assembly Bill No. 667—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

AMERIGE, Chairman.

MOTION.

Mr. Carter moved that the special order for two o'clock P. M. of this day, the consideration of the reports of the Committee on State Prisons and Reformatory Institutions, be continued until to-morrow at ten o'clock A. M.

So ordered.

RESOLUTION.

By Committee on State Prisons and Reformatory Institutions:

WHEREAS, John Shaughnessy of San Francisco was asked to appear before the committee on State Prisons and Reformatory Institutions at a meeting held in Sacramento for the purpose of inquiring into the use of the strait-jacket at San Quentin and Folsom prisons; therefore be it

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of John Shaughnessy for the sum of $10 to pay the expenses incurred by him in attending said meeting, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

OLMSTED, Chairman.

Mr. Olmsted moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—64.

NOES—Mr. Baxter—1.

At three o'clock and fifteen minutes P. M., the Speaker called Mr. Allen to the chair.

SPECIAL FILE OF SENATE BILLS.

Senate Bills Nos. 310, 118, 87, 95, and 68 passed on file.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ellis, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—58.

NOES—None.

Title read and approved.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, and Wright—61.

NOES—Mr. Dougherty—1.

Title read and approved.

Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

Read second time.

Mr. Knight submitted the following amendment:

Amend by striking out section one of printed bill and inserting in lieu thereof the following:

"SECTION 1. On or after July 1st, 1903, it shall be unlawful for any person to engage in the practice of steam engineering, unless he shall have obtained a certificate hereinafter provided, except that engineers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of not more than five flats, boilers under the jurisdiction of the United States, boilers of not more than four horsepower, thrashing engines, and boilers used for heating purposes exclusively, and dredgers, and reclamation district pumping plants, and engineers running hoists at river steamboat landings, and all engineers working on pumping plants up to fifty horsepower need not procure such certificate; *provided*, that this exception shall not apply to water pumping plants when the pumped water is to be used for power."

On motion of Mr. Olmsted, passed on file, pending amendment.

Mr. Knight moved that proposed amendment be printed in the Journal.

So ordered.

Senate Bill No. 239—An Act to amend Section 2653 of the Political Code, relating to duties of Supervisors respecting roads.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Black, Boisson, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Houser, Howard, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Wanzer, and Waste—46.

NOES—Messrs Burgess, Dougherty, Walker, Weger, and Wright—5.

Title read and approved.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McConnell, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—58.

NOES—Mr. Mahany—1.

Title read and approved.

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Senate Bill No. 51, as follows:

Amend by striking out all after the figure "2," in lines one and two of section two, and inserting in lieu thereof the following: "This Act shall take effect and be in force from and after first Monday in January, 1907."

Mr. Carter moved that Senate Bill No. 51 be re-referred to Committee on Banks and Banking.

At three o'clock and forty-seven minutes P. M., Speaker Fisk in the chair.

The question being on the motion to re-refer to Committee on Banks and Banking.

The ayes and noes were demanded by Messrs. Johnson, Carter, and John.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Baxter, Bliss, Carter, Covert, Dorsey, Dunbar, Duryea, Finn, Higgins, John, Johnson, Kerrigan, Killingsworth, Mahany, McMahon, McMartin, Murphy, Siskron, Snyder, Stanton, Traber, Transue, Walsh, Wanzer, and Weger—26.

NOES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Boisson, Brown, Burgess, Camp, Cromwell, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Houser, Howard, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Susman, Walker, Waste, Wright, and Mr. Speaker—50.

The question recurring on the motion to appoint a select committee of one.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Dougherty, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—65.

NOES—Messrs. Baxter, Carter, Covert, Dorsey, Drew, Duryea, John, Johnson, Walsh, and Weger—10.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building, and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Assembly Bill No. 232—An Act to appropriate the sum of two thousand ($2,000) dollars to pay for stationery, fuel, lighting and other necessary supplies, for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

And were presented to the Governor February 17, 1903, at three o'clock and fifteen minutes P. M.

AMERIGE, Chairman.

MESSAGE FROM THE GOVERNOR.

Mr. Bliss moved that the Assembly do now consider message from the Governor.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 17, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal incorporations of the sixth class.

Also: Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office.

Also: Assembly Bill No. 483—An Act to appropriate the sum of $1,200, to pay for repairs to the Capitol building and furniture.

Also: Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

GEORGE C. PARDEE,
Governor of the State of California.

ADJOURNMENT.

At four o'clock and sixteen minutes P. M., on motion of Mr. Prescott, the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 18, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bates, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Monday, February 16, 1903, was read, corrected, and approved.

STATEMENT.

By Mr. Wright:

MR. SPEAKER: I protest against my vote being recorded in favor of Mr. Johnson's amendment to Assembly Bill No. 72, page twenty, Journal of February 17. I have at all times been opposed to any amendments to this bill, and voted "No" on said amendment, and my vote should have been so recorded.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Assembly Bill No 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Assembly Bill No. 568—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prisons at San Quentin and at Folsom.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment, or surrender of rights, powers, privileges, and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

Assembly Bill No. 141—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice of attorneys and counselors at law, in the courts of the State of California.

Assembly Bill No. 421—An Act to regulate the times of payment by employers of compensation of their employés, and to repeal all conflicting or inconsistent Acts and provisions.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California

Assembly Bill No 513—An Act creating the office of Public Defender in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Assembly Bill No. 496—An Act to amend Section 130 of the Civil Code, relating to divorce.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

AMERIGE, Chairman.

SPECIAL ORDERS.

Majority and minority reports of Committee on State Prisons and Reformatory Institutions, on motion of Mr. Carter, made special order for Tuesday, February 17, 1903, at two o'clock P. M.

Continued to Wednesday, February 18, 1903, at ten o'clock A. M.

Also, Mr. Brown's resolution.

Mr. Carter moved that the Assembly do now consider the reports of the Committee on State Prisons and Reformatory Institutions, and Mr. Brown's resolution.

So ordered.

Mr. Olmsted moved the adoption of the majority report.

Mr. Carter moved to amend as follows: That the minority report of the committee be adopted.

MOTION.

Mr. Brown moved that further consideration of the reports of the Committee on State Prisons and Reformatory Institutions be continued until two o'clock P. M.

So ordered.

LEAVE OF ABSENCE.

Mr. Pann was granted leave of absence until two o'clock P. M. of this day.

COMMITTEE ON EXERCISES FOR WASHINGTON'S BIRTHDAY.

The Speaker announced the appointment of the following committee, in accordance with the provisions of Assembly Concurrent Resolution No. 8, passed February 17, 1903: Messrs. Prescott, Higgins, and McConnell.

REPORT OF STANDING COMMITTEES.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Also: Assembly Bill No 620—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal Schools Trustees.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MATTOS, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 809—An Act to protect the public health of the State, and to prevent the sale of poultry until the same has been properly prepared—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FOSTER, Chairman.

ON AGRICULTURE

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 801—An Act to prevent the use of adulterants in the manufacture of beer in lieu of hops, and providing for the amount of hops to be used in each barrel of beer so manufactured—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

McNEIL, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No. 799—An Act to amend Section 498 of the Civil Code of the State of California, relating to the sale or mortgage of real property by benevolent corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ALLEN, Chairman.

MOTION.

Mr. McMartin moved that Senate Bill No. 616 be made a special order for eleven o'clock and fifteen minutes A.M., Friday, February 20, 1903.

So ordered.

RECESS.

At twelve o'clock M., the Speaker declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

Further consideration of special order—the reports of the Committee on State Prisons and Reformatory Institutions and Mr. Brown's resolution—pending at the hour of recess.

The question being on the adoption of the amendment.

Amendment lost.

The question now recurring on the adoption of the majority report.

Report adopted.

RESOLUTION.

WHEREAS, The Committee on State Prisons and Reformatory Institutions of the Assembly, after a partial investigation, have reported to the Assembly that certain abuses exist in the State prisons at San Quentin and Folsom, and a majority have recommended the appointment of a select committee to thoroughly investigate the said prisons; and

WHEREAS, It appears from said report that the administration of said prisons is inefficient, and that the system and methods of discipline are, in many instances, inhuman and cruel, and in need of immediate improvement and reform; now, therefore, be it

*Resolved*, That a select committee of seven (7) members of the Assembly be appointed by the Speaker to immediately and fully investigate the administration and condition of both of said State prisons; the methods of discipline and punishment used therein, and any and all charges that may be made against the officers thereof; and to report its findings to this House, and that said committee have full power to subpœna witnesses, administer oaths, take testimony, send for persons, books and papers; that a clerk, stenographer, and sergeant-at-arms be assigned to said committee, and that it have leave to sit at San Quentin and Folsom prisons, and at the City and County of San Francisco, during the session of the Assembly, together with such other powers as shall be necessary for full performance of its duties, and to report fully and as speedily as possible to the Assembly, with such recommendations as to necessary legislation, and rules and regulations for the conduct and management of said prisons, as it may deem necessary.

Resolution read.

Mr. Brown moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—Messrs. Carter, Houser, and Johnstone—3.

SECOND-READING FILE.

Assembly Bills Nos. 154 and 11 passed on file.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out of line two, section three, page two of the printed bill, the word "semi-annually," and inserting in lieu thereof the word "annually."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line eight, section six, page three of the printed bill, after the word "office," the words "and shall be civilly liable on his official bond for all damages to mine owners resulting from such acts."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of lines seven and eight, section eight, page three of the printed bill, the words "five thousand dollars," and the figures "$5,000.00," and inserting in lieu thereof the words "ten thousand dollars ($10,000.00)."

Amendment adopted.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 30.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 30 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment and inspection of bake-shops, kitchens and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bake-shop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

AMERIGE, Chairman

MOTION.

Mr. Mott moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 27 was on Monday, February 16th, passed.

Mr. Carter moved that the motion lay on the table.

So ordered.

INTRODUCTION AND REFERENCE OF JOINT RESOLUTIONS.

By Mr. Prescott:

ASSEMBLY JOINT RESOLUTION NO. 13.

Relative to admission of Chinese into the Philippines.

WHEREAS, The annual report of the Philippine Commission to the War Department recommends: That an amendment be made to the Chinese Exclusion Act, giving the power to the Government by law to admit a fixed and limited number of Chinamen into the Philippine Islands, who are certified to be skilled laborers, on the bond of the employer that for every Chinese skilled laborer employed he will employ a Filipino apprentice, and that he will return the Chinese skilled laborer thus introduced within five years after his admission to the country, and that he shall pay a head tax of not exceeding $50 for each Chinaman so admitted to the Insular Government, to meet the expenses of the enforcement of these restrictions; and,

WHEREAS, The commission admits that unlimited admission of Chinese would be unwise; and

WHEREAS, The duty of the United States to the Philippines is to institute there the liberty, energy, enlightenment, and progress of American governmental methods and

American civilization and American mechanics, and not to increase Chinese methods, measures or mestizos; now, therefore, be it

*Resolved by the Assembly and Senate of California, jointly*, That we instruct our Senators to co-operate with our Representatives, who are earnestly requested to preserve the Chinese Exclusion Act in its entirety, and especially to make its provisions apply to the Philippine Archipelago; and be it

*Resolved*, That a copy of these resolutions be transmitted to each of our members in Congress, and to the Speaker of the House of Representatives and to the President of the Senate.

Referred to Committee on Federal Relations.

By Mr. Waste:

ASSEMBLY JOINT RESOLUTION No. 14.

Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California.

WHEREAS, The Secretary of the Interior, through the United States Land Commissioner at Washington, has directed the United States Surveyor-General at San Francisco to transfer the "Spanish archives" from San Francisco to Washington; and

WHEREAS, These archives embrace the records of the Spanish land-grants which form the basis of most of the California land titles, military reports, records of the early missions, proceedings of the alcalde courts, and a vast number of valuable manuscripts bearing upon the government and the people of early California under Spanish and Mexican rule, dating back to 1769, and are now, and have been long an element in important litigation in California; and

WHEREAS, Congress by the Act of May 18, 1858, recognized the local importance of the archives by placing the books and manuscripts in charge of the Federal Office for the District of California; and

WHEREAS, By reason of the importance of these books and documents in relation to the land titles of the State of California; by reason of the hardship that will result in many land matters in causing litigants and attorneys to go to Washington; and by reason of their peculiar historical and literary value it is inexpedient and unwise to have the same transferred as contemplated; be it

*Resolved*, That the Legislature of California request the authorities at Washington to reconsider their action in ordering the transfer of the Spanish archives from San Francisco to Washington, and further requests the Senators and Representatives in Congress from California to use their best endeavors to secure such reconsideration.

*Resolved further*, That we urge said Senators and Representatives to secure an actual transfer of said Spanish archives from the National Government to the State of California, to the end that the same may be deposited in either the State Library at Sacramento or in the Library of the University of California at Berkeley, and thus retain their proper relation to the State of California.

Referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

Mr. McCartney moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 17, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 808—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act," which became a law under constitutional provision, without Governor's approval, March 11, 1899—and respectfully ask the concurrence of your honorable body in said amendments.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 808—An Act to amend Section 3 of an Act for the protection of horticulture, and to prevent the introduction into the State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

The following Senate amendments were submitted:

SENATE AMENDMENT No. 1.

Amend the title by adding after the word "Act" in the last line the following: "which became a law under constitutional provision, without Governor's approval, March 11, 1899"

SENATE AMENDMENT No. 2.

Amend as follows: By striking out of section one, line one, the words "is amended to read as follows:" and inserting the following: "of an Act entitled 'An Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to forest or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act,' which became a law under constitutional provision, without the Governor's approval, March 11th, 1899, is hereby amended so as to read as follows."

Mr. Greer moved that the Assembly do now concur in the Senate amendments to Assembly Bill No. 808.

The question being, "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnstone, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—61

NOES—None

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Committee Substitute for Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce—and respectfully ask the adoption of the same by your honorable body.

Also: Amended, and adopted as amended, Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art—and respectfully ask the concurrence of your honorable body in said amendments.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No 33

An Act to amend the Civil Code by adding two new sections thereto to be numbered one hundred thirty-one and one hundred thirty two, to title one of part one, chapter two, article three, relating to actions for divorce.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

Section 1. The Civil Code of California is hereby amended by adding two new sections to title one, part one, chapter two, article three, to be numbered sections one hundred thirty-one and one hundred thirty-two, to read as follows:

131. In actions for divorce the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce and from such interlocutory judgment an appeal may be taken within six months after its entry, in the same manner and with like effect as if the judgment were final

132. When one year has expired after the entry of such interlocutory judgment, the court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment, or motion for a new trial made, final judgment

shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

SEC. 2 All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Read first time, and passed temporarily.

At two o'clock and forty-five minutes P. M., the Speaker called Mr. Knight to the chair.

ASSEMBLY JOINT RESOLUTION NO. 3.

Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art

WHEREAS, A bill (H R. 14,443) has been introduced in both houses of Congress for the establishment of a National Conservatory of Music and Art at the National Capital at Washington, D. C., with subsidiary branches in the cities of San Francisco, Chicago, and New York; and

WHEREAS, The establishment of such a conservatory is of vital importance to the future welfare of the youth of America; therefore be it

*Resolved*, That we, the members of the Legislature of the State of California, in body assembled, do hereby memorialize and request our Representatives in Congress and instruct our Senators to urge upon their respective houses of Congress the advancement, promotion, and passage of the bill now before their respective bodies for the establishment of a National Conservatory of Music and Art by the National Government, and further that a copy of this memorial be forwarded to each and every Representative in Congress and to the Senators of the United States.

The following Senate amendment was submitted:

SENATE COMMITTEE AMENDMENT.

Amend by striking out the words "and instruct our Senators" in lines three and four first page, printed bill

Mr. Fisk moved that the Assembly do now concur in the Senate amendment.

The question being, "Shall the Assembly concur in the Senate amendment?"

Amendment concurred in.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Senate Bill No 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Senate Bill No. 302—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Senate Bill No. 76—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 302—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol building and furniture to be used during the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copies of the records of the same.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 76—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read first time, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners

Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Chas. F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 391—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violations of Acts for prevention of cruelty to children.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlement of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of $1,856.78 on bond of the State of California, No. 592, issued July 9, 1858.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

F. J. BRANDON, Secretary of the Senate.

Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violation of Acts for prevention of cruelty to children.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlement of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Read first time, and referred to Committee on Education.

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor for the sum of $1,856.78, on bond of the State of California, number 592, issued July 9, 1858.

Read first time.

Mr. Johnson moved that Senate Bill No. 349 be placed on the Senate special file without reference to committee.

So ordered.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Read first time, and referred to Committee on Judiciary.

Mr. Higgins moved that Senate Bill No. 372 be placed on the Senate special file without reference to committee, the same being identical with Assembly Bill No. 568.

So ordered.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Adopted substitute for Senate Concurrent Resolution No. 6—Relative to appointment of committee to receive the President of the United States upon his visit to California.

Also: Assembly Concurrent Resolution No 8—Relative to the appropriate observance of the anniversary of Washington's birthday—and in accordance therewith appointed Senators Rowell, Belshaw, and Knowland to act with a like committee from your honorable body.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read first time, and referred to Committee on Judiciary.

SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

Relative to appointment of committee to receive the President of the United States upon his visit to California.

WHEREAS, The President of the United States, Theodore Roosevelt, intends visiting the State of California during the month of April of this year; and

WHEREAS, It is fitting and proper that the State of California should extend a proper official welcome to him and his party; therefore, be it

*Resolved by the Senate, the Assembly concurring*, That a committee of fifteen members of the Legislature, to consist of the President and the President pro tempore and five members of the Senate to be appointed by the President of the Senate; the Speaker and Speaker pro tempore of the Assembly, and six members of the Assembly to be appointed by the Speaker of the Assembly, be named to act as a joint committee of the Legislature to receive the President of the United States and those who will accompany him, when they shall reach the State line on their entrance into the State of California, in order to extend to the distinguished visitors proper official welcome The sum of three thousand dollars, or so much as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate and one half from the Contingent Fund of the Assembly, for defraying the expense of such reception, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary.

Resolution read, and ordered placed on the Senate special file without reference to committee.

Assembly Concurrent Resolution No. 8—Relating to the observance of the birthday of George Washington.

Ordered to engrossment.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due and owing the said F Phillips from the State of California

Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy, and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901

Senate Joint Resolution No. 7—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

Senate Joint Resolution No. 8—Relating to the purchasing and making free, by the United States Government, of the toll roads over the Yosemite National Park, in the State of California.

F. J. BRANDON, Secretary of the Senate.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read first time.

Mr. Olmsted moved that Senate Bill No. 88 be placed on the Senate special file without reference to committee, the same being identical with Assembly Bill No. 104.

So ordered.

Senate Bill No. 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy, and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901.

Read first time, and referred to Committee on Judiciary.

Senate Joint Resolution No. 7—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

Referred to Committee on Federal Relations.

Senate Joint Resolution No. 8—Relating to the purchasing and making free, by the United States Government, of the toll roads over the Yosemite National Park, in the State of California.

Referred to Committee on Federal Relations.

MOTION.

Mr. McCartney moved that the Assembly do now consider Senate Committee Substitute for Assembly Bill No. 33.

So ordered.

RESOLUTION.

By Mr. McCartney:

*Resolved*, That Senate Substitute for Assembly Bill No. 33 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. McCartney moved the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Drew, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Senate Committee Substitute for Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read second time.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Wright—56.

NOES—Mr. Weger—1.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors—report the same back, and recommend that it do pass

Also: Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday--report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 351—An Act to amend Section 1143 of the Penal Code of the State of California, relating to the fees of jurors serving in criminal cases in the Superior Courts of the State of California and providing a limitation on the amount of money that each juror may draw in any one year—report the same back, with six amendments, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No 337—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict therewith, and providing a penalty for the violation of the provisions thereof—report the same back, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No. 770—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges—report the same back, with one amendment, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No. 265—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, relating to the selection of grand jurors and trial jurors.

Also: Assembly Bill No. 266—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 339*a*, relating to the statute of limitations as to the time of the commencement of action upon contracts, obligations, or liabilities not founded upon an instrument in writing executed out of the State.

Also: Assembly Bill No. 267—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to an action upon any contract, obligation, or liability, founded upon an instrument in writing executed in this State.

Report the same back, and, by a majority vote, recommend that they do not pass.

JOHNSON, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Also: Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

DUNLAP, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 327—An Act to repeal Section 1543 of the Political Code, relating to education—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 579—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Also: Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MATTOS, Chairman

ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 149—An Act to prohibit prize-fighting and for the control of sparring exhibitions, and to prohibit betting or stakeholding upon any fight or sparring exhibition—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 657—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school house—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 782—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in the State.

Also: Assembly Bill No. 634—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, to prevent the sale or exchange of intoxicating liquors of any character for anything but lawful money of the United States, and providing a penalty therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BARBER, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 818—An Act to appropriate money to be expended by the Regents of the University of California, through the Departments of Agriculture and Chemistry, in making experiments leading to the destruction of certain animal pests—have had the same under consideration, and a majority respectfully report the same back, and recommend that it do not pass.

McNEIL, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 773—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use—have had the same under consideration, and respectfully report the same back without recommendation.

WALKER, Chairman.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the name of William Dunlevy be stricken from roll of attachés, and that of George Lovegrove be substituted in place thereof, at the same per diem.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLACK, Chairman.

Resolution read.

Mr. Black moved the adoption of the resolution.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That the State Printer be and he is hereby directed to have all bills, and other printed matter, delivered to the Sergeant-at-Arms of the Assembly before the hour of eight o'clock A. M on each legislative day; and be it further

*Resolved*, That the Bill Clerks be required to report for duty not later than eight o'clock A. M., and be required to have copies of bills, histories, journals, files, etc, distributed on the desks of members at least a half hour before the hour for the meeting of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be amended by striking therefrom the word "Clerks," in line four, and inserting in place thereof the word "Filers"; also, striking out the word "bills" and the word "etc." in line five; also, adding to said resolution the following: "except Senate files, which they may retain until 12 M."; and said committee recommend that it be adopted as so amended.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

Mr. Black moved the adoption of the resolution as amended.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That R L. Thomas be and he is hereby appointed Assistant Clerk at the desk, regardless of membership patronage, to be under the instruction of the Chief Clerk of the Assembly, to act as Reading Clerk, at the same per diem as the other Assistant Clerks at the desk, said per diem to be payable out of the Contingent Fund of the Assem-

bly, and the State Controller is hereby directed to draw his warrant in favor of said Thomas for said per diem, and the State Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That Thomas G. Walker be and he is hereby appointed Assistant Minute Clerk of the Assembly, at the same per diem as paid such officers, such per diem to commence from and include February 10, 1903, and the Controller is authorized to draw his warrant in favor of said Walker for such services, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BLACK, Chairman.

Mr. Black moved the adoption of the resolution.

The ayes and noes were demanded by Messrs. Dougherty, Baxter, and Soward.

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

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Cromwell, Dorsey, Drew, Duryea, Ells, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—54.

NOES—Messrs. Carter, Covert, Dougherty, Finn, and Weger—5.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That for and by reason of services rendered the Assembly by George Ashley as a Porter at the request of the Sergeant-at-Arms during and since the organization of the Assembly, January 5th to February 6th, both inclusive, thirty-three days at three dollars per day, he, the said George Ashley, is hereby entitled to the sum of ninety-nine dollars ($99.00), and the Controller is hereby directed to draw his warrant for said amount in favor of said George Ashley, payable out of the appropriation for the contingent expenses of the Assembly.

The said George Ashley has served as head Porter of the Assembly for four terms in succession, therefore he is well and favorably known, and recognized by many of the members now composing this honorable and distinguished body of legislators as having been, and is now, a faithful and vigilant attaché in the minute performance of every detail duty; and at every session for the last four terms in succession he has had the indorsement of the Sergeant-at-Arms.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

At three o'clock and thirty-two minutes P. M., Speaker Fisk in the chair.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR SPEAKER: Your Committee on State Hospitals and Asylums have visited the following State hospitals, to wit: The Veterans' Home at Yountville, the Napa State Hospital, the California Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, and do report as follows:

We visited the Veterans' Home at Yountville, and found an institution which is the home of 861 former soldiers of the United States. It is a small-sized town, having 65 different buildings. It was organized and built up by a private organization, and then presented to the State. For support, the General Government pays $100 per year for each soldier, which is supplemented by legislative appropriations

Since acquiring the property, the State has given for permanent improvements $25,000. This amount was appropriated two years ago, and with it a hospital has been built which is a credit to the State and to the financial ability of the management.

Your committee has not seen at any institution visited so good a showing as this for the money expended. It is still unfinished and unfurnished. The plans call for another wing, containing kitchen and dining-rooms, and should be built, as the building is several hundred feet from the kitchen of the home. The appropriation for furnishing should also be granted, as there are constantly in the hospital nearly 200 old soldiers, and the present hospital facilities are very inadequate. They are crowded into an old building, the second floor of which is used for barracks, which cannot be done and safely treat surgical cases. The home is lighted with electricity, and largely heated with steam; and the additional room makes it imperative that they have more power, which was inadequate before.

The home is most excellently managed, the discipline perfect, the soldiers well fed and clothed, and express themselves as contented. We bespeak for them generous treatment, for it will not be long that they will be with us, and while they are they should be carefully cared for.

At the California Home for the Care and Training of Feeble-Minded Children your committee found 561 inmates. We were told by the Medical Superintendent that there are now more than 300 waiting for admission, who can not at present be accommodated because of the crowded condition of the home Here we devoted about three hours in the evening and until about half-past two o'clock P. M. of the following day in earnest effort to perform the duties imposed upon us

On every hand it is apparent to the most casual observer that culpable neglect has attended the administration of the affairs of this institution.

From information obtained, we feel satisfied that, for some time past, the business methods of the administrative officers of this home have been lax in the extreme.

We are pleased to report that order is being restored in administrative methods, and that the future of the institution looks brighter.

The needs of the home, which are many and varied, are beyond the financial ability of the State at this time to satisfy in their entirety. The condition of the toilets and lavatories at this institution are such as we might expect to find in a Chinese colony, but hardly such as are to be looked for in an institution fostered by the State of California.

The floor of the laundry has been permitted to rot away, and pieces of tin, iron, and oilcloth are used to keep the laundry hands from standing in mud. These are but samples of conditions at the home.

At this institution we found the employés of the State uniformly courteous, the various departments as neat and the inmates as well cared for as the existing conditions of the institution will permit.

The committee had before them for consideration Assembly Bills Nos. 559, 560, 561, 562, 563, 564, and 697—carrying appropriations aggregating $141,000 for this institution.

The action taken by your committee on these measures is shown in report heretofore submitted.

At the Mendocino State Hospital your committee found every portion of the building scrupulously neat, the patients well cared for, and all attendants faithful to their duties. The bright, sunny dormitories at this hospital are noticeable features Here there are about 600 patients at the present time. The yard in which the patients exercise is large and so located as to get the full benefit of the morning sun.

The surroundings about this hospital are such that a few additions to the touch of nature by the hand of art will easily make the grounds about this institution the most beautiful of those of any public grounds in the State.

The action of your committee on the bills relative to this hospital is shown by report heretofore submitted.

At the Napa State Hospital are about 1,530 patients receiving care and treatment. Here your committee found attendants courteous and faithful. In the departments visited by your committee neatness marked everything The patients are well taken care of. During the time your committee were at this hospital the rain fell so incessantly as to prevent our driving over the land, provision for the purchase of which is made by Assembly Bill No 462

The action taken by your committee on the bills relating to this hospital is shown by reports heretofore submitted

CROMWELL, Chairman.

Ordered printed in the Journal.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 656—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State Prisons," approved March 27, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

OLMSTED, Chairman.

SPECIAL FILE—SENATE BILLS.

Senate Bills Nos. 310 and 318 passed on file.

Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duryea, Ellis, Finn, Foster, Goodrich, Hart, Houser, Howard, John, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, McCartney, McKenney, McLaughlin, McMahon, McMartin, Murphy, Olmsted, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Wanzer, Waste, Weger, Wright, and Mr Speaker—51.

NOES—Messrs. Dougherty, Greer, Moore, Mott, and Walsh—5

Title read and approved.

Senate Bills Nos. 95 and 68 passed on file.

Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Mr. Soward moved to strike out the enacting clause.

The question being, "Shall the Assembly strike out the enacting clause?"

The ayes and noes were demanded by Messrs. Soward, Baxter, and Lewis of Riverside.

The roll was called and the motion to strike out the enacting clause carried by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ellis, Finn, Foster, Greer, Howard, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Waste, Weger, and Mr Speaker—51.

NOES—Messrs. Allen, Gleeson, Goodrich, Hart, Higgins, Johnson, Killingsworth, Knight, Lumley, Mattos, McConnell, Mott, Olmsted, Pann, Snyder, Walsh, Wanzer, and Wright—18.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Howard for the day.

At four o'clock and five minutes P. M., the Speaker called Mr. Brown to the chair.

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aërated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Copus, Cromwell, Drew, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley,

McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walsh, Wanzer, Waste, and Wright—52.

NOES—Messrs. Amerige, Black, Covert, Dougherty, Dunbar, Johnstone, Leininger, Traber, Walker, and Weger—10.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 252 was this day passed.

LEAVE OF ABSENCE.

Mr. Foster moved that Mr. Pyle be granted leave of absence until Saturday, February 21, 1903.

So ordered.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, and Waste—57.

NOES—Messrs. Covert, Dunbar, Traber, and Weger—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Waste gave notice that he would on next legislative day move a reconsideration of the vote whereby the enacting clause of Senate Bill No. 62 was this day stricken out.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Walsh: Assembly Bill No. 843—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Read first time, and referred to Committee on Judiciary.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin,

McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, Weger, and Wright—67.
NOES—None.

Title read and approved.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointments of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

On motion of Mr. Johnson, passed on file.

Senate Bill No. 241—An Act to amend Sections 293 and 298 of the Political Code, relating to the State Library.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—62.
NOES—Mr. Dougherty—1.

Title read and approved.

At four o'clock and thirty minutes P. M., the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Dorsey: Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells where the same are abandoned or operations are ceased therein, for the pur-

pose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Read first time, and referred to Committee on Mines and Mining Interests.

PRIVILEGES OF THE HOUSE.

Mr. Steadman moved that the privileges of the floor be extended to the Hon. C. F. Lacey, an ex-member of the Assembly.

So ordered.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Duryea: Assembly Bill No. 845—An Act to amend Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

Read first time, and referred to Committee on Counties and County Boundaries.

THIRD-READING FILE.

Assembly Bills Nos. 131, 264, and 544, and Committee Substitute for Assembly Bill No. 133, passed on file.

Assembly Bill No. 247 withdrawn by author.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 3, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two of said Act, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury," in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 5.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus the State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No 19 of Department One of said Superior Court, at page 392—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 5, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury," in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend said Act by striking out all of section three, and in lieu thereof inserting the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the Board of Examiners."

AMENDMENT No. 5.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 346, as follows:

AMENDMENT NO. 1.

Amend section one of said Act by adding the following: "*provided, however,* that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT NO. 2.

Amend section two of said Act, as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California"—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 347, as follows:

AMENDMENT NO. 1.

Amend section one of said Act by adding the following: "*provided, however,* that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT NO. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California"—with instructions, does now report that the instructions of the Assembly have been carried out

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 480, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury" in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend section three of said Act, as follows: Strike out the word "treasury" in line one, section three, page two, printed bill, and in lieu thereof insert the following: the word "Treasurer"

AMENDMENT No. 5.

Amend said Act as follows: Strike out all of section four, and in lieu thereof insert the following:

"SEC. 4. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners"

AMENDMENT No 6.

Amend said Act by adding thereto a new section, to be numbered section five, as follows: "SEC. 5. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, *Committee.*

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 476, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 4, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury" in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend section three of said Act as follows: Strike out the word "treasury" in line one, section three, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 5.

Amend said Act as follows: Strike out all of section four, and in lieu thereof insert the following:

"SEC. 4. This Act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 6.

Amend said Act by adding thereto a new section, to be numbered section five, as follows:

"SEC. 5. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 477, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest"

AMENDMENT No. 3.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately"

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 85 passed on file.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 373, as follows:

AMENDMENT No. 1.

Immediately after the title of said Act, and preceding section one thereof, insert the following words: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

AMENDMENT No. 2.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 3.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 4.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 390, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 400, as follows:

AMENDMENT No. 1

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. the State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 364, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 365, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor therein, or such creditor's successor in interest."

AMENDMENT No 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 365—*An Act to appropriate $45 to pay the claim of W. L. Wood against the State of* California upon a judgment recovered in an action entitled "W. L. Wood against The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 469, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury" in line two, section two, page two, printed bill, and in lieu thereof insert the word "Treasurer."

AMENDMENT No. 4.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 5.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California,

on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 494, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 425, as follows:

AMENDMENT No. 1.

Amend by adding to section one of said Act the following: "*provided however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury" in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend section three of said Act as follows: Strike out the word "treasury" in line two, section three, page two, printed bill, and in lieu thereof insert the word "Treasurer"

AMENDMENT No. 5.

Amend said Act as follows: Strike out all of section four, and in lieu thereof insert the following:

"SEC. 4. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the Board of Examiners."

AMENDMENT No. 6.

Amend said Act by adding thereto a new section, to be numbered section five, as follows:

"SEC. 5. This Act shall take effect immediately"

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 552, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, vs. The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 420, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act, as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No 3.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature enti-

tled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 479, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend section two of said Act as follows: Strike out the word "treasury," in line two, section two, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 4.

Amend section three of said Act as follows: Strike out the word "treasury," in line one, section three, page two of printed bill, and insert the word "Treasurer" in lieu thereof.

AMENDMENT No. 5.

Amend said Act, as follows: Strike out all of section four, and in lieu thereof insert the following:

"SEC. 4. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 6.

Amend said Act by adding thereto a new section, to be numbered section five, as follows: "SEC. 5. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claims of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The

State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 507, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act, as follows: Strike out all of section three and in lieu thereof insert the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend section two of said Act as follows: After the word "warrant," in line two of said section two, insert the words "upon the State Treasurer."

AMENDMENT No. 5.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 394 passed on file temporarily.

Assembly Bills Nos. 103 and 118 passed on file.

Assembly Bill No. 45 passed on file temporarily.

Assembly Bill No. 565 (Committee Substitute for Assembly Bill No. 190)—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

Read third time.

Mr. Wright moved that a select committee of one be appointed to amend Assembly Bill No. 565 (Committee Substitute for Assembly Bill No. 190), as follows:

Strike out all of section one, printed bill, and insert in lieu thereof the following:

SECTION 1. On or after July first, 1903, it shall be unlawful for any person to engage in the practice of steam engineering, unless he shall have obtained a certificate hereinafter provided, except that engineers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of not more than five flats, boilers under the jurisdiction of the United States, boilers of not more than four horsepower, thresh-

ing engines, and boilers used for heating purposes exclusively, and dredgers and reclamation district pumping plants, and engineers running hoists at mines and river steamboat landings, and engineers on donkey and bull engines used in lumber camps, and all engineers working on pumping plants up to fifty horsepower need not procure such certificates; *provided*, that this exception shall not apply to water pumping plants when the pumped water is to be used for power

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

Mr. Waste moved that Assembly Bill No. 565 be passed on file.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Higgins, Johnson, Mott, Waste, and Mr. Speaker—6.
NOES—Messrs Bangs, Barnes, Bates, Black, Boisson, Brown, Burgess, Covert, Dougherty, Dunbar, Duryea, Finn, Greer, Kerrigan, King, Leininger, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Wanzer, and Wright—36.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wright gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 565 was this day refused passage.

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 7, 1889.

Read third time.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 474, as follows:

Strike out all of section one of said bill, and insert in lieu thereof the following:
"SECTION 1. Section six of an Act entitled 'An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof,' approved March 7, 1889, is hereby amended so as to read as follows:"
Also: In line twenty, page two of printed bill, strike out the words "and fifty."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 474—*An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof,"* approved March 7, 1889—with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 37 passed on file temporarily.

Assembly Bills Nos. 389 and 388 passed on file.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Brown, Burgess, Copus, Dougherty, Dunbar, Duryea, Finn, Greer, Higgins, Johnson, Kerrigan, Knight, Leininger, Mahany,

Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Read third time, and passed on file, pending amendment.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Boisson, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Dunbar, Duryea, Hart, Higgins, Johnson, Kerrigan, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Rolley, Siskron, Soward, Steadman, Susman, Walker, Wanzer, Waste, Wright, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Read third time.

Mr. Mott moved that a select committee of one be appointed to amend Assembly Bill No. 514, as follows:

Amend by inserting after the number "56," line five, page one, printed bill, the following: "except as otherwise provided in this Act."

Also: By inserting after the word "constable," line twelve, page one, printed bill, the following: "and except in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be two justices of the peace."

Also: By striking out of line thirteen, page one, printed bill, the words "six thousand (6,000)" and insert in lieu thereof the following: "seven thousand (7,000)."

Also: By inserting after the word constable, line seventeen, page two, printed bill, the following: "and shall appoint competent persons to fill the offices of Justice of the Peace and Constable created by this Act. But the provisions of this section shall not affect any present incumbent of the office of Justice of the Peace or Constable."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

Assembly Bill No. 514 passed on file.

Assembly Bills Nos. 380 and 104 passed on file.

Assembly Bill No. 334 passed on file temporarily.

Assembly Bill No. 245 passed on file.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Boisson, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Dunbar, Duryea, Finn, Greer, Hart, Higgins, Johnson, Kerrigan, King, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McConnell,

McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Siskron, Snyder, Soward, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—46.
NOES—Mr. Rolley—1.

Title read and approved.

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Read third time.

Mr. Soward moved that a select committee of one be appointed to amend Assembly Bill No. 49, as follows:

AMENDMENT No. 1.

Insert on page two, in line eleven, between the words "clerk" and "the," the following: "Such deputy county clerk may be a woman."

AMENDMENT No. 2.

On page two, between lines twenty and twenty-one, insert the following: "*provided further*, that the county clerk in counties of this class may also, with the consent of the superior judge of such county, appoint a deputy, who shall have the qualifications now prescribed, or hereafter to be prescribed, for stenographers of the superior court. Said deputy clerk need not be a resident of the county where appointed, and a woman may hold the position. Such deputy clerk shall be the official reporter of the superior court of such county, where such county has no official reporter, and shall hold office during the pleasure of such county clerk and superior judge. Such deputy county clerk shall receive a salary of one thousand dollars per annum, payable monthly from and after his or her appointment and qualification, out of the county treasury, in the same manner that the salaries of county officers are now paid, and also his or her actual traveling expenses when reporting outside the county seat as such deputy county clerk, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury from any funds not otherwise appropriated. The above compensation is to be in full payment for all services performed by such deputy clerk, and he or she shall therefor, under the direction of said superior court, report all proceedings thereof, and when directed by such court, transcribe the same into longhand, and also at the request of the district attorney, shall report preliminary examinations and transcribe the same into longhand when requested so to do by the district attorney. Such deputy clerk shall collect from litigants the fees now chargeable by law for shorthand reporting and transcribing for all services performed by him or her as such official reporter and thereupon pay the same into the county treasury of such county. This Act, in so far as it relates to such deputy, his or her appointment, qualification, compensation, or duties, shall take effect immediately after its passage."

AMENDMENT No. 3.

Strike out, on page three, all of lines sixty-five to seventy-eight, inclusive.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class—with instructions, does now report that the instructions of the Assembly have been carried out.

SOWARD, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Read third time.

Passed on file.

Assembly Bill No. 352 passed on file, pending amendments.

MOTION.

Mr. Drew moved that the Assembly do now consider Assembly Bill No. 37.

So ordered.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-book, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 37, as follows:

AMENDMENT No. 1.

Amend by striking out of printed bill the entire title and inserting in lieu thereof the following:

An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books; authorizing said committee, subject to approval of the State Board of Education, to revise, compile, and manufacture school-text books, prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of State school text-books; granting powers, subject to the approval of the State Board of Education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book

or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State school-book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of State school text-books.

AMENDMENT No. 2.

Amend by striking out the words "two hundred" in line eighty-three, fourth page, printed bill, and inserting in lieu thereof the following: "one hundred and sixty-five."

AMENDMENT No. 3.

Amend by striking out the words "at least five years," in line two hundred and two, seventh page, printed bill.

AMENDMENT No. 4.

Amend by striking out the words "the President of the State Board of Education be chosen one of the members of said committee," in lines twelve and thirteen, second page, printed bill, and inserting in lieu thereof the following: "the President of said State Board of Education and the Superintendent of Public Instruction, the Secretary of said State Board, be chosen members of said committee."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-book, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State school-book fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Copus, Dougherty, Drew, Dunbar, Duryea, Finn, Foster, Greer, Hart, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—Mr. Bangs—1.

Title read and approved.

Assembly Bill No. 45—An Act to prohibit the misuse of cocaine, opium, or morphine.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Hart, Higgins, John, Johnson, Killingsworth, King, Knight, Leininger, Lumley, McConnell, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walsh, Wanzer, Waste, Weger, and Wright—48.

NOES—Messrs. Finn, Kerrigan, Mahany, McMahon, Murphy, and Walker—6.

Title read and approved.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Hart, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—55.

NOES—None.

Title read and approved.

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Read third time.

Mr. Dougherty moved that a select committee of one be appointed to amend Assembly Bill No. 352, as follows:

AMENDMENT NO. 1.

Amend the title by striking out the following: "of Article XIII" in the title.

AMENDMENT NO. 2.

Strike out in line two of printed bill the following: "of Article XIII."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries—with instructions, does now report that the instructions of the Assembly have been carried out.

DOUGHERTY, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 60—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative bodies of any incorporated city and county, city, town, or other municipality, to obtain the necessary information from any corporation, company, or person supplying such municipality with gas, electricity, or other illuminating light, used either for lighting, power, or fuel, and to enable them to regulate the charges therefor, and providing for regulating the charges therefor by such municipal authorities.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Hart, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Mahany, Mattos, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Steadman, Susman, Walker, Walsh, Weger, and Wright—44.
NOES—Messrs. Bates, Foster, Lumley, Mott, Snyder, and Waste—6.

Title read and approved.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Hart, Higgins, Houser, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Mahany, Mattos, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Waste, and Weger—47.
NOES—Messrs. Covert and Lumley—2.

Title read and approved.

At nine o'clock and twenty-five minutes P. M., the Speaker called Mr. Rolley to the chair.

Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Hart, Higgins, Houser, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Steadman, Susman, Walker, Walsh, Waste, Weger, and Wright—50.
NOES—None.

Title read and approved.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for the care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Greer, Higgins, Houser, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Wright—51.
NOES—None.

Title read and approved.

Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Higgins, Houser, John, Johnson, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—50.

NOES—None.

Title read and approved.

Assembly Bill No. 345 passed on file.

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Burgess, Copus, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Greer, John. Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Wright—46.

NOES—None

Title read and approved.

Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunlap, Duryea, Finn, Foster, Greer, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Susman, Walker, Walsh, Wanzer, Waste, and Wright—48.

NOES—None

Title read and approved.

Assembly Bill No. 432—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Covert, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Greer, Higgins, Houser, John, Johnson, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—Messrs. Copus, Dougherty, Kerrigan, and Mahany—4.

Title read and approved.

At nine o'clock and fifty-one minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of

Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 148 as follows:

ADJOURNMENT.

Pending the consideration of Assembly Bill No. 148, at ten o'clock P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 19, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Olmsted, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, February 17, 1903, was read, corrected, and approved.

PETITIONS.

Mr. Greer presented the following petition from the Board of Supervisors of Sacramento County, which was ordered printed in the Journal:

SACRAMENTO, CAL., February 7, 1903.

HON. W. W. GREER:

DEAR SIR: WHEREAS, Owing to the passage of an Act at the session of the California Legislature of 1901, the revenues of the Sacramento County government were decimated to the extent of between $30,000 and $40,000 per year, owing to the curtailment of the powers

of the Boards of Supervisors in completely shutting off the collection of licenses from mercantile and other business establishments in the City of Sacramento;

WHEREAS, It is found necessary to provide for said deficiency by direct taxation, thereby greatly increasing the tax levy; and

WHEREAS, There has been introduced in the Assembly by Assemblymen Johnson of Sacramento County and Lewis of Riverside, bills repealing said law and restoring to the Board of Supervisors their former powers; therefore, be it

*Resolved*, That this Board of Supervisors indorse said bills, and urge on our representatives in the Legislature to use all honorable means to further the passage of said bills.

Respectfully,

MORRIS BROOKE.
L. B. KELLER, Clerk of the Board.

Mr. Johnson presented the following petition from merchants and business men of Sacramento, which was ordered printed in the Journal:

SACRAMENTO, CAL., February 13, 1903.

*HON. GROVE L. JOHNSON, Assembly Chamber, Sacramento, California.*

DEAR SIR: It has come to the knowledge of the undersigned merchants and business men of Sacramento City that an effort is being made to repeal Section 3366 of the Political Code of this State, relative to license taxes, and we understand that you are the author of Assembly Bill No 97, having that object in view; but we are led to believe that you have introduced this measure by request of some person not a resident of this city and interested only in matters outside of the City of Sacramento

If you will investigate the matter you will find that when Section 3366 of the Political Code was enacted, whereby Boards of Supervisors were deprived of the power to fix and cause the collection of license taxes in cities, the Board of Trustees of this city promptly took up the matter of increasing the licenses in the city, even to an amount in excess of that which had previously been collected by both the county and city combined, the result being that the legitimate business enterprises of this city have been compelled to pay excessive taxation upon their business. Should the section of the Political Code referred to be repealed, the result would be that the county would at once impose again the former license tax on the merchants of the city, while the city would continue the present rate, thus making the burden of license taxes absolutely unbearable in the City of Sacramento. We therefore feel that the law, as it now stands, should be left undisturbed.

It is generally supposed that the regulation referred to is intended for the purpose of reaching the retail liquor traffic, but in its effect this would not be the case, for, although it is true that they would be paying a portion of the additional licenses imposed, such portion would be small compared to that which would be paid by the business houses of the city who make this a commercial center Furthermore, this increased license taxation on the business interests of the city would be largely for the benefit of property outside of the city, much of which is owned by people abundantly able to pay their just proportion of taxes. We, therefore, respectfully request you to carefully consider this matter, and, if at all consistent with your duty as an Assemblyman, to abandon Assembly Bill No 97, and allow the Political Code provision to stand as it now is.

In the hope that you can and will accomplish this, we remain,

Respectfully,

Mebius & Drescher Co., by P. C. Drescher, president; Phœnix Milling Company, by F. Kohler, secretary; Mohr & Yoerk Packing Co, by L. B. Mohr; Kirk, Geary & Co., A A. Van Voorhies & Co; Nat Bank of D. O. Mills & Co, by Frank Miller president; Hall, Luhrs & Co., Baker & Hamilton, by R. P. Burr; Wood, Curtis & Co., Ennis-Brown Co., Henderson & Longton, Earl Fruit Co., by Geo. B. Katzenstein, manager; W. P. Fuller Co., by Chas R. Root, manager; Porter Brothers Company, by H. M Ellis, manager; J N. Blair & Co., by J. N. Blair; Adams-Booth Co, by F. B. A; W R Knights Company (incorporated), by W. D. K.; Lindley & Company, by D. A. Lindley, president; Holbrook, Merrill & Stetson, by E M. Wight; Hale Bros. & Co, Locke & Lavenson, Thomson-Diggs Co., by C. K. Burton, manager; The A. S. Hopkins Co., by J. C Cotton, cashier; Curtis, Carmichael & Brand Co; The Schaw Batcher Co., by William Schaw, president; Shasta Water Co, by W A. Washburn; D. Johnston & Co., The Chas. P. Nathan Co., Wasserman, Kaufman & Co., John Breuner Co, John T. Stoll Co, Sperry Flour Co, The Hallifax Bros. Co, Waterhouse & Lester, by S M. Taber; B Wilson & Co, Gus Lavenson, H. S Crocker Co., California State Bank, by Geo. W. Peltier; California Winery, by Fred W. Kiesel, general manager; Weinstock, Lubin & Co., by H. Weinstock, president; and W. F. Knox.

## REPORTS OF STANDING COMMITTEES.

### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 695—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Assembly Bill No 640—An Act to prohibit the sale of pools and the conducting of poolrooms, where bets or wagers are made, or received, on horse races or other contests, and providing penalties for violation of provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

BARBER, Chairman

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California and providing for the payment of such appropriation—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Ways and Means.

JOHN, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 714—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893

Also. Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Also. Assembly Bill No 788—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 458—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to salaries of city officials and boards of trustees—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

McLAUGHLIN, Chairman.

ON PUBLIC PRINTING

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Assembly Bill No 753—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors, in counties cities, cities and counties, or towns.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Joint Resolution No. 11—Relating to new method of printing amended bills so that the amended portions will be discernible at sight—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same

HIGGINS, Chairman

Assembly Joint Resolution No. 11 withdrawn by author.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

MATTOS, Chairman.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No 760—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize, and supply, and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Also: Assembly Bill No 742—An Act providing for the payment to the California United States Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the Medical Examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Senate Committee Substitute for Senate Bills Nos. 261, 307, and 317—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and we do further recommend that Assembly Bill No. 678, on the same subject, be withdrawn.

KING, Chairman.

Assembly Bill No. 678 withdrawn by author.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Assembly Bill No. 454—An Act to appropriate the sum of $2218.50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey, from the State of California, have had the same under consideration, and respectfully report the same back, and recommend that it do pass

Also: Assembly Bill No 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor

Also: Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Also: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L McCarthy against the State of California

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Senate Bill No 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same

Also: Assembly Bill No 500—An Act to appropriate money for the support of aged persons in indigent circumstances.

Also: Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Also: Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor

Also: Assembly Bill No 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Also: Assembly Bill No. 595—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

CONSIDERATION OF ASSEMBLY BILL No 75.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 75.

So ordered.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Heretofore read second time.

Mr. Johnson submitted the following amendments:

AMENDMENT No. 1.

Strike out all after the enacting clause, and insert as follows, viz :

SECTION 1. The State Board of Examiners are hereby empowered to enter into contracts with the Director of the United States Geological Survey for the purpose of making topographic maps, to the extent of twenty thousand dollars, also for the purpose of gauging streams, surveying reservoir sites and canal locations, for the conservation and utilization of the flood or storm waters of the State, to the extent of fifteen thousand dollars; *provided*, no work of the nature heretofore stated shall be done where the same will interfere with water already appropriated or in reservoirs or now in use for irrigation or domestic purposes under the laws of this State; also with the Chief of the Bureau of Forestry of the Department of Agriculture for the purpose of studying the forest resources of the State and their proper conservation, and especially with a view of formulating a proper State forestry policy, to the extent of fifteen thousand dollars; also, with the Director of the Office of Experiment Stations of the Department of Agriculture for the purpose of ascertaining the best methods of distributing and using the water, to the extent of ten thousand dollars; *provided, however*, that these expenditures for such purposes shall not be in excess of the amounts to be expended by the various departments of the Federal government in collaboration with the specific work named above; *and provided further*, that in case any of the departments of the Federal Government above mentioned do not contribute these funds for said co-operation, that the State Board of Examiners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any of the departments of the Federal Government for the expenditure of said remaining balance; *and provided further*, that said last-mentioned expenditure for such purpose shall not be in excess of the amount to be expended by that department of the Federal Government in collaboration with the State.

SEC. 2. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to enter and cross all lands within this State, provided in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any of such persons.

SEC 3. The sum of sixty thousand dollars is hereby appropriated for the purposes specified in this Act, and the Controller of State is hereby authorized and directed to draw warrants upon such fund from time to time, upon the requisition of the State Board of Examiners, and the State Treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-fifth fiscal year, and the remaining one half of said appropriation shall be available in the fifty-sixth fiscal year.

SEC. 4. It is hereby made the duty of the Surveyor-General and the engineer of the Board of Public Works to render any assistance desired by the State Board of Examiners in furtherance of the aims of this Act.

SEC. 5. This Act shall take effect and be enforced on and after July 1, 1903.

Amendment adopted.

AMENDMENT No. 2.

That the title be amended by striking out the words: "appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State."

Amendment adopted.

SPECIAL ORDER SET.

Mr. Johnson moved that Assembly Bill No. 75 be made a special order for Saturday, February 21, 1903, immediately after the reading of the Journal.

So ordered.

Mr. McCartney moved that the Assembly do now consider Assembly Bill No. 33.

So ordered.

Assembly Bill No. 33– An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

The following Senate amendments were submitted.

ACTION ON ASSEMBLY BILL No 33 IN SENATE

Read third time.

Senator Lukens moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out all of section three.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 33, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No 33.

An Act to amend the Civil Code by adding two new sections thereto, to be numbered one hundred thirty-one and one hundred and thirty-two, to title one, of part one, chapter two, article three, relating to actions for divorce

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Civil Code of California is hereby amended by adding two new sections to title one, part one, chapter two, article three, to be numbered sections one hundred thirty-one and one hundred thirty-two, to read as follows:

131 In actions for divorce the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce, and from such interlocutory judgment an appeal may be taken within six months after its entry, in the same manner and with like effect as if the judgment were final.

132 When one year has expired after the entry of such interlocutory judgment, the court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment, or motion for a new trial made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

SEC 2 All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Mr. McCartney moved that the Assembly do now concur in the Senate amendments to Assembly Bill No. 33.

The question being, "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred in the amendments by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess Carter, Copus, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore,

Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.
NOES—Mr. Traber—1.

Assembly Bill No. 33 ordered to enrollment.

Mr. Dunlap moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 252 was yesterday passed.

Mr. Johnson moved to lay the motion on the table.

So ordered.

Mr. Soward moved that the Assembly do now consider the motion to reconsider the vote whereby the enacting clause in Senate Bill No. 62 was on yesterday stricken out.

Mr. Wright moved to make the motion a special order for Tuesday, February 24, 1903, at eleven o'clock A. M.

Mr. Soward moved to lay the motion on the table.

Motion to lay on table carried.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Goodrich (by request): Assembly Bill No. 846—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance incorporations.

Read first time, and referred to Committee on Corporations.

By Mr. Dougherty: Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Read first time, and referred to Committee on Universities.

By Mr. King: Assembly Bill No. 848—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read first time, and referred to Committee on Judiciary.

By Mr. Lewis of Riverside: Assembly Bill No. 849—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial and in hearing the same.

Read first time, and referred to Committee on Judiciary.

By Mr. Camp: Assembly Bill No. 850—An Act to amend Section 10 of an Act to provide for the organization and management of county fire insurance companies.

Read first time, and referred to Committee on Corporations.

By Mr. Johnstone: Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Read first time, and referred to Committee on Education.

By Mr. Hart: Assembly Bill No. 852—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof and for the payment of extra labor employed therein.

Read first time, and referred to Committee on Labor and Capital.

By Mr. McCartney: Assembly Bill No. 854—An Act to amend an Act entitled "An Act to amend Section 61 of the Civil Code, relating to granting of divorces," as approved February 25, 1897.

Read first time, and referred to Committee on Judiciary.

By Mr. Soward: Assembly Bill No. 855—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relative to the compensation of officers of the counties of the fiftieth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Traber: Assembly Bill No. 857—An Act to prevent injury to oil or petroleum bearing strata or formation by the infiltration or intrusion of water therein.

Read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Brown: Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relative to counties of the third class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Killingsworth: Assembly Bill No. 859—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Gleeson: Assembly Bill No. 860—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read first time, and referred to Committee on Labor and Capital.

By Mr. John: Assembly Bill No. 861—An Act to amend Section 1912 of the Political Code of the State of California, relating to the National Guard.

Read first time, and referred to Committee on Military Affairs.

By Mr. Howard: Assembly Bill No. 862—An Act to amend Section 3918 of the Political Code of the State of California, relating to the boundary line between Mendocino and Glenn counties.

Read first time, and referred to Committee on Counties and County Boundaries.

By Mr. McKenney: Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Siskron: Assembly Bill No. 865—An Act to amend Sections 1365 and 1367 of the Political Code, relating to primary elections.

Read first time, and referred to Committee on Election Laws.

By Mr. Snyder: Assembly Bill No. 866—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as the "Nevada County State School," and to make an appropriation therefor.

Read first time, and referred to Committee on Public Buildings and Grounds.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

On motion of Mr. Goodrich, Assembly Bill No. 799 was withdrawn.

On motion of Mr. Goodrich, Assembly Bill No. 751 was substituted on file for Assembly Bill No. 249.

On motion of Mr. Goodrich, Assembly Bill No. 752 was substituted for Assembly Bill No. 253, and Assembly Bill No. 253 withdrawn.

On motion of Mr. Dunlap, Assembly Bill No. 274 was substituted for Assembly Bill No. 464, and Assembly Bill No. 464 withdrawn.

On motion of Mr. Dunlap, Assembly Bill No. 557 was substituted for Assembly Bill No. 465, and Assembly Bill No. 465 withdrawn.

RESOLUTIONS.

By Mr. Drew:

*To the President of the United States, Washington, D. C.:*

The Legislature of California, by this concurrent resolution, recommends the appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission. His high standing in the medical profession, his long and honorable career in public life, his wide knowledge of men and affairs, and reputation for integrity, would make his appointment a compliment to the State, and a guarantee of usefulness on the commission.

*Resolved*, That this recommendation, when signed by the Governor, Lieutenant-Governor, and Speaker of the Assembly, be forwarded by telegraph to the President.

Resolution read.

Mr. Drew moved the adoption of the resolution.

Resolution adopted.

By Mr. Black:

*Resolved*, That the name of C H Mallory be dropped from the roll of attachés of this Assembly, and that the name of Hooker Brown be and the same is hereby placed on said roll as Assistant Bill Filer in the place of said C H. Mallory.

Resolution read.

Mr. Black moved the adoption of the resolution.

Resolution adopted.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following State hospitals in this State, to wit: The Veterans' Home at Yountville, the Napa State Hospital, the Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same and herewith present their bill of expenses as follows:

| | |
|---|---|
| Cromwell | $56 00 |
| Foster | 56 00 |
| McLaughlin | 56 00 |
| King | 56 00 |
| Duryea | 56 00 |
| Leininger | 56 00 |
| Wright | 56 00 |
| Moore | 56 00 |
| Weger | 56 00 |
| Kerrigan | 56 00 |
| Total | $560 00 |

And ask for the adoption of the following:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of F. A. Cromwell, chairman of the Committee on State Hospitals and Asylums, for the sum of $560, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

CROMWELL, Chairman.

Referred to Committee on Mileage.

## ANNOUNCEMENT.

The Speaker announced the following Committee on Prison Investigation: Messrs. Camp, Rolley, Bates, Traber, Soward, Baxter, and Finn.

The introducer of the resolution did not desire to be a member of the committee.

## SPECIAL ORDERS.

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell,

McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

On motion of Mr. Mott, continued until Tuesday, February 24, 1903.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities and towns, and to impose a license tax.

Passed on file, to retain place.

SPECIAL FILE.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto.

Read third time.

Mr. Greer moved that a select committee of one be appointed to amend Assembly Bill No. 297 as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following.

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, for the purpose of putting, as near as possible, the attic and dome of the State capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stair and platform to reach lantern on dome. Twenty-five thousand dollars ($25,000), parcel thereof, to be expended during the fifty-fifth fiscal year, and the remaining twenty-five thousand ($25,000), to be expended during the fifty-sixth fiscal year.

SEC 2. The State Controller is hereby authorized to draw his warrants for the money in this Act appropriated, in favor of the person or persons performing the work under the direction of the Secretary of State, their claims having been allowed by the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

SEC 3. This Act shall take effect and be in force from and after the first day of July, one thousand nine hundred and three.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein and to repair and construct all necessary staircases and approaches thereto—with instructions, does now report that the instructions of the Assembly have been carried out.

GREER, Committee

Report adopted.

Ordered to print and re-engrossment.

Assembly Bills Nos. 1, 367, 524, 583, 320, 570, 489, 357, 359, 361, 360, 362, 363, 404, 422, 423, 558, 621, and 201 passed on file.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Rolley, Siskron, Snyder, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Assembly Bill No. 562 passed on file.

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "its passage" in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "January first, 1904."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "in the power-house of" in lines four and five, section one, first page, printed bill, and inserting in lieu thereof: "and the construction of a new power-house at."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "ten" in line one, section one, first page, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

AMENDMENT No. 4.

Amend title, striking out the words "in the power-house," in line two, first page, printed bill, and inserting in lieu thereof the following: "and the construction of a new power-house."

Amendment adopted.

MOTION.

Mr. King moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 159.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 159 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 158, 560, and 697 passed on file.

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State of California, and appropriating money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Duryea, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr Speaker—60.

NOES—None.

Title read and approved.

Assembly Bill No. 599 passed on file temporarily.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

NOES—None.

Title read and approved.

At eleven o'clock and twelve minutes A. M., the Speaker called Mr. Johnson to the chair.

Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 204—An Act to permit and enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator at the general election in 1904.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Read second time.

The following committee amendment was submitted:

In line five, section five, page two of printed bill, after the word "while," insert the word "temporarily."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Wanzer moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 756.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 756 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

THIRD-READING FILE.

Assembly Bills Nos. 131 and 264 passed on file.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Covert, Finn, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Rolley, Siskron, Snyder, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—50.

NOES—Messrs. Cromwell, Dougherty, and Dunbar—3.

Title read and approved.

Assembly Bills Nos. 3, 5, 346, 347, 480, 476, 4, 477, 85, 373, 390, 400, 364, 365, 469, 494, 425, 552, 420, 479, and 507 passed on file.

Mr. Killingsworth moved to substitute Assembly Bill No. 571, number 151 on the file, for Assembly Bill No. 85, number 74 on the file.

So ordered.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Copus, Covert, Cromwell, Drew, Dunbar, Foster, Goodrich, Greer, Hart, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Weger—48

NOES—Mr. Dougherty—1.

Title read and approved.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Covert, Cromwell, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Weger—54.

NOES—Messrs. Boisson, Dougherty, Finn, John, McMahon, and Snyder—6

Title read and approved.

Assembly Bills Nos. 118, 474 and 37 passed on file.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Hart, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, and Wright—53.

NOES—None

Title read and approved.

Assembly Bill No. 388 passed on file.

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Covert, Cromwell, Dougherty, Drew, Dunbar, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Kelso, Killingsworth, Knight, Leininger, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, and Wright—55.

NOES—None.

Title read and approved.

Assembly Bill No. 514 passed on file temporarily.

Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ellis, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—55.

NOES—Mr. Barber—1.

Title read and approved.

Assembly Bills Nos. 245 and 49 passed on file.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Heretofore read third time.

Mr. Lumley moved that a select committee of one be appointed to amend Assembly Bill No. 310, as follows:

Amend by striking out, in line five, section fifteen hundred and ninety-three, the word "April," and substituting the word "May"; and by striking out, in line thirteen, the word "April," and substituting the word "May."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California—with instructions, does now report that the instructions of the Assembly have been carried out.

LUMLEY, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 352 passed on file.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

Read third time.

Mr. McLaughlin moved that a select committee of one be appointed to amend Assembly Bill No. 345, as follows:

Amend by striking out all of subdivision third, after the word "years" in line twenty: "Many of the grammar grade teachers hold high school certificates from County Boards of Education to prepare pupils for high school work, thus forming a connection between high schools and grammar schools."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

At eleven o'clock and fifty-five minutes A. M., Speaker Fisk in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 389 was on this day passed.

RECESS.

At twelve o'clock M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Moore gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 380 was on this day passed.

MESSAGE FROM THE GOVERNOR.

Mr. Bates moved that the Assembly do now consider messages from the Governor.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 19, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code, relating to the appointment of commissioners of assessment in reclamation districts.

GEO. C. PARDEE,
Governor of the State of California.

MESSAGES FROM THE SENATE.

Mr. Bates moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No 187—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same

Assembly Bill No 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Also: Concurred in Assembly amendments to Senate Bill No. 343—An Act to amend Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 187—An Act to appropriate the sum of $5.487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Ordered to enrollment.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Ordered to enrollment.

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read first time, and referred to Committee on Election Laws.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

Mr. Higgins moved that the Assembly do now consider Assembly Bill No. 599.

So ordered.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out all after the words section three, first page, printed bill, and inserting in lieu thereof the following: "This Act is exempt from the provisions of section six hundred and seventy-two of the Political Code of the State of California."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding a new section, as follows:
"SEC. 4. This Act shall take effect immediately."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 599.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 599 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 2—Resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article XI of the Constitution.

Also: Assembly Constitutional Amendment No. 3—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Section 2 of Article VI, changing the number of Justices of the Supreme Court from six to nine and the number of Departments from two to three; providing that the concurrence of six Justices shall be necessary to pronounce a judgment in bank; abolishing the office of Supreme Court Commissioner, and providing that the Governor shall appoint three additional Justices to hold until their successors are elected and qualified, and that the Legislature may, whenever in its opinion the public welfare will so warrant, reduce the number of Associate Justices to six and the number of departments of the Supreme Court to two.

Also: Assembly Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article II thereof, relating to the gain or loss of residence of voters

Also: Assembly Constitutional Amendment No 13—Proposing to the people of the State of California an amendment to Article II of the Constitution of the State, by amending Section 6 thereof, relating to elections.

Also: Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XX, by adding a new section thereto, to be known as Section No. 22, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

Also: Assembly Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XX, by adding a new section thereto, to be known as Section No. 21, relating to the rights of labor, board of labor, conciliation and arbitration, prohibiting the employment of women and children, prohibiting and regulating the contracting of, and convict labor, the political and commercial control of employés, and the exchange of blacklists, abrogating the right of the Legislature to limit damages in actions on account of death, and empowering the Legislature to provide for the health and safety of employés.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Assembly Constitutional Amendment No. 22—To propose to the people of the State of California an amendment to Article XI, Section 8—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman.

SECOND-READING FILE.

Assembly Bills Nos. 154, 11, 114, 241, 32, 439, 442, 438, and 440 passed on file.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "hunt" and "kill" in line thirteen, first page, printed bill, and inserting in lieu thereof the word "and" between the words "pursue" and "take."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "first day of March" in line seventeen, first page, printed bill, and inserting in lieu thereof the following: "fifteenth day of February."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Mr. Dunlap moved to substitute Assembly Bill No. 376 for Assembly Bill No. 11, the latter withdrawn.

So ordered.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words and figures "five thousand ($5,000 00)" in line one of section one, first page, printed bill, and inserting in lieu thereof the following: "four thousand ($4,000 00)"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words and figures "five thousand ($5,000.00)" in line three, section two, first page, printed bill, and inserting in lieu thereof the following: "four thousand ($4,000.00)."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "four" in line two, section three, printed bill, and in inserting in lieu thereof the word "five."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 376.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 376 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 83, 203, 475, 240, 57, 50, 116, 258, 257, 259, 826, 550, 408, 447, 455, 506, 202, and 177 passed on file.

Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "ten," in line one, section one, printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 344.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 344 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 358, 435, 414, 531, 296, 162, 238, and 229, passed on file.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged land.

Read second time.

Mr. Wright submitted the following amendment:

Strike out the period at the end of printed bill and insert the following: "*provided, however*, that in all cases of sales of land under foreclosure, the court in which the proceedings are pending shall fix a reasonable compensation to be paid to the sheriff making such sale, for his compensation, but in no case to exceed the sum of ten dollars."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a new provision in place of the part omitted, that no supplies of printed or

lithographed, or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed, or will be printed and bound or lithographed, and manufactured in the State of California; and job printing, and lithographing, and advertising, under this section, shall be done in the State of California.

Read second time.

The following amendment was submitted.

Amend by striking out all words after the word "nonpareil," on page twelve, line three hundred and ninety-two of printed bill, down to and including the word "California," on page twelve, line three hundred and ninety-nine of printed bill, and inserting in lieu thereof the following: "No supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published or whose place of business has not been established in the county for one year or more prior to the time for fixing said prices; *provided*, that all job printing and lithographing and bookbinding and blank books and paper ruling and advertising shall be done in the State of California."

Amendment lost.

Ordered to engrossment and third reading.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and passed on file.

Assembly Bill No. 306—An Act to amend Subdivision 13 of Section 7, relating to compensation of the Surveyor and his deputies and draughtsmen in counties of the second class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 401 passed on file temporarily.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

AMENDMENT No. 3.

Amend section two of said Act, as follows: Immediately after the word "hereby," in line one, section two, page two of printed bill, insert the words "authorized and"

Amendment adopted.

AMENDMENT No. 4.

Amend section two of said Act by adding thereto the following: "and the authorization and direction therein contained are hereby excepted from the operation of the provisions of section six hundred and seventy-two of the Political Code of this State."

Amendment adopted.

Assembly Bill No. 607—An Act to appropriate the sum of $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

AMENDMENT No. 3.

Amend said Act as follows: Strike out all of section three, and in lieu thereof insert the following:

"SEC 3 This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

Amendment adopted.

AMENDMENT No. 4.

Amend section two of said Act as follows: After the word "warrant," in line two of said section two, insert the words "upon the State Treasurer."

Amendment adopted.

AMENDMENT No. 5.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4 This Act shall take effect immediately."

Amendment adopted.

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recov-

ered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book No. 1, at page 570, in the Superior Court of the County of Placer.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest"

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 688, 607, 660, and 473.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 688, 607, 660, and 473 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 607—An Act to appropriate the sum of $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Assembly Bill No 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book No. 1, at page 570, in the Superior Court of the County of Placer.

Also: Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

And do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 688, 607, 660, and 473, ordered to print, engrossment, and third reading.

Assembly Bill No. 31 passed on file.

Assembly Bill No. 399, on motion of Mr. Dunlap, re-referred to Committee on Ways and Means.

Mr. Knight moved to substitute Assembly Bill No. 759 for Assembly Bill No. 194.

So ordered.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts. agreements, obligations, debts, liabilities, and assets of every kind and description.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 751—An Act to amend Section 338 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 752—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 611—An Act to amend Sections 2641, 2642, and 2645 of the Political Code of the State of California, and to add a new section to said code, to be known as Section 2644.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 407—An Act to add a new section to the Political Code of the State of California, to be known as Section 4086½, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title by striking out the word "state" in first line and insert in lieu thereof the word "proposed."

Amendment adopted.

AMENDMENT No. 2.

Amend section one, line four, by striking out the word "state" and insert in lieu thereof the word "proposed"; also, amend section two, line five, by striking out the word "state" and inserting the word "proposed"; also, amend section two, line six, by striking out the word "state" and inserting in lieu thereof the word "proposed."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 694.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 694 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 497 passed on file.

Assembly Bill No. 596—An Act to add a new section to the Code of Civil Procedure, to be numbered 1040, providing a method of relieving persons satisfactorily shown to be unable to prepay the same from the necessity of prepaying the fees, costs, charges, and expenses fixed by law or rule of court and incident to actions or special proceedings in courts of justice.

Read second time.

The following committee amendment was submitted:

Amend by striking out all matter following the enacting clause, and inserting as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, which section shall be numbered ten hundred and forty and shall read as follows:

Section 1040. Proceedings must be had to exempt persons from the payment of fees, costs, charges, and expenses fixed by law, or rule of court and incident to actions or special proceedings in courts of justice in manner following:

1. Whenever it is satisfactorily made to appear by the oral statements, under oath, of not less than two credible witnesses, conversant with the facts so stated, to the satisfaction of the judge or justice of any superior court or justice court of this state, before whom any action or special proceeding is pending, that any party thereto is unable to pay the, or any of the said fees, costs, charges, or expenses incident thereto, and fixed by any law of this state or rule of court to be paid or advanced by such party, it shall be the duty of such judge or justice:

(*a*) To forthwith cause the statement of each such witness to be reduced to writing, read over to said witness, and by him corrected and subscribed and sworn to before such judge or justice.

(*b*) To cause said statement to be filed among the papers in said action or proceeding, and thereupon to make an order of the court and enter the same in the minutes thereof and of said action or special proceeding, determining how much, if anything, the said party is able to pay, or advance, towards said fees, costs, charges, or expenses or either; directing said party to pay said sum into court, to be disbursed thereafter, on account of such fees, costs, charges, or expenses, as the same are incurred, or to be returned to said party, as the court may order from time to time; relieving said party from the necessity of paying or advancing any other or further sums on account of said fees, costs, charges or expenses in said action or proceeding, and directing the, and each of the officers of said court, and all other persons subject to its orders in the premises, to do and perform all acts and things for which a fee, charge or expense would otherwise be so demandable from said party, without demanding payment thereof from him; *provided, however*, that said party shall be entitled to demand, have transcribed, and receive from the phonographic reporter, if any, only such transcripts, testimony and proceedings as the court may reasonably determine and order from time to time.

2. The presiding judge, or justice, of any superior court or justice court, and any judge of a superior court or justice of the peace in jurisdictions in which there is no presiding judge or justice, respectively, may, upon similar showing of inability to that required by subdivision one of this section in actions or special proceedings pending, and the filing of said statements, order and direct the clerk of the court of which he is a judge or justice to, and may himself when there is no clerk of said court, receive and file the papers necessary to the commencement of any action or special proceeding in said court and issue all process, writs, and orders therein, without prepayment of any fee, cost, charge or expense otherwise demandable by law or rule of court.

3. Every officer and person performing any service or act for, or conferring any benefit upon any such party pursuant to any such showing or order, or incurring any necessary expense in so doing, otherwise entitled to receive or recover any such fee, charge, cost, or expense, for his own use or benefit, or for that of any of his deputies or appointees shall have a claim therefor against the county or city and county in which said action or proceeding is brought or pending, as the case may be, for the amount thereof; and said claim shall be payable out of the general fund of said county or city and county, and shall be presented, examined, allowed, audited and collected in the same manner as other claims against said county, or city and county.

4. The county or city and county shall have a claim against said party for the aggregate amount of all such fees, costs, charges and expenses not paid by him, and a preferred lien upon any judgment or property, or both, recovered or received by him in said action or proceeding; and costs may be taxed in said action as though the same had been paid originally by said party.

5. The judge or justice of the peace who shall have made any such order as is hereinabove provided for may, for cause, and on notice of not less than two days, at any time, revoke, modify or rescind the same.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 559, 462, 561, 563, 617, and 7 passed on file.

Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Read second time.

Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Read second time.

MOTION.

Mr. Camp moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 610 and 69.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 610 and 69 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 610—An Act making an appropriation of $52 40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno,

California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Also: Assembly Bill No 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians,' approved May 3, 1852.

And do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 610 and 69, ordered to engrossment and third reading.

Assembly Bill No. 166 passed on file.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read second time.

MOTION.

Mr. McNeil moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 227.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 227 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Read second time.

MOTION.

Mr. McNeil moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 647.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 647 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 647—An Act to pay the claim of George Williams against the State of California—and do now report the same back and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

SPECIAL FILE—SENATE BILLS.

Senate Bills Nos. 310, 118, 95, and 68 passed on file.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expense may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Camp, Carter, Covert, Cromwell, Dorsey, Dunbar, Duryea, Ellis, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Weger, Wright, and Mr. Speaker—50.

NOES—Messrs. Brown, Burgess, Drew, Mattos, McConnell, and Snyder—6.

Title read and approved.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read second time, and ordered to third reading.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read second time, and ordered to third reading.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of $1,130 and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Read second time, and ordered to third reading.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Read second time, and ordered to third reading.

Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 67.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 67 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers or warehousemen.

Read second time, and ordered to third reading.

Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Read second time, and ordered to third reading.

Senate Bill No. 27 passed on file.

At three o'clock and fifteen minutes P. M., the Speaker called Mr. Brown to the chair.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Read second time, and ordered to third reading.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read second time, and ordered to third reading.

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for $1.856.78, on bond of the State of California, number 592, issued July 9, 1858.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Senate Bill No. 349.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Senate Bill No. 349 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 349—An Act to pay the claim of H W Sitton, and to make an appropriation therefor, for $1,856.78, on bond of the State of California, number 592, issued July 9, 1858—and do now report the same back, and recommend that the same do pass.

BROWN, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 508 passed on file.

SENATE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

Relative to appointment of committee to receive the President of the United States upon his visit to California.

WHEREAS, The President of the United States, Theodore Roosevelt, intends visiting the State of California during the month of April of this year; and

WHEREAS, It is fitting and proper that the State of California should extend a proper official welcome to him and his party; therefore, be it

*Resolved by the Senate, the Assembly concurring*, That a committee of fifteen members of the Legislature, to consist of the President and the President pro tempore and five members of the Senate to be appointed by the President of the Senate; the Speaker and Speaker pro tempore of the Assembly, and six members of the Assembly to be appointed by the Speaker of the Assembly, be named to act as a joint committee of the Legislature to receive the President of the United States and those who will accompany him, when they shall reach the State line on their entrance into the State of California, in order to extend to the distinguished visitors proper official welcome. The sum of three thousand dollars, or so much as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate and one half from the Contingent Fund of the Assembly, for defraying the expense of such reception, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary.

Resolution read.

MOTION.

Mr. Carter moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Senate Substitute for Senate Concurrent Resolution No. 6.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Senate Substitute for Senate Concurrent Resolution No. 6 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Concurrent Resolution No. 6—Relative to receiving the President of the United States—and do now report the same back, and recommend that the same be adopted.

BROWN, Chairman.

Report adopted.

Mr. Carter moved that the Assembly do now concur in the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ellis, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Wanzer, and Weger—56.

NOES—None.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read second time.

MOTION.

Mr. Olmsted moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Senate Bill No. 88.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Senate Bill No. 88 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California—and do now report the same back, and recommend that the same do pass.

BROWN, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read second time, and ordered to third reading.

At three o'clock and thirty-five minutes P. M., Speaker pro tem. Carter in the chair.

Mr. Bates moved that the Assembly do now consider Senate Bill No. 13.

So ordered.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read second time.

MOTION.

Mr. Bates moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Senate Bill No. 13.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Senate Bill No. 13 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—and do now report the same back with amendments, and recommend that the same do pass as amended.

CARTER, Chairman.

Report adopted.

Ordered to third reading.

At three o'clock and forty minutes P. M., Speaker pro tem. Carter called Mr. Bliss to the chair.

Mr. Camp moved to take up second-reading file.

Mr. Carter moved as an amendment to take up third-reading file.

Amendment adopted.

THIRD-READING FILE.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Duryea, Ellis, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Murphy, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.

NOES—Messrs. Brown, Cromwell, Kelso, and Pann—4.

Title read and approved.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Read third time.

Mr. Mott moved that a select committee of one be appointed to amend Assembly Bill No. 514 as follows:

Strike out all of section one after the word and figures "section 56," and insert in lieu thereof the following:

"The officers of a township are two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected, there shall be but one justice of the peace, except as hereinafter otherwise provided, and in townships having a population less than five thousand, there shall be but one justice of the peace and one constable, except in townships containing a population of more than one hundred thousand and less than three hundred thousand, there shall be two justices of the peace. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables, and shall appoint competent persons to fill the offices of justice of the peace and constable created by this Act. But the provisions of this section shall not affect any present incumbent of the office of justice of the peace or constable."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township—with instructions, does now report that the instructions of the Assembly have been carried out.

MOTT, Committee.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 274 substituted for Assembly Bill No. 464 and passed on file.

Assembly Bill No. 551 substituted for Assembly Bill No. 465 and passed on file.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance, after notice from a Health Officer or District Attorney to remove or abate the same, a misdemeanor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Black, Bliss, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Mott, Olmsted, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Walker, Wanzer, and Waste—49

NOES—None

Title read and approved.

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 659.

So ordered.

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Read second time.

The following committee amendment was submitted:

Add after the word "qualified," line sixteen, page six, printed bill, the following: "*provided*, that any one who has served as Brigadier-General in the National Guard of California for a period of eight years, or more, shall be exempt from the provisions of this section."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 481 read third time, and passed on file.

Assembly Bills Nos. 134 and 262 passed on file.

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens and providing for the furnishing and filing of a bond by the contractor, in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Weger—54.

NOES—None.

Title read and approved.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California, by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Goodrich, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mahany, Mattos, McConnell, McKenney, McMahon, Moore, Mott, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Weger—48

NOES—Messrs. Allen and Copus—2.

Title read and approved.

## LEAVE OF ABSENCE.

Mr. Johnson asked for and was granted leave of absence for the day.

Mr. Prescott moved that he be allowed to substitute Assembly Bill No. 659 for Assembly Bill No. 460, and to withdraw Assembly Bill No. 460.

So ordered.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 829—An Act to create the office of official reporter for the variou

Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same—report the same back, with four amendments, and a majority recommend that it do pass as amended.

Also: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901

Also: Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Also: Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Also: Assembly Bill No. 707—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relating to public nuisance, said section to be numbered 370½.

Also: Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Also: Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking with sureties, by a person, corporation, partnership, or association, claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor; to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking, to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted.

Also: Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copies of the records of the same.

Report the same back, and recommend that they do pass.

Also: Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Also: Assembly Bill No. 677—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace in townships.

Report the same back, and by a majority vote recommend that they do pass.

Also: Assembly Bill No. 626—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Also: Assembly Bill No. 34—An Act to amend the Civil Code by adding a new section thereto, to be numbered 133, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Report the same back, and by a majority vote recommend that they do not pass.

Also: Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Also: Assembly Bill No. 807—An Act to amend Section 3423 of the Civil Code, relating to injunctions

Also: Senate Bill No 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Report the same back, and by a majority vote recommend that they do pass.

Also: Assembly Bill No 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia H Jones, plaintiff, versus The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON, Chairman.

Mr. Greer moved that Assembly Bill No. 217 be made a rush order to the printer.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 808—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act," which became a law under constitutional provision, without Governor's approval, March 11, 1899.

Also: Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

And were presented to the Governor February 19, 1903, at twelve o'clock M.

AMERIGE, Chairman.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Stanton: Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DURYEA, Chairman.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Mr. Boisson, the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

LEAVES OF ABSENCE.

Leaves of absence were granted for the remainder of the day to Messrs. Murphy, Gleeson, and Wright.

THIRD READING OF BILLS.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Burgess, Copus, Dougherty, Ells, Goodrich, Greer, Higgins, Howard, John, Kelso, Kerrigan, Killingsworth, Lumley, Mahany, McCartney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Prescott, Siskron, Snyder, Soward, Transue, Walker, Walsh, Wanzer, and Waste—38.

NOES—Messrs. Duryea, Lewis of Riverside, and Mattos—3.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wanzer gave notice that on next legislative day he would move for a reconsideration of the vote whereby Assembly Bill No. 135 was this day refused passage.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Cromwell, Dougherty, Dunlap, Duryea, Ells, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McLaughlin, McMahon, Moore, Pann, Prescott, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—44.

NOES—None.

Title read and approved.

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Cromwell, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—49.

NOES—None.

Title read and approved.

MOTION.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 262.

So ordered.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Walker, Walsh, Wanzer, and Waste—52.

NOES—None.

Title read and approved.

Mr. Mattos moved that the Assembly do now consider Assembly Bill No. 546.

So ordered.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—57.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 204—An Act to permit and enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator at the general election in 1904.

Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections

Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and Members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery or books from persons or firms whose paper has not been published or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted, that no supplies of printed, or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

Assembly Bill No 306—An Act to amend Subdivision 13 of Section 7 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901," relating to compensation of the Surveyor and his deputies and draughtsmen in counties of the second class.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State with one or more corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities and assets, of every kind and description.

Assembly Bill No. 751—An Act to amend Section 338 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Assembly Bill No. 752—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Assembly Bill No. 611—An Act to amend Sections 2641, 2642, and 2645 of the Political Code of the State of California, and to add a new section to said code, to be known as Section 2644.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Assembly Bill No. 407—An Act to add a new section to the Political Code of the State of California, to be known as Section 4086½, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California, issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

AMERIGE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bills Nos. 160 and 485 passed on file.

Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Mahany, McCartney, McConnell, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr Speaker—52.

NOES—None.

Title read and approved.

Mr. Rolley moved that the Assembly do now consider Assembly Bills Nos. 652 and 653.

So ordered.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, McConnell, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Rolley, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—49.

NOES—Messrs. Bangs, Snyder, and Walker—3.

Title read and approved.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Carter, Copus, Dorsey, Drew, Duryea, Foster, Goodrich, Hart, Higgins, Howard, John, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—43.

NOES—Messrs. Bangs, Black, Dougherty, McConnell, Moore, Snyder, and Walker—7.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stair and platform to reach lantern on dome.

AMERIGE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 541—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read third time, and passed on file.

Mr. Johnstone moved that the Assembly do now consider Assembly Bill No. 134.

So ordered.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof and means for the enforcement of the Act.

Read third time.

Mr. Copus moved that a select committee of one be appointed to amend Assembly Bill No. 134 as follows:

Amend section one, line eighteen, to read as follows: "fertilizer it accompanies; and nothing in this Act shall apply to fertilizers manufactured for any consumer according to a formula furnished by said consumer."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Wanzer, Waste, and Mr. Speaker—57.

NOES—Messrs. Allen and Barnes—2.

Title read and approved.

At eight o'clock and forty minutes P. M., the Speaker called Mr. Pann to the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Copus gave notice that on next legislative day he would move for a reconsideration of the vote whereby Assembly Bill No. 134 was this day passed.

MESSAGES FROM THE SENATE.

Mr. Drew moved that the Assembly do now consider Senate messages. So ordered.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 14—Relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

SENATE JOINT RESOLUTION NO. 14.

Relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission.

WHEREAS, The President of the United States will appoint a commission to be known as the Isthmian Canal Commission; and

WHEREAS, The Legislature of the State of California believes that in the appointment of Honorable Chester Rowell, as a member of said commission, it would be an appointment most satisfactory to all classes of people in California; therefore, be it

*Resolved by the Senate and Assembly, jointly*, That the following recommendation and resolution be adopted:

*To the President of the United States, Washington, D. C.:*

The Legislature of California, by this joint resolution, recommends the appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission. His high standing in the medical profession, his long and honorable career in public life, his wide knowledge of men and affairs, and reputation for integrity would make his appointment a compliment to the State and a guarantee of usefulness on the commission.

*Resolved*, That this recommendation, when signed by the Governor, Lieutenant-Governor, and Speaker of the Assembly, be forwarded by telegraph to the President.

Resolution read.

Mr. Drew moved the adoption of the resolution.

Resolution adopted.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read third time, and passed on file.

Assembly Bill No. 254—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California.

Passed on file.

Assembly Bill No. 416—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Read third time, and passed on file.

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto

a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Bliss, Boisson, Burgess, Camp, Copus, Cromwell, Dorsey, Dougherty, Drew, Ells, Finn, Foster, Goodrich, Higgins, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mattos, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Walsh, and Waste—48.

NOES—None.

Title read and approved.

Assembly Bill No. 589—An Act to protect the employés and traveling public on electric or other independently driven street cars.

Passed on file.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read third time.

Mr. Walsh moved that a select committee of one be appointed to amend Assembly Bill No. 535 as follows:

On page two, section three, line five, strike out the words "less than fifty dollars nor."
On page three, section three, line six, strike out the words "less than seven days nor."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

Report adopted.

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for violation of its provisions.

Read third time.

The question being on the final passage of the bill.

The roll was called, with the following result:

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Bliss, Boisson, Burgess, Camp, Copus, Dorsey, Drew, Dunbar, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnstone, Kerrigan, King, Leininger, Mahany, Mattos, McConnell, McKenney, Moore, Pann, Prescott, Rolley, Siskron, Soward, Transue, Walker, Walsh, and Waste—38.

NOES—None.

ADJOURNMENT.

It appearing from the roll call that a quorum of the Assembly was not present, at eight o'clock and fifty-eight minutes P. M., Mr. Pann declared the Assembly adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 20, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

### ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—75.

Quorum present.

### PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

### LEAVES OF ABSENCE.

Messrs. Susman, Hart, Bliss, and Knight were granted leaves of absence until Monday, February 23, 1903.

### READING OF THE JOURNAL.

On motion of Mr. Dougherty, the further reading of the Journal was dispensed with.

### READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, February 18, 1903, was read, corrected, and approved.

### REPORTS OF STANDING COMMITTEES.

#### ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 569—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361½, relating to transfers of the business, franchises, and property of corporations—have had the same under consideration, and respectfully report the same back with a committee substitute, and recommend that the substitute of the committee do pass, and that the author be permitted to withdraw Assembly Bill No 569.

ALLEN, Chairman.

### WITHDRAWAL OF BILL.

Assembly Bill No. 569 withdrawn by author.

### INTRODUCTION AND REFERENCE OF BILL.

By Committee on Corporations: Assembly Bill No. 868 (Committee Substitute for Assembly Bill No. 569)—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Read first time, and ordered on file without reference to committee.

MOTION.

Mr. Moore moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 380 was on yesterday passed.

So ordered.

Mr. Moore moved to lay the motion to reconsider on the table.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8—Relating to purchase and making free by the United States Government, the toll roads over the Yosemite National Park in State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GOODRICH, Chairman.

PETITION—(OUT OF ORDER).

Mr. Greer presented the following petition from the Northern California Historical Society, which was ordered printed in the Journal:

OFFICE OF NORTHERN CALIFORNIA HISTORICAL SOCIETY,
SACRAMENTO, February 19, 1903.

A MEMORIAL.

WHEREAS, The Secretary of the Interior desires to transfer to the Congressional Library, at Washington, the old Spanish and Mexican archives of California from the office of the United States Surveyor-General at San Francisco, which said archives comprise three hundred and two bound volumes, and which embrace the Spanish and Mexican land grants whereon rests the basis of most of the California land titles, and which contain military reports, reports of the early missions, proceedings of the alcalde courts, and a great variety of other manuscripts bearing upon the government and people of Alta California when under Spanish and Mexican jurisdiction; and

WHEREAS, These archives have been used in the most important litigations in the State and Federal courts, and their service is not ended, for questions are being constantly raised in land suits here; and while, strictly speaking, they do not belong to the State of California, yet they are so closely interwoven with everything pertaining to the early history of this coast that they should not pass out of the State; and

WHEREAS, The Federal Government will soon have a suitable building in San Francisco wherein these archives can be kept safely; and

WHEREAS, Their removal should be at least delayed, for many good reasons; and

WHEREAS, A Congressional statute which was written by Edwin M. Stanton, and passed in 1858, specially placed these archives with the United States Surveyor-General for California, and in his office at San Francisco; therefore,

*Resolved*, That the Northern California Historical Society respectfully addresses this protest against the said removal and forwards it to the United States Government at Washington, and the different branches thereof, and also to societies and individuals.

*Resolved*, That such removal should not be effected unless the existing Act of Congress, locating these archives in California, shall be amended

*Resolved*, That a copy of this protest be transmitted to the honorable Senate and Assembly of the Legislature of California, and they are respectfully requested to approve of this memorial.

NORTHERN CALIFORNIA HISTORICAL SOCIETY.
By MRS. FRANK MILLER, President.
C. M. GOETHE, Secretary.
WINFIELD J. DAVIS, Corresponding Secretary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 7—Proposing to the people an amendment to Article VI of the Constitution, relative to the judiciary, and establishing courts of appeal—report the same back, by majority vote, with the recommendation that the author withdraw the same, and further report that the following proposed amendment be adopted as a committee substitute.

McCARTNEY, Chairman.

Assembly Constitutional Amendment No. 7 withdrawn by author.

INTRODUCTION AND REFERENCE OF CONSTITUTIONAL AMENDMENT.

By Committee on Constitutional Amendments: Assembly Constitutional Amendment No. 29 (Committee Substitute for Assembly Constitutional Amendment No. 7)—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 4, 10, 12, 16, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Read, and ordered on file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 19—A resolution proposing to the people of the State of California an amendment to Section 17 of Article XI of the Constitution of the State, in relation to depositing public funds of any county, city and county, city or town.

Also: Assembly Constitutional Amendment No. 20—Resolution to amend Section 1 of Article VI of the Constitution

Also: Assembly Constitutional Amendment No 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes

Also: Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

Also: Assembly Constitutional Amendment No 15—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing a system of direct legislation, in the State of California, by means of the initiative and referendum.

Also: Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article VII of said Constitution.

Have had the same under consideration, and a majority respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

McCARTNEY, Chairman.

ON CONSTITUTIONAL AMENDMENTS—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: A minority of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 14—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

Also: Assembly Constitutional Amendment No. 15—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing a system of direct legislation, in the State of California, by means of the initiative and referendum.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

B. F. HOWARD.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the board of managers of said State hospital; to appro-

priate money therefor and provide for the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 156—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that the author be permitted to withdraw the same.

Also: Assembly Bill No. 837—An Act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital and making an appropriation therefor.

Also: Assembly Bill No. 838—An Act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No 839—An Act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 840—An Act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CROMWELL, Chairman.

Assembly Bill No. 156 withdrawn by author.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 792—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Also: Assembly Bill No. 814—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also: Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 73—An Act to amend Section 22 of an Act entitled "An Act to define, regulate, and govern the State prisons of California," approved April 15, 1888—have had the same under consideration, and respectfully report the same back without recommendation.

OLMSTED, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 14—Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure if possible the transfer of said archives to the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GOODRICH, Chairman.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Stansell until Monday, February 23, 1903.

MOTION.

Mr. Johnson moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 134 was on yesterday passed.

So ordered.

Mr. Johnson moved to lay the motion to reconsider on the table.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Brown:

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

MILLS BUILDING, SAN FRANCISCO, February 9, 1903.

*To the Honorable Senate and Assembly of the State of California.*

GENTLEMEN: We respectfully represent to your honorable bodies that the effect of the enactment into law of the provisions of Senate Bill No. 354, now pending before you, or similar provisions in any other bill, would be to paralyze the manufacturing industries of California and many of the producing industries depending upon them, for the reasons below stated.

The effect of this bill, if passed, will be to require that every article manufactured in this State shall be conspicuously labeled and stamped with the name and address of the manufacturer, and in towns and cities with his street and number, and to prohibit all dealers and other persons from selling or exposing for sale any articles made in this State unless so labeled, etc., under penalty, both in the case of the manufacturer and of the dealer, of conviction and punishment for misdemeanor.

Under the proposed Act, every one of the millions of cans, bottles, and other containers of fruits and other products made in this State would have to be stamped as specified. Likewise, the ordinary labels covering these containers as well as the boxes in which they are packed. Many parts of a battleship, of machinery, wagons, and other articles made here in part would have to carry the prescribed name and address The requirement would apply to every brick made in the State and to other articles of clay, and even to a spool of thread, selling for one cent. The cost of compliance would in many cases be prohibitive of manufacture, and in other cases burdensome and oppressive, and the value of many thousands of dollars' worth of labels, already prepared for use in the ordinary course of business and now on hand with our manufacturers, would be destroyed upon the passage of the bill.

The cause of this protest is that the provisions of this measure are utterly impracticable in character, opposed to fixed conditions of trade, and that they grossly discriminate against the manufactures of this State and in favor of articles made elsewhere and brought into this State, because the requirements of the bill do not and can not apply to articles made outside of this State Should this bill specifically recite that no article made elsewhere and brought into this State shall be required to be so labeled, etc., and that no person selling it shall be punished, but that all articles made in our own State shall be so labeled, and that any person making or selling anything made in this State not so labeled shall be fined and imprisoned, it would more clearly define the practical working of this measure, which seeks to brand the manufacturers of our State as criminals for doing what every manufacturer outside of the State is permitted to do and can not be prevented from doing.

The established conditions of trade imperatively require the manufacturer here and elsewhere to put up goods in many instances under the brand and label of the jobber and merchant. Refusal on the part of manufacturers of this State to comply with this demand of the jobber would inevitably send him to the manufacturers of States whose laws seek to build up their industries instead of to destroy them. One third of the market of many of our manufacturers would be lost in this manner alone through this measure, and the producers of fruits, vegetables, and other products, as well as the manufacturer, would be irreparably injured.

We further respectfully represent to your honorable bodies that no part of this opposition to said bill relates to the purpose of the measure to distinguish between the products of white and of Chinese labor, and that, while it is possible that the originators of this measure conceived that they were working to a laudable end, no more sweeping blow, disastrous in its effects, could be struck at our industries than this proposed law.

We therefore most emphatically protest against the passage of Senate Bill No. 354, and of any other bill containing similar provisions.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SBARBORO, President.

[SEAL] CHARLES E. BANCROFT, Secretary.

The Manufacturers and Producers' Association of California was organized in March, 1895. It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

Ordered printed in the Journal.

MOTION.

Mr. Carter moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 435 was on yesterday refused passage.

So ordered.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 135 was refused final passage?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—57.

NOES—None.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—Mr. Mattos—1.

Title read and approved.

MOTION.

Mr. Allen moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 389 was on yesterday passed.

So ordered.

Mr. Allen moved that the motion to reconsider lay on the table.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643*a*, relating to roads and highways.

Also: Adopted Senate Joint Resolution No. 13—Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

Also: Passed Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Also: Assembly Bill No 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Also passed (as case of urgency) Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

F. J. BRANDON, Secretary of the Senate.
By FRED. L. THOMAS, Assistant Secretary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred Assembly resolution as follows:

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following State hospitals in this State, to wit: The Veterans' Home at Yountville, the Napa State Hospital, the Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same and herewith present their bill of expenses as follows:

| | |
|---|---|
| Cromwell | $56 00 |
| Foster | 56 00 |
| McLaughlin | 56 00 |
| King | 56 00 |
| Duryea | 56 00 |
| Leininger | 56 00 |
| Wright | 56 00 |
| Moore | 56 00 |
| Weger | 56 00 |
| Kerrigan | 56 00 |
| Total | $560 00 |

And ask for the adoption of the following:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of F. A. Cromwell, chairman of the Committee on State Hospitals and Asylums, for the sum of $560, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BATES, Chairman.

MOTION.

Mr. Bates moved the adoption of the report.

Report adopted.

Resolution read.

Mr. Bates moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McLaughlin, McMartin, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Carter: Assembly Bill No. 869—An Act directing the printing of the first four volumes of the Statutes of California.

Read first time, and referred to Committee on Public Printing.

By Mr. Wanzer: Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the National Guard of California established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 871—An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State of California for the support of orphans, half-orphans, and abandoned children.

Read first time, and referred to Committee on Ways and Means.

By Mr. Amerige: Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read first time, made rush order to printer, and referred to Committee on Ways and Means.

By Mr. McCartney: Assembly Bill No. 873—An Act to amend Section 2199 of the Political Code, relating to restrictions upon admission of insane persons to asylums of this State.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bliss: Assembly Bill No. 874—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Brown: Assembly Bill No. 875—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Olmsted: Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 877—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Barnes (by request): Assembly Bill No. 878—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Howard: Assembly Bill No. 879—An Act to amend Section 46 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, relating to compensation of county officers and court reporters or official reporters of the Superior Court in counties of the forty-second class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson: Assembly Bill No. 880—An Act authorizing and directing the Commissioner of Public Works to perform certain duties relating to drainage, and to ascertain the cost and the feasibility of diverting the storm and flood waters of the Sacramento River by a relief canal, and making an appropriation of money for the purposes of this Act.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Amerige: Assembly Bill No. 881—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Gleeson: Assembly Bill No. 882—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Read first time, and referred to Committee on Public Works, State Capitol, and Parks.

By Mr. Copus: Assembly Bill No. 883—An Act to amend Section 1617 of the Political Code, relating to boards of trustees of school districts and city boards of education.

Read first time, and referred to Committee on Education.

By Mr. Siskron: Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Johnstone: Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Read first time, and referred to Committee on Fruit and Vine Interests.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce—and was presented to the Governor February 19, 1903, at nine o'clock P. M.

AMERIGE, Chairman.

Mr. Brown moved to place Assembly Bill No. 582 on special file.

So ordered.

Assembly Bill No. 148 passed on file as unfinished business until Tuesday morning, February 24th.

RESOLUTION.

By Mr. Wanzer:

*Resolved*, That H. E. Pyburn be and he is hereby appointed Assistant Engrossing and Enrolling Clerk of the Assembly, at the same per diem as paid such officers, such per diem to commence from and include February 10, 1903, and the Controller is authorized to draw his warrant in favor of said Pyburn for such services, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Resolution read, ordered printed in Journal, and referred to Committee on Attachés and Employés.

THIRD READING OF BILL.

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for violation of its provisions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Burgess, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Ells, Finn, Gleeson, Greer, Hart, Howard, John, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—None.

Title read and approved.

SPECIAL FILE.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Burgess, Copus, Covert, Cromwell, Drew, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—60.

NOES—Mr. Dougherty—1.

Title read and approved.

Assembly Bills Nos. 1, 367, 524, and 583 passed on file.

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read third time, and passed on file.

Assembly Bills Nos. 570, 489, 357, 359, 361, 360, 362, 363, 404, 422, 423, 558, 621, 201, 562, 159, 158, 560, 697, and 599 passed on file.

Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Read third time, and passed on file.

Assembly Bills Nos. 204, 397, and 662 passed on file.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Assembly Bill No. 821 passed on file.

Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Read second time.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Wanzer moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 635 and 811.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 685 and 811 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Also: Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

And do now report the same back, and recommend that they do pass.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 685 and 811 ordered to engrossment and third reading.

Mr. Waste moved that the resolution introduced by him on February 14, 1903, be laid on the table.

So ordered.

Mr. Waste moved that the Assembly do now consider Senate Joint Resolution No. 13.

So ordered.

SENATE JOINT RESOLUTION No. 13.

Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

WHEREAS, An order has been issued by the Secretary of the Interior to remove from California to Washington the old Spanish archives now in the possession of the Surveyor-General; and

WHEREAS, These valuable old archives, comprising three hundred and two bound volumes, embrace the records of the Spanish land grants, military reports, old mission records, and other valuable documents bearing upon the early history of this State; therefore, be it

*Resolved*, That the people of the State of California, represented in Senate and Assembly, protest against this proposed transfer; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of these resolutions, by telegraph, to the Secretary of the Interior.

Resolution read.

Mr. Waste moved that the Assembly do now concur in the adoption of the resolution.

Resolution concurred in.

MOTION.

Mr. Waste moved that the Assembly do now consider Assembly Joint Resolution No. 14.

So ordered.

ASSEMBLY JOINT RESOLUTION No. 14.

Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure if possible the transfer of said archives to the State of California.

WHEREAS, The Secretary of the Interior, through the U. S. Land Commission at Washington, has directed the U. S. Surveyor-General at San Francisco to transfer the Spanish archives from San Francisco to Washington; and

WHEREAS, These archives embrace the records of the Spanish land-grants which form the basis of most of the California land titles, military reports, records of the early missions, proceedings of the alcalde courts, and a vast number of valuable manuscripts bearing upon the government and the people of early California under Spanish and Mexican rule, dating back to 1769, and are now, and have been long an element in important litigation in California; and

WHEREAS, Congress by the Act of May 18, 1858, recognized the local importance of the archives by placing the books and manuscripts in charge of the Federal office for the District of California; and

WHEREAS, By reason of the importance of these books and documents in relation to the land titles of the State of California; by reason of the hardship that will result in many land matters in causing litigants and attorneys to go to Washington; and by reason of their peculiar historical and literary value, it is inexpedient and unwise to have the same transferred as contemplated; be it

*Resolved*, That the Legislature of California request the authorities at Washington to reconsider their action in ordering the transfer of the Spanish archives from San Francisco to Washington, and further requests the Senators and Representatives in Congress from California to use their best endeavors to secure such reconsideration.

*Resolved further*, That we urge said Senators and Representatives to secure an actual transfer of said Spanish archives from the National Government to the State of California, to the end that the same may be deposited in either the State Library at Sacramento or in the library of the University of California at Berkeley, and thus retain their proper relation to the State of California.

Resolution read.

Mr. Waste moved the adoption of the resolution.

Resolution adopted.

LEAVE OF ABSENCE.

Mr. McNeil was granted leave of absence until Monday, February 23, 1903.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Read third time.

Mr. Soward moved that the bill be referred to the San Francisco delegation.

Motion withdrawn.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eleven o'clock and twenty-five minutes A. M., Mr. McMartin moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and thirty-two minutes A. M., Mr. McMartin moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Barber, Black, Burgess, Copus, Covert, Drew, Dunbar, Dunlap, Ells, Finn, Greer, Hart, Houser, Howard, John, Kerrigan, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Pann, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—42.

NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Carter, Dougherty, Foster, Goodrich, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Mattos, McCartney, Olmsted, Prescott, Soward, Susman, Traber, and Weger—26.

Assembly Constitutional Amendment No. 2—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article XI of the Constitution.

Read, and passed on file pending amendment.

Assembly Constitutional Amendment No. 3—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Section 2 of Article VI, changing the number of Justices of the Supreme Court from six to nine and the number of departments from two to three; providing that the concurrence of six Justices shall be necessary to pronounce a judgment in bank; abolishing the office of Supreme Court Commissioner, and providing that the Governor shall appoint three additional Justices to hold until their successors are elected and qualified, and that the Legislature may, whenever in its opinion the public welfare will so warrant, reduce the number of Associate Justices to six and the number of departments of the Supreme Court to two.

Passed on file.

At ten o'clock and thirty-eight minutes A. M., the Speaker called Mr. Johnson to the chair.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of the State by amending Section 4 of Article II thereof, relating to the gain or loss of residence of voters.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Carter, Copus, Covert, Dougherty, Dunbar, Finn, Foster, Greer, Houser, Kerrigan, Lumley, Mahany, McMahon, McMartin, Murphy, Prescott, Pyle, Rolley, Siskron, Susman, Walker, Walsh, Wanzer, Waste, and Wright—30.

NOES—Messrs. Amerige, Baxter, Brown, Burgess, Drew, Dunlap, Ells, Goodrich, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, McCartney, McConnell, McKenney, McLaughlin, Moore, Olmsted, Pann, Snyder, Soward, Steadman, Traber, and Weger—29.

Assembly Constitutional Amendment No. 13—Proposing to the people of the State of California an amendment to Article II of the Constitution of the State, by amending Section 6 thereof, relating to elections.

Read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs. Bangs, Carter, Copus, Dunbar, Finn, Higgins, Kerrigan, Lumley, Mahany, McMahon, McMartin, Prescott, Rolley, Siskron, Stanton, Susman, and Weger—17.

NOES—Messrs. Amerige, Barnes, Baxter, Black, Brown, Dougherty, Drew, Dunlap, Foster, Goodrich, Howard, Johnson, Killingsworth, King, Knight, Leininger, Lewis of Riverside, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Pyle, Snyder, Soward, Steadman, Traber, Walker, Wanzer, Waste, and Wright—34.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Mattos until Monday, February 23, 1903.

Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XX by adding a new section thereto, to be known as Section Number 22, relating to monopolies or combinations by individuals, corporations or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers or purchasers.

Read.

RECESS.

Pending the further consideration of Assembly Constitutional Amendment No. 23, at twelve o'clock M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Mr. Lewis of San Francisco was granted leave of absence until Monday, February 23, 1903.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

McLAUGHLIN, Chairman.

MOTION.

Mr. Dorsey moved that the minutes be corrected by inserting that Assembly Bill No. 616 was this day refused passage.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 616 was this day refused passage.

LEAVE OF ABSENCE.

Mr. Steadman was granted leave of absence until Monday, February 23, 1903.

MOTION.

Mr. Carter moved that the Assembly do now consider Assembly Bill No. 578.

So ordered.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Heretofore read second time, and pending amendment.

The following committee amendments were submitted:

Amend by striking out all of the title of said Act and inserting in lieu thereof the following: "An Act to amend section one hundred and fifty-nine of an Act entitled an Act to establish a uniform system of county and township government," approved April 1st, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employés by such officers, deputies, clerks and employés.

Amendment lost.

Also: Strike out the words "at ninety dollars each per month," in line twenty, page two of the printed bill.

Amendment lost.

Also: In line forty-three, page two of printed bill, strike out the word "sixty" and insert the words "seventy-five."

Amendment lost.

Also: In line one hundred and thirteen, page four of printed bill, strike out the word "ninety" and insert the words "one hundred" Also, in line one hundred and sixteen, page four of printed bill, strike out the word "three" and insert therein "five."

Amendment lost.

Also: Strike out all of section seventeen, page eleven of printed bill.

Amendment lost.

Also: Amend by striking out the word "section" in section two, page eleven of printed bill, and inserting in place thereof the word "act."

Amendment lost.

Also: In line one hundred and seventeen, page four, strike out the words "seventy-five" and insert therein "eighty." Also, in line one hundred and nineteen, page four of printed bill, strike out the words "thirty-four" and insert therein "thirty-two."

Amendment lost.

Also: Strike out the words "one deputy," in line sixty-one of page three of the printed bill, and insert in place thereof the words "two deputies."

Amendment lost.

Also: Strike out all of line sixty-one, page three of the printed bill, and insert therein the following: "each per month; four."

Amendment lost.

Mr. Carter submitted the following amendments:

AMENDMENT No. 1.

Amend the title by adding after the word "ninety-seven," in line five of the title, the following: "relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés."

Amendment adopted.

AMENDMENT No. 2.

Amend paragraph one of section one of the printed bill by striking out of line twenty, page two, the words "at ninety dollars each per month"; also, insert after the word "dollars" in line twenty-three, page two of the printed bill, the word "each."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line thirty-seven, page two of the printed bill, the word "nine" and inserting therein the word "ten"; also, amend by striking out of line thirty-eight, page two of the printed bill, the word "ninety" and inserting the words "one hundred"; also, amend by striking out of line forty-three, page two of the printed bill, the word "sixty" and inserting therein the words "seventy-five."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "one deputy" in line sixty-one, page three of the printed bill, and inserting therein the words "two deputies"; also, strike out of line sixty-one, page three of the printed bill, the words "per month; five" and inserting therein the following: "each per month; four."

Amendment adopted.

AMENDMENT No. 5.

Amend in line one hundred and eleven, page four of the printed bill, by striking out the words "general clerk," and inserting therein the word "deputy"; also, amend by striking out of line one hundred and thirteen, page four of the printed bill, the word "ninety," and insert the words "one hundred"; also, amend by striking out of line one hundred and thirteen, page four of the printed bill, the words "one clerk at," and strike out of line one hundred and fourteen, page four of the printed bill, the words "a salary of eighty dollars per month"; also, amend by striking out the word "three," in line one hundred and sixteen, page four of the printed bill, and inserting therein the word "five", also, amend by striking out of line one hundred and seventeen of the printed bill, page four, the words "seventy-five," and inserting therein the word "eighty"; also, amend by striking out of line one hundred and nineteen, page four of the printed bill, the words "thirty-four," and inserting therein the words "thirty-two."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of line one hundred and thirty-three, page five of the printed bill, the words "two hundred dollars per month," and inserting therein the words "one hundred and seventy-five dollars per month."

Amendment adopted.

AMENDMENT No. 7.

Strike out all of paragraph eight of the printed bill, and insert the following:

"8. The assessor, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class

there shall be and hereby is allowed to the assessor the following deputies and clerks who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy at one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifteen dollars each per month; seven clerks at a salary of ninety dollars each per month; twenty field deputies for not exceeding one month in any one year at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding three months in any one year at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; nine deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; five copyists for not to exceed two months in any one year, at a salary of sixty dollars each per month; fifteen copyists for not to exceed three months in any one year, at a salary of sixty dollars each per month; one stenographer at a salary of seventy dollars per month. The salaries of the deputies, stenographer, clerks and copyists herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid. It is hereby further provided, that in counties of this class, the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll-taxes or road poll-taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll-taxes and road poll-taxes shall be allowed to such counties on their settlement with the State, and be and remain the property of such counties."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out of line two hundred and thirteen, page seven of the printed bill, the words "one hundred" and inserting therein the word "eighty."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out of line two hundred and twenty-two, page seven of the printed bill, the words "one hundred" and inserting therein the word "eighty."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out of line two hundred and eighty-six, page nine of the printed bill, the words "one thousand," and inserting therein the words "one thousand five hundred"; also, amend by striking out of line two hundred and eighty-eight, page nine of the printed bill, the words "eighty-three and one third" and inserting therein the words "one hundred and twenty-five"; also, amend by striking out of line two hundred and ninety-two, page nine of the printed bill, the words "one thousand," and inserting therein the words "one thousand five hundred."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out of line three hundred and twenty-seven, page ten of the printed bill, the words "one thousand," and inserting therein the words "one thousand two hundred"; also, amend by striking out of line three hundred and twenty-eight, page ten of the printed bill, the words "eighty-three," and inserting therein the words "one hundred"; also, amend by striking out of line three hundred and twenty-nine, page ten of the printed bill, the words "and one third."

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out all of paragraph seventeen, page eleven of the printed bill, beginning with line three hundred and fifty-seven, and down to and including line three hundred and eighty-three.

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out of the first line of section two, page eleven of the printed bill, the word "section," and inserting therein the word "act."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Read second time.

The following amendments were submitted.

On page three, line fifty-three of the printed bill, strike out the period, insert a comma, and add the following:

"And for transcription of shorthand notes, when required, he shall receive fifteen cents per folio for the original and five cents per folio for a copy; *provided*, that when the official reporter is required to transcribe testimony from day to day during the progress of the trial he shall receive for such transcription twenty cents per folio for the original and ten cents per folio for a copy; said compensation for transcription in criminal cases to be paid out of the county treasury upon the order of the judge of the court, and in civil cases to be paid by the party or parties ordering the same, or when ordered by the judge of the court, by either party, or jointly by both parties, as the judge may direct. When the services of the reporter are demanded in any civil trial or proceeding, the clerk of the court shall collect the sum of five dollars each day, in advance, from the party or parties demanding the services, and shall pay such sum into the county treasury on the first Monday of the following month."

Amendment adopted.

Also: On page five, line one hundred and twenty-three of the printed bill, after the word "county" strike out the period, insert a semicolon, and add "except as herein otherwise provided."

Amendment adopted.

Also: On page two, line twenty-one, insert the words "and twenty-five" after the word "hundred."

Amendment adopted.

Also: On page five, line one hundred and twenty of the printed bill, after the word "folio" strike out the period, insert a semicolon, and add "except as herein otherwise provided."

Amendment adopted.

Also: Amend page three, line fifty-one, by striking out the words "ten dollars per diem" and inserting in lieu thereof the words "one hundred dollars per month."

Amendment adopted.

Also: On page two, line twenty-nine, strike out "ninety" and insert "one hundred and fifty."

Amendment adopted.

Also: On page four, in line ninety, after the word "month," insert "for all reporting, including transcriptions in criminal cases, but the fees for transcriptions in civil cases may be retained by the reporter to his own use."

Amendment adopted.

Also: On page four, line ninety-six, after the word "month," insert "for all typewriting, including transcriptions in criminal cases, but the fees for transcriptions in civil cases may be retained by the reporter to his own use."

Amendment adopted.

Also: Insert in line five, page one, between the words "employed" and "may," the words "who is twenty-one years, or over, of age and a citizen of the United States."

Amendment adopted.

Also: Insert in line three, page one, between the words "except" and "the," the word "that."

Amendment adopted.

Mr. Walsh moved that Assembly Bill No. 829 be referred to Committee on Judiciary, and retain place on file.

Motion carried.

LEAVES OF ABSENCE.

Leaves of absence until Monday, February 23, 1903, were granted to Messrs. McCartney and Transue.

SECOND-READING FILE.

Assembly Bills Nos. 32, 439, 442, 438, 440, 83, 203, 475, 240, 57, 50, 116, 258, 257, and 259 passed on file.

Assembly Bill No. 826—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

Read second time, and passed on file, pending amendment.

Assembly Bills Nos. 550, 408, 447, 455, 506, 202, 177, 358, 435, 414, 531, 296, 162, 238, and 229 passed on file.

Assembly Bill No. 401—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 31, 399, 497, 559, 462, 561, 563, 617, 7, and 166 passed on file.

Assembly Bill No. 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Read second time, and passed on file.

At two o'clock and twenty-five minutes P. M., the Speaker called Speaker pro tem. Carter to the chair.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Read second time.

The following committee amendment was submitted:

Amend by inserting after the figure "2," line one, section two, the words "upon the approval of the demands by the State Board of Examiners."

Amendment adopted.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with Speaker pro tem. Carter in the chair, for the purpose of considering Assembly Bill No. 663.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 663 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California—and do now report the same back, and recommend that the same do pass as amended by the committee.

CARTER, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 526 passed on file.

Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Heretofore read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

At the beginning of line four, before the word "whenever," insert the words "Section 1727."

Amendment adopted.

AMENDMENT No 2.

In line thirteen, at the bottom of page one, strike out the words "about enough to," and on top of page two, line fourteen, strike out the words "pay his expenses of last sickness and his funeral expenses," and insert in lieu thereof the words "fifty dollars."

Amendment adopted.

AMENDMENT No. 3.

In line ten, page one of the printed bill, between the words "when" and "deceased," insert "a."

Amendment adopted.

AMENDMENT No. 4.

Strike out the words "fifty dollars" in the amendments and insert "one hundred dollars."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 528—An Act to amend Section 81 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to duties of the County Treasurer concerning moneys and property received from the Public Administrator.

Read second time, and passed on file.

Assembly Bills Nos. 59 and 543 passed on file.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological researches.

Read second time.

The following committee amendments were submitted:

AMENDMENT No 1.

In line two of the title, after the word "salary," insert a comma and the word "bond."

Amendment adopted.

AMENDMENT No. 2.

In line three of the title, after the word "assistance," strike out the word "and."

Amendment adopted.

AMENDMENT No. 3.

In line four of the title, after the word "research," insert the words "and providing means for the payment of the same."

Amendment adopted.

AMENDMENT No. 4.

On page one, section one, line five of the printed bill, after the word "to," strike out the words "take charge and control of and."

Amendment adopted.

AMENDMENT No. 5.

On page one, section one, line six of the printed bill, after the word "to," strike out the comma.

Amendment adopted.

AMENDMENT No. 6.

On page one, section one, line seven of the printed bill, after the word "entomology," strike out the word "of," and insert in lieu thereof the words "in and for."

Amendment adopted.

AMENDMENT No. 7.

On page one, section one, line seven of the printed bill, after the word "State," strike out the words "and county boards of horticulture."

Amendment adopted.

AMENDMENT No. 8.

On page two, section three, line four of the printed bill, after the word "investigating," strike out the words "thoroughly the breeding grounds of grasshoppers and for investigating."

Amendment adopted.

AMENDMENT No. 9.

On page two, section three, line six of the printed bill, strike out the word "other."

Amendment adopted.

AMENDMENT No. 10.

On page two, section three, line six of the printed bill, after the word "and," strike out the words "providing means," and insert in lieu thereof the words "indicating methods."

Amendment adopted.

AMENDMENT No. 11.

On page two, section three, line seven of the printed bill, after the word "with," strike out the words "county boards of horticulture," and insert in lieu thereof the following: "the boards of supervisors and boards of horticulture or residents in any county in which insect pests exist."

Amendment adopted.

AMENDMENT No. 12.

On page two of the printed bill strike out all of section four.

Amendment adopted.

AMENDMENT No. 13.

On page two, section five, line one of the printed bill, strike out the figure "5" and insert in lieu thereof the figure "4."

Amendment adopted.

AMENDMENT No. 14.

On page two, section five, line two of the printed bill, after the word "bond," insert the words "in the sum of one thousand dollars."

Amendment adopted.

AMENDMENT No. 15.

On page three, section six, line one of the printed bill, strike out the figure "6" and insert in lieu thereof the figure "5."

Amendment adopted.

AMENDMENT No. 16.

On page three, section six, line three of the printed bill, after the word "the," strike out the words "Regents of the State University" and insert in lieu thereof the following: "State Board of Examiners."

Amendment adopted.

AMENDMENT No. 17.

On page three, section seven, line one of the printed bill, strike out the figure "7" and insert in lieu thereof the figure "6."

Amendment adopted.

AMENDMENT No. 18.

On page three, section seven, line three of the printed bill, after the word "bulletins," insert the words "of the State University"

Amendment adopted.

AMENDMENT No. 19.

On page three, section eight, line one of the printed bill, strike out the figure "8." and insert in lieu thereof the figure "7."

Amendment adopted.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 429.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 429 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological researches—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

CARTER, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 172—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 384 passed on file.

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children from visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title to read as follows: "An Act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of section one, and inserting in lieu thereof the following:
SECTION 1. Every person who sells, gives or delivers to any minor child, male or female, under the age of eighteen years, any intoxicating drink in any quantity whatsoever, or who, as proprietor or manager of any saloon or public house where intoxicating liquors are sold, permits any such minor child under the age of eighteen years to visit said saloon or public house where intoxicating liquors are sold, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period not exceeding one hundred and fifty days, or by both such fine and imprisonment; *provided*, that this Act shall not apply to the parents of such children or to guardians of their wards.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 600 and 601 passed on file.

Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 629.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 629 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California—and do now report the same back, and recommend that the same do pass.

CARTER, Chairman

Report adopted.

Ordered to engrossment and third reading.

Assembly Bills Nos. 614, 533, 549, 704, 721, 188, 220, 490, 106, 309, 340, 741, 598, 757, 16, 17, and 108 passed on file.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, relating to phonographic reporters.

Read second time.

On motion of Mr. Soward, re-referred to Committee on Judiciary, and to retain place on file.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Fisk: Assembly Bill No. 886—An Act to provide for the issuance and the sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall, and appurtenances, in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Read first time, and referred to Committee on Ways and Means.

By Mr. McCartney: Assembly Bill No. 887—An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 486—An Act to amend Sections 1, 4, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 784—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FOSTER, Chairman.

SPECIAL FILE—SENATE BILLS.

Senate Bills 310, 118, 95, and 68 passed on file.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Prescott, Siskron, Snyder, Soward, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—55.

NOES—None

Title read and approved.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Rolley, Snyder, Soward, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—53.

NOES—None.

Title read and approved.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco,

and providing for the expenses and regulations thereof," approved March 29, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Foster, Goodrich, Greer, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Prescott, Rolley, Snyder, Soward, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—49.

NOES—None.

Title read and approved.

At three o'clock and twenty-four minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and thirty-five minutes P. M., Mr. Lumley moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., Mr. Transue moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Allen, Barber, Bates, Boisson, Carter, Covert, Cromwell, Dunbar, Duryea, Finn, Higgins, Houser, John, Kerrigan, Killingsworth, Lewis of San Francisco, Lumley, Mahany, McConnell, McLaughlin, McMahon, McMartin, Mott, Murphy, Prescott, Rolley, Siskron, Snyder, Stanton, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—37.

NOES—Messrs Amerige, Bangs, Barnes, Baxter, Brown, Burgess, Camp, Copus, Dorsey, Drew, Ells, Foster, Goodrich, Greer, Howard, Johnson, Johnstone, Kelso, King, Leininger, Lewis of Riverside, McKenney, Moore, Olmsted, Pann, Soward, and Traber—27.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of $1,130 and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Traber, Transue, Walker, Walsh, Wanzer, Weger, Wright, and Mr. Speaker—55.
NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Greer gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 137 was this day refused passage.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Brown, Burgess, Camp, Cromwell, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Mahany, McKenney, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Mr Speaker—49.
NOES—Mr. McMahon—1.

Title read and approved.

Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Stanton, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—55
NOES—Messrs King, Wanzer, and Weger—3.

Title read and approved.

Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, Moore, Mott, Murphy, Pann, Prescott, Rolley, Siskron, Snyder, Stanton, Walsh, Waste, Weger, and Mr. Speaker—43.

NOES—Messrs. Bangs, Barnes, Baxter, Brown, Dougherty, Drew, John, King, McKenney, Olmsted, Soward, Traber, Walker, and Wanzer—14.

Title read and approved.

Senate Bills Nos. 27 and 85 passed on file.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Senate Bill No. 372, as follows:

After the word "seamen" in line seventy of page three of the printed bill, insert the words "sea-going."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Mr. Brown moved that a select committee of one be appointed to amend Senate Bill No. 372, as follows:

Strike out the word "three" in line seventy-three, page three, printed bill, and insert in lieu thereof the word "one." Strike out all of line seventy-three after word "dollars," also all of line seventy-four and all of line seventy-five, page three. Insert a period after the word "dollars" in line seventy-three, page three.

Passed on file, pending amendment.

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for $1,856.78, on bond of the State of California, number 592, issued July 9, 1858.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—57.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Judiciary, to whom was re-referred Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all

relating to phonographic reporters—have had the same under consideration, and report the same back, and recommend its passage.

Also: Assembly Bill No 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same—have had the same under consideration, and respectfully report the same back without recommendation

Also: Assembly Bill No 243—An Act relating to crimes and punishments—report the same back, with one amendment, and, by a majority vote, recommend that it do pass as amended.

Also: Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent—report the same back, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½—report the same back, with sixteen amendments, and recommend that it do pass as amended.

JOHNSON, Chairman.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Rolley, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Baxter, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Mahany, McConnell, McKenney, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—49.

NOES—Mr. Bangs—1.

Title read and approved.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time.

The following committee amendments were submitted:

Amend by striking out the words "and in the exercise of the powers herein granted to expend the revenues of the municipality," in lines thirty and thirty-one, section four, second page, printed bill, and inserting in lieu thereof the following: "and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement"

Amendment adopted.

Also: Amend by inserting the word "oil" after the word "sprinkle" in line twenty-three, section four, second page, printed bill.

Amendment adopted.

Ordered to print and third reading.

LEAVE OF ABSENCE.

On motion of Mr. Wanzer, leave of absence was granted to Mr. Fisk until Monday.

Mr. Stanton moved that sessions of the Assembly be held on Saturday, February 21, 1903, and Monday, February 23, 1903.

Motion carried.

RECESS.

At four o'clock and thirty minutes P. M., the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Carter in the chair.

MOTION.

Mr. Murphy moved that the Assembly do now consider Assembly Constitutional Amendment No. 23.

So ordered.

LEAVES OF ABSENCE.

On motion of Mr. Camp, leaves of absence were granted to Messrs. Camp, Rolley, Soward, Traber, Bates, Baxter, and Finn until Thursday, February 26, 1903.

Leaves of absence were granted to Messrs. Black and Allen until Monday, February 23, 1903.

Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XX by adding a new section thereto, to be known as Section Number 22, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers or purchasers.

Mr. Murphy submitted the following amendment:

Amend by inserting in section twenty-two, line ten of the printed bill, after the word "association," the words "other than producers of the products of the soil," and striking out the following words in section two, line eleven of printed bill: "products of the soil or of any."

Amendment adopted.

Ordered to print and re-engrossment.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed and re-engrossed:

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus

The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No 16 of Department Two of said Superior Court, at page 29.

Assembly Bill No 352—An Act to amend Section 1713 of the Political Code of California, in relation to district libraries.

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 7, 1889.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984, upon the register of the Superior Court of Tulare County.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 476—An Act to appropriate the sum of one thousand dollars to pay the claim of M. Zirker for money due and owing the said M Zirker, based upon a judgment recovered by the said M Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November A D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein, approved March 23, 1901

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507 of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No 20 of Department One of said Superior Court, at page 221.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co, a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W L Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repairing furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

AMERIGE, Chairman.

THIRD-READING FILE.

Assembly Bill No. 293—An Act to amend Section 383 of Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicine, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Walker, Walsh, Wanzer, Waste, Weger, and Wright—44.

NOES—None.

Title read and approved.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing for penalties for the violation thereof.

Read third time.

Mr. Allen moved that a select committee of one be appointed to amend Assembly Bill No. 542, as follows:

Insert immediately after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing for penalties for the violation thereof—with instructions, do now report that the instructions of the Assembly have been carried out.

ALLEN, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 566—An Act to amend Section 1668, relating to physical culture and exercises.

Passed on file.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Durvea, Ells, Finn, Foster, Greer, Houser, Howard, Kelso, Kerrigan, Lewis of Riverside, Lumley, Mahany, McMahon, Moore, Olmsted, Pann, Rolley, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—41.

NOES—Messrs Johnson, Johnstone, King, Leininger, and McLaughlin—5.

Title read and approved.

Assembly Bill No. 456 passed on file.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Baxter, Brown, Burgess, Camp, Copus, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, Moore, Mott, Olmsted, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—43.

NOES—None.

Title read and approved.

MOTION.

Mr. Houser moved that the Assembly do now consider Assembly Bill No. 485.

So ordered.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Burgess, Camp, Carter, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Title read and approved.

Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read third time.

Mr. Walker moved that a select committee of one be appointed to amend Assembly Bill No. 212, as follows:

Amend the title to read as follows: "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending section one hundred sixty-one thereof, relating to salaries of county officers of counties of the fourth class.

Also: After the enacting clause, strike out the first seven lines, and on line eight after the word "section," strike out the figure "9" and insert the figure "1."

Also: On page two, line twenty, after the word "county," insert as follows: "and the said Sheriff may appoint a matron for the county jail of his county, which office of matron for the county jail is hereby created, and who shall receive as compensation the sum of seventy-five dollars per month, payable at the same time and in the same manner as the salaries of other county officers.

Also: Amend by striking out sections fourteen and fifteen, and inserting as follows in lieu thereof:

14. In counties of this class, justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as the salaries of county officers are paid, viz.: In townships having a population of twenty thousand or more, one hundred and fifty dollars per month; in townships having a population of four thousand and less than twenty thousand, one hundred and thirty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, sixty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per

month; in all townships having a population of less than one thousand, thirty dollars per month; *provided*, that in townships having a population of twenty thousand or more, there shall be two justices of the peace in and for any such townships, and such justices shall each be allowed a clerk, to be appointed by the board of supervisors, at a salary of seventy-five dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. All fees collected by justices of the peace in criminal cases shall be by them monthly paid into the county treasury, accompanied by a sworn and itemized statement showing the amount of such fees, and all fees for civil cases collected by justices of townships with a less population than five thousand inhabitants shall likewise be paid into the county treasury.

15. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as salaries of county officers are paid, viz.: In townships having a population of twenty thousand or more, one hundred dollars per month; in townships having a population of four thousand and less than twenty thousand, seventy-five dollars per month; in townships having a population of fifteen hundred and less than four thousand, sixty dollars per month, in townships having a population of less than fifteen hundred, forty dollars per month. They shall be allowed all necessary expenses incurred in conveying prisoners, and such fees as are now, or may be hereafter allowed in civil cases, excepting constables in townships having a population of less than five thousand inhabitants, who shall not receive any fees.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901—with instructions, do now report that the instructions of the Assembly have been carried out

WALKER, Committee

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 217 re-referred to Committee on Judiciary, to retain place on file.

Assembly Bill No. 509—An Act entitled an Act to amend subdivision nine of Section 162 of an Act entitled an Act to establish a uniform system of county and township government, relating to the office of county detective, creating the same and fixing the salary thereof.

Passed on file.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Duryea, Ells, Finn, Foster, Gleeson, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Lumley, Mahany, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Title read and approved.

Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Passed on file

Assembly Bill No. 525—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Passed on file.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Mahany, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, and Weger—45.

NOES—None.

Title read and approved.

Assembly Bill No. 504 passed on file.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Greer, Houser, Howard, Johnson, Johnstone, Kerrigan, Leininger, Lewis of Riverside, Mahany, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—45.

NOES—None.

Title read and approved.

Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Brown, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Mahany, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, and Wright—45.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Johnson for the day.

Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Read third time.

The question being on the final passage of the bill.

The roll was called.

MOTION FOR CALL OF THE HOUSE LOST.

Pending roll call, at eight o'clock and forty-four minutes P. M., Mr. Traber moved a call of the House.

Motion lost.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Bangs, Barnes, Boisson, Brown, Camp, Carter, Covert, Dorsey' Dougherty, Drew, Duryea, Ells, Foster, Greer, Houser, Howard, Johnson, Jonnstone' Kelso, Kerrigan, Leininger, Lewis of Riverside, Lumley, McLaughlin, Moore, Olmsted' Pann, Rolley, Siskron, Soward, Walker, and Wanzer—32.

NOES—Messrs. Allen, Baxter, Copus, Cromwell, Dunbar, Finn, King, Mahany, McMahon, McMartin, Mott, Murphy, Snyder, Stanton, Traber, Walsh, Waste, Weger, and Wright—19.

NOTICE OF MOTION TO RECONSIDER.

Mr. Traber gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 189 was this day refused passage.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at nine o'clock and fifty-six minutes P. M., Mr. Brown moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Houser, Howard, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Waste, Weger, and Wright—51.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty-eight minutes P. M., Mr. Dorsey moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Houser, Howard, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Snyder, Soward, Stanton, Traber, Walker, Walsh, Waste, Weger, and Wright—50.

NOES—Mr. Kerrigan—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 313 was this day passed.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 187—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Assembly Concurrent Resolution No. 8—Relative to the appropriate observance of the anniversary of Washington's birthday.

And were presented to the Governor February 20, 1903, at eight o'clock and ten minutes P. M.

AMERIGE, Chairman.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to election of school trustees.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Greer, Houser, Howard, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, Moore, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Walker, Walsh, Wanzer, and Waste—41.

NOES—None.

Title read and approved.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Foster, Greer, Houser, Howard, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Walker, Walsh, Wanzer, Waste, and Weger—45.

NOES—None.

Title read and approved.

Assembly Bill No. 38—An Act appropriating $300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Baxter, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Greer, Houser, Howard, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, and Wright—44.

NOES—None.

Title read and approved.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Houser, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—48.

NOES—None.

Title read and approved.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Houser, Howard, Johnstone, Kelso, King, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Stanton, Traber, Walker, Wanzer, Waste, Weger, and Wright—45.

NOES—None.

Title read and approved.

Assembly Bill No. 299—An Act to amend Sections 2641, 2644, and 2645 of the Political Code of the State of California, and to add two new sections thereto, to be numbered 2642 and 2642½, relating to the powers and duties of highway officers, and to the election, appointment of, and oath and bond of road overseers.

Read third time, and passed on file.

Mr. Walsh moved to substitute Assembly Bill No. 580 for Assembly Bill No. 295.

So ordered.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia H. Jones, plaintiff, vs. The State of California, defendant," numbered 79,910, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Read third time.

Mr. Walsh moved that a select committee of one be appointed to amend Assembly Bill No. 580, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the judgment creditor herein, or such creditor's successor in interest."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of Cali-

fornia, on April 8, 1902, in an action entitled "Julia H. Jones, plaintiff, versus The State of California," defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 81 passed on file.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Howard, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Rolley, Siskron, Snyder, Soward, Walker, Walsh, Wanzer, Waste, Weger, and Wright—44.

NOES—None.

Title read and approved.

Assembly Bill No. 85 passed on file.

MOTION.

Mr. Mott moved that the Assembly do now consider Assembly Bill No. 613.

So ordered.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Read third time.

Mr. Mott moved that a select committee of one be appointed to amend Assembly Bill No. 613, as follows:

Strike out all after the words and figures "Section 1003*a*," and insert in lieu thereof the following: "Except in the instances otherwise provided in the Constitution, whenever a person has been or shall be appointed by the Governor, or by the Governor by and with the consent of the Senate, to fill a vacancy in any office, or to fill an office when the appointment is not made until after the expiration of the preceding term, the appointee holds office only for the balance of the unexpired term as provided by the law creating the office.

"SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

"SEC. 3. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office—with instructions, does now report that the instructions of the Assembly have been carried out.

MOTT, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bills Nos. 122 and 467 passed on file.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of

California; defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Baxter, Boisson, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Snyder, Soward, Stanton, Traber, Walker, Wanzer, Waste, Weger, and Wright—49.

NOES—None.

Title read and approved.

Assembly Bill No. 431 passed on file.

ADJOURNMENT.

At nine o'clock and thirty-seven minutes P. M., on motion of Mr. Stanton, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 21, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker pro tem. Carter in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Bangs, Barber, Barnes, Bates, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—58.

Quorum present.

LEAVES OF ABSENCE.

Messrs. Copus and Leininger were granted leaves of absence until Tuesday, February 24, 1903.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Waste, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, February 19, 1903, was read, corrected, and approved.

PETITION.

Mr. Camp presented a petition to submit to the electors of the State of California, at the next general election, two constitutional amendments providing for a system of direct legislation through the initiative and referendum, applying to and effective in the State, counties, and municipalities. Said petition is signed by 22,000 voters and residents of the State of California.

REPORTS OF STANDING COMMITTEES.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bi l No. 693—An Act regulating the hours of employment in underground mines, in smelting and ore-reduction works, and of hoisting in and about mines—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 730—An Act to regulate the work and hours of selling at retail, drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WASTE, Acting Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

WITHDRAWAL AND RE-REFERENCE OF BILL.

Mr. Johnstone moved that Assembly Bill No. 885 be recalled from Committee on Agriculture and re-referred to Committee on Fruit and Vine Interests.

So ordered.

MOTIONS.

Mr. Greer moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 137 was on yesterday refused passage.

So ordered.

Mr. Greer moved that further consideration of the motion be continued until Tuesday morning, February 24, 1903.

So ordered.

Mr. Johnson moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 616 was on yesterday refused passage.

So ordered.

Mr. Johnson moved that further consideration of the motion be continued until Wednesday, February 25, 1903, after the reading of the Journal.

So ordered.

Mr. Wanzer moved that Senate Bill No. 24 be recalled from Committee on Ways and Means and substituted for Assembly Bill No. 230, number 157 on file.

So ordered.

Mr. Wanzer moved that Assembly Bill No. 230 be withdrawn.

So ordered.

Mr. Wanzer moved that Senate Bill No. 24 be placed on Senate special file.

So ordered.

Mr. Traber moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 189 was on yesterday refused passage.

So ordered.

Mr. Traber moved that further consideration of the motion be continued until Thursday morning, February 26, 1903.

So ordered.

Mr. Dougherty moved that Assembly Bill No. 847, reported back from the Committee on Universities, be re-referred to Committee on Ways and Means.

So ordered.

Mr. Soward moved to substitute Assembly Bill No. 829 for Assembly Bill No. 57, and that Assembly Bill No. 57 be withdrawn.

So ordered.

Mr. Stanton moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 313 was on yesterday passed.

So ordered.

Mr. Stanton moved to lay the motion to reconsider on the table.

So ordered.

Mr. McConnell moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 163.

So ordered.

Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Read third time.

Mr. McConnell moved that a select committee of one be appointed to amend Assembly Bill No. 163, as follows:

Amend by striking out all after the enacting clause and inserting as follows:

An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The California State dairy school is hereby created and established, the said school to be located as hereinafter provided. The purpose of said school is to provide for education and instruction in the care, treatment, breeding, and feeding of domestic live stock, in animal husbandry and general scientific dairy farming. The purpose and object of said school being more particularly to provide scientific instruction in the means and methods of producing and manipulating milk and cream and manufacturing cheese, butter, and other milk and dairy products, and such other instruction as will best advance and promote the agricultural and dairy interest of the State.

SEC. 2. The said California State dairy school shall be located at such point or place within the State of California as is best adapted, qualified or fitted for the location of a State dairy school and experiment farm, and the establishment and maintenance of the agricultural department of the California State University, or a branch thereof. Said point or location to be determined upon and fixed by the commission provided for in section three hereof; *provided*, that no site shall be selected unless there shall be given to the State of California for the use of said school and farm at such place at least

one hundred and sixty acres of good first-class irrigable land, together with a water right appurtenant thereto necessary and sufficient to irrigate said land and to supply water for domestic use, livestock and other purposes.

SEC. 3. For the purpose of determining the point or place in this State where such dairy school shall be located and the point which, by reason of the nature of its soil and climate and the character, variety and quality of its products, would be best adapted for the location of a State experimental farm and the location of the agricultural department of the California State University, or a branch thereof, a commission is hereby created to consist of the president of the California State University and all of the professors in the agricultural department of the California State University who are actively connected therewith and employed as instructors therein at the passage of this Act.

SEC. 4. Within thirty days after the passage of this Act said commission shall commence investigation for the purpose of determining the site best calculated for the use of the dairy school, and best calculated for the location of said experimental farm and the establishment and operation of the agricultural department of the State University, or a branch thereof, and shall continue such investigation actively until they have selected said site and determined where said school could be most advantageously located. They shall take options or bonds for the purchase of additional land adjoining the property donated and given as provided for in section two of this Act, and, in general, secure such rights and procure such other gifts, contracts or privileges as may be necessary or beneficial, or for the best interests of the said dairy school, experimental farm, and agricultural department when located or established. Immediately after said commission shall have selected said site, they shall prepare a report of their investigation and conclusion and submit the same to the Regents of the California State University, who shall locate, establish, and operate said school at said place.

SEC. 5. The said Regents of the California State University shall thereupon immediately prepare for the construction of a building for the use of the said State dairy school and experiment farm, and make provisions for the immediate construction and completion thereof. They shall equip the same with modern dairy appliances and generally make such provisions with respect to the equipment, apparatus, and other furnishings as will fit said building for immediate use for the dairy school and experiment farm, and shall purchase or procure the necessary live stock to be used in connection therewith as herein provided for. They shall thereupon provide for the assignment of instructors to said school and experiment farm, and for the immediate commencement of instruction therein and the operation thereof as a practical, scientific, modern dairy school and experiment farm as hereinabove provided.

SEC. 6 The California State dairy school and experiment farm shall be operated by and shall be under the direct and sole management and control of the said Regents of the California State University, and shall be conducted by said Regents in connection with the present agricultural department of said university as a portion thereof.

SEC 7. The sum of fifty thousand dollars is hereby appropriated for the purposes of this Act, the said sum to be paid to and be available for use by the Regents of the State University for the purpose of this Act, as follows: The sum of one thousand dollars shall be immediately available, which shall be used for the payment of the actual traveling expenses of the commissioners hereinabove provided for in making their investigation and in determining upon and selecting a site for the location of the said dairy school; twenty-five thousand dollars January 1st, 1904, and the remaining twenty-four thousand dollars January 1st, 1905.

SEC. 8. This Act shall take effect immediately.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor—with instructions, does now report that the instructions of the Assembly have been carried out

McCONNELL, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Killingsworth moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 525.

So ordered.

Assembly Bill No. 525—An Act to create the office of sheep inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies, and their

compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time.

Mr. Killingsworth moved that a select committee of one be appointed to amend Assembly Bill No. 525, as follows:

Amend section five, in line seven of printed bill, after the word "disease," by inserting the words "or on account of shortage of feed." Also, in line seven of printed bill, after the word "and," insert the word "then."

Amend section nine, in line eight of printed bill, by inserting after the word "inspector" the words "after showing a star."

Amend section ten, in line five of printed bill, by striking out the word "band" and inserting in lieu thereof the word "brands."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: You select committee of one, to whom was referred Assembly Bill No. 525—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep—with instructions, does now report that the instructions of the Assembly have been carried out.

KILLINGSWORTH, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Boisson moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 604.

So ordered.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read third time.

Mr. Copus moved that a select committee of one be appointed to amend Assembly Bill No. 604, as follows:

Amend section one of printed bill after the word "culture" in line twenty-seven by inserting the following: "modern foreign languages."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination—with instructions, does now report that the instructions of the Assembly have been carried out.

COPUS, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Boisson moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 605.

So ordered.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Read third time.

Mr. Copus moved that a select committee of one be appointed to amend Assembly Bill No. 605, as follows:

Amend section seven of printed bill after the word "music," in line twenty-three, by inserting the following: "modern foreign languages."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates—with instructions, does now report that the instructions of the Assembly have been carried out.

COPUS, Committee.

Report adopted.

Ordered to print and re-engrossment.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Prescott: Assembly Bill No. 888—An Act to amend Sections 771 and 777 of the Political Code, relating to reporting and publishing decisions of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Mr. Wanzer: Assembly Bill No. 889—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending section one hundred and seventy (170) thereof.

Read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 890—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Drew: Assembly Bill No. 891—An Act to prohibit the use or disposition of any moneys or other property held in trust, or specially deposited with the officers or authorities of State institutions, for the use or benefit of said institutions, patients, inmates or pupils therein, for purposes other than provided by the terms of such trusts or special deposits.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Dorsey: Assembly Bill No. 892—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Read first time, and referred to Committee on Judiciary.

By Mr. Ells (by request): Assembly Bill No. 893—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Howard: Assembly Bill No. 894—An Act to provide for the control of the flood waters of the Sacramento River, to improve its channel for the purposes of navigation, and to drain its flood areas.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

By Mr. Higgins: Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Read first time, and referred to Committee on Ways and Means.

By Mr. Olmsted: Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 897—An Act to legalize marriages heretofore solemnized by Judges of the Police Courts and by City Recorders.

Read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 898—An Act to regulate the collection of premiums on accident and casualty reinsurance.

Read first time, and referred to Committee on Corporations.

By Mr. Dorsey: Assembly Bill No. 899—An Act amending Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of municipal corporations of the sixth class.

Read first time, and referred to Committee on Municipal Corporations.

RESOLUTION.

By Mr. Dorsey:

*Resolved*, That the Controller of the State be and he is hereby directed to draw his warrant against the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly for the sum of one hundred and eighty-six ($186 00) dollars, and the Treasurer is hereby directed to pay the same, the said warrant being in payment for Code slips ordered purchased by a resolution of February 16, 1902, and law books purchased for the Committees on Municipal Corporations, County and Township Governments, and Corporations, ordered purchased by a resolution adopted February 17, 1903.

Resolution read.

Mr. Dorsey moved the adoption of the resolution.

Resolution adopted.

Mr. Walsh moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 535.

So ordered.

Assembly Bill No. 535—An Act limiting the service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof, imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Boisson, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—52.

NOES—None

Title read and approved.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Senate Bill No 227—An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions.

Senate Bill No. 228—An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 300, all relating to attorneys and counselors at law.

Senate Bill No. 229—An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors.

Senate Bill No 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Senate Bill No. 231—An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers.

Senate Bill No. 232—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days

Senate Bill No. 233—An Act to amend Section 91 of the Code of Civil Procedure, relating to justices' courts in cities and counties.

Senate Bill No 234—An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice.

Senate Bill No 276—An Act to amend Sections 681, 682, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Senate Bill No. 277—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Senate Bill No. 278—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Senate Bill No 279—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions

Senate Bill No. 280—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Senate Bill No. 227—An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 228—An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 300, all relating to attorneys and counselors at law.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 229—An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 231—An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 232—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 233—An Act to amend Section 91 of the Code of Civil Procedure, relating to justices' courts in cities and counties.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 234—An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 276—An Act to amend Sections 681, 682, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 277—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 278—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 279—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 280—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Read first time, and referred to Committee on Judiciary.

MOTION.

Mr. Weger moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 584.

So ordered.

Assembly Bill No. 584—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read third time.

Mr. Weger moved that a select committee of one be appointed to amend Assembly Bill No. 584, as follows:

Amend by striking out the following: "defrauding the proprietors or managers of livery or feed stables kept for profit," and inserting in lieu thereof the following: "misdemeanors."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit—with instructions, does now report that the instructions of the Assembly have been carried out.

WEGER, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Drew moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 395.

So ordered.

Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 395, as follows:

Amend section twelve of printed bill so as to read as follows:

"It shall be the duty of the county livestock, dairy, food, and sanitary inspector to inspect all cattle kept for dairy, creamery, or milking purposes, in the county, by mak-

ing a physical examination, other than the tuberculin test, except when so requested by the owner or owners of the dairy or cattle in question; and also to inspect all animals intended to be slaughtered for human food in order to ascertain the pathological condition of such animals; and to condemn and cause to be removed from contact with other animals all such animals as may be found to be unfit to be converted into human food, or suffering from any contagious or infectious disease, and the owner or person in charge of any such animal unfit to be converted into human food, or suffering from any contagious or infectious disease, shall destroy the same immediately after reasonable opportunity for examination by experts employed by him, to condemn and cause to be destroyed all meats, poultry, game, or fish, exposed or intended for sale for human food, which may be found to be wholly or partly diseased, decomposed, putrid, or infected; and to prevent the sale of milk from any diseased cow or other diseased animal, and all such milk as is found to be unclean or adulterated by destroying or disposing of same."

Amend section thirteen of printed bill so as to read as follows:

"Any animal or animals inspected by the county livestock, dairy, food, and sanitary inspector, which are infected or affected with any contagious, infectious, or other disease capable of affecting the products of said animal, and liable to be communicated to the consumer of said products, shall be removed from contact with other animals, and shall be destroyed by the owner or party in charge thereof, immediately after a reasonable opportunity for examination by experts employed by him."

Amend by striking out the words "This Act not to interfere or conflict in any manner with the regulation as may be issued by the State or Federal authorities providing for the movement of cattle," in lines fourteen, fifteen, sixteen, and seventeen, third page, printed bill, section eight, and inserting in lieu thereof the following: "This Act not to interfere or conflict in any manner with the movement of cattle under such regulations as now are or may be prescribed by the State or Federal authorities providing for the movement of cattle"

Amend by striking out the words "and branded," in line five, third page, printed bill, section nine

Amend by inserting the words "there are" next after the word "place" in line seven, third page, printed bill, section eight.

Amend by adding the words "of such animals" after the word "examination," in line six, section six, second page, printed bill

Amend by striking out the words "mileage not to exceed ten cents per mile actually traveled, the same to be fixed by the Board of Supervisors," in lines three, four, and five, pages one and two, printed bill, and inserting in lieu thereof the following: "his actual expenses per itemized account, not to exceed the sum of thirty dollars in any one month."

Amend by striking out the words "when possible," in line seven, first page, printed bill.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO February 21, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation—with instructions, does now report that the instructions of the Assembly have been carried out

DREW, Committee.

Report adopted.

Ordered to print and re-engrossment.

SPECIAL FILE.

Assembly Bill No. 1 passed on file.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one, lines one and two of printed bill, by striking out the words and figures "forty-six thousand five hundred ($46,500) dollars" and inserting in lieu thereof the words and figures "thirteen thousand ($13,000) dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of lines six, seven, and eight of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line ten of the printed bill, the words and figures "ten thousand ($10,000) dollars" and inserting in lieu thereof the words and figures "five thousand ($5,000) dollars."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line one, section four of printed bill, the word and figure "Sec. 4," and inserting in lieu thereof the word and figure "Sec. 3."

Amendment adopted.

MOTION.

Mr. John moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the purpose of considering Assembly Bill No. 367.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Assembly Bill No. 367 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

CARTER, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 524, 583, 320, 570, 489, 357, 359, 361, 360, 362, 363, 404, 422, 423, 558, 621, 201, 562, 159, 158, 560, 697, and 599 passed on file.

Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Mahany, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, and Waste—47

NOES—Messrs. Greer and Walker—2.

Title read and approved.

Assembly Bills Nos. 204, 397, 662, and 821 passed on file.

Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Kil-

lingsworth, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—56.

NOES—None.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 581—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRABER, Chairman.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor—have had the same under consideration, and the majority respectfully report the same back, with amendments, and recommend that the same do pass as amended. Minority report, do not pass

Also: Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor

Also: Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman.

THIRD READING OF BILL.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—52.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended by this committee, and that the amendment made by the Committee on State Prisons and Reformatory Institutions be rejected.

Also: Assembly Bill No. 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Also: Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Also: Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Also: Assembly Bill No. 363—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Also: Assembly Bill No. 362—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Also: Assembly Bill No. 361—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements, for the use of said school.

Also: Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Also: Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Also: Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor"

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

Also: Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and to provide for the expenditure of the same.

Also: Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended by Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Also: Assembly Bill No. 404—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase sewing-machines for the tailor shop and girls' department of said school.

Also: Assembly Bill No 257—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 358—An Act to provide for the building and furnishing of a hospital building for the Whittier State School, at Whittier, California, and to make an appropriation for the same.

Also: Assembly Bill No. 359—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school

Also: Assembly Bill No. 116—An Act making an appropriation for the erection of a workshop at the home of the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Assembly Bill No. 259—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 360—An Act making an appropriation of $6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Also: Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies.

Have had the same under consideration, and respectfully report the same back without recommendation.

DUNLAP, Chairman.

THIRD READING OF BILLS.

Assembly Constitutional Amendments Nos. 2, 3, 23, 25, and 22 passed on file.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city, or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, McConnell, McKenney, McLaughlin, Moore, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stanton, Traber, Walker, Walsh, Waste, Weger—43.

NOES—Messrs. Copus, Finn, Mahany, McMahon, McMartin, Murphy, and Siskron—7.

Title read and approved.

SPECIAL ORDER SET.

Mr. Johnson moved that Assembly Bill No. 75 be made a special order for Monday, February 23, 1903, at eleven o'clock A. M.

So ordered.

MOTION.

Mr. Cromwell moved that the Assembly do now consider Assembly Bill No. 614.

So ordered.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read second time.

The following committee amendments were submitted:

Amend by striking out the words "Glen Ellen State Hospital," in lines fifty-seven and fifty-eight, sixth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the word "State," after the word "any," in line fourteen, Section 2142*a*, seventh page, printed bill.

Amendment adopted.

Also: Amend line fourteen, Section 2142*a*, seventh page, printed bill, by inserting after the word "hospital" the following: "for the insane or incompetents."

Amendment adopted.

Also: Amend by striking out the word "hospital," in line fourteen, Section 2145, ninth page, printed bill, and inserting in lieu thereof the word "hospitals."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital of Eldridge, Sonoma County, hitherto known as the," in lines sixteen and seventeen, Section 2145, ninth page, printed bill, and inserting after the word "children," in line eighteen, the following: "at Eldridge, Sonoma County."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line nineteen, Section 2145, ninth page, printed bill, and inserting in lieu thereof the word "home."

Amendment adopted.

Also: Amend by striking out the word "children," in line twenty-eight, Section 2145, ninth page, printed bill, and inserting in lieu thereof the word "persons."

Amendment adopted.

Also: Amend by striking out the words "between the ages of five and twenty-one years," in line twenty-nine, Section 2145, ninth page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "as are," in line five, Section 2151, twelfth page, printed bill, and inserting in lieu thereof the following: "to be."

Amendment adopted.

Also: Amend line five, Section 2151, twelfth page, printed bill, by inserting after the word "patients" the words "or inmates."

Amendment adopted.

Also: Amend by striking out the words "shall or," in line twenty-five, Section 2152, twelfth page, printed bill.

Amendment adopted.

Also: Amend line five, Section 2149, tenth page, printed bill, by adding after the word "hospital" the following: "*provided*, that no manager shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

Amendment adopted.

Also: Amend line twenty-five, Section 2152, twelfth page, printed bill, by inserting after the word "passed" the following: "or shall pass."

Amendment adopted.

Also: Amend line thirty-four, Section 2152, thirteenth page, printed bill, by inserting after the word "purpose" the following: "An examination shall not be required of any medical superintendent or assistant physician now in office in any State hospital."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line nineteen, Section 2153, thirteenth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line forty-one, Section 2153, fourteenth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the word "three," in line nineteen, Section 2153*a*, fifteenth page, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

Also: Amend by striking out the words "shall or," in line twenty-three, Section 2153*a*, fifteenth page, printed bill, and inserting in lieu thereof the following: "shall pass or."

Amendment adopted.

Also: Amend by striking out the words "such position in any State hospital," in line thirty-two, Section 2153*a*, fifteenth page, printed bill, and inserting in lieu thereof the following: "a similar position in any other State hospital."

Amendment adopted.

Also: Amend by striking out the word "such," in line twenty-one, Section 2155, eighteenth page, printed bill, and inserting in lieu thereof the word "any."

Amendment adopted.

Also: Amend by striking out the word "any," in line twenty-three, Section 2155, eighteenth page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in lines four and five, Section 2158, eighteenth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the words "his legal representative," in line forty-eight, Section 2159, twenty-first page, printed bill, and inserting in lieu thereof the following: "to the persons entitled thereto."

Amendment adopted.

Also: Amend by striking out the words "his legal representative," in line fifty-two, Section 2159, twenty-first page, printed bill, and inserting in lieu thereof the following: "the persons entitled thereto."

Amendment adopted.

Also: Amend by striking out the word "his," in line eight, Section 2168, twenty-fifth page, printed bill, and inserting in lieu thereof the following: "a hearing and."

Amendment adopted.

Also: Amend by striking out the words "for hearing," on line seventeen, Section 2168, twenty-fifth page, printed bill, and inserting in lieu thereof the following: "for the hearing and examinations."

Amendment adopted.

Also: Amend by striking out the words "affidavit and warrant of arrest," in line two, Section 2172, twenty-ninth page, printed bill, and inserting in lieu thereof the following: "affidavit, warrant of arrest, and of the order for hearing and examinations."

Amendment adopted.

Also: Amend by striking out the words "for the insane," in line two, Section 2185, thirty-second page, printed bill.

Amendment adopted.

Also: Amend by striking out the word "herein," in line seven, Section 2185, thirty-second page, printed bill, and inserting in lieu thereof the word "therein."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line twenty-four, Section 2187, thirty-fourth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line thirty, Section 2187, thirty-fourth page, printed bill, and inserting in lieu thereof the following: "home."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in lines thirty-two and thirty-three, Section 2187, thirty-fourth page, printed bill, and inserting in lieu thereof the following: "said home."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in lines thirty-five and thirty-six, Section 2187, thirty-fourth page, printed bill, and inserting in lieu thereof the following: "said home."

Amendment adopted.

Also: Amend by striking out the words "for the insane," in lines one and two, Section 2189, thirty-fourth page, printed bill

Amendment adopted.

Also: Amend by striking out the words "to the medical superintendent," in line sixty-one, Section 2189, thirty-sixth page, printed bill, and inserting in lieu thereof the following: "of the board of managers."

Amendment adopted.

Also: Amend line seven, Section 2191, thirty-seventh page, printed bill, by inserting after the word "insane" the following: "or incompetents."

Amendment adopted.

Also: Amend by striking out the word "child," in line three, Section 2192, thirty-seventh page, printed bill, and inserting in lieu thereof the following: "persons."

Amendment adopted.

Also: Amend by striking out the words "between the ages of five and twenty-one years," in lines three and four, Section 2192, thirty-seventh page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line five, Section 2162, thirty-seventh page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the word "child," in line nine, Section 2192, thirty-seventh page, printed bill, and inserting in lieu thereof the following: "persons."

Amendment adopted.

Also: Amend by striking out the words "between the ages above named," in line ten, Section 2192, thirty-seventh page, printed bill.

Amendment adopted.

Also: Amend by striking out the word "child," in line twenty-two, Section 2192, thirty-eighth page, printed bill, and inserting in lieu thereof the word "person."

Amendment adopted.

Also: Amend by striking out the word "child," in line twenty-six, Section 2192, thirty-eighth page, printed bill, and inserting in lieu thereof the word "person."

Amendment adopted.

Also: Amend by striking out the word "child," in line twenty-eight, Section 2192, thirty-eighth page, printed bill, and inserting in lieu thereof the word "persons."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line two, Section 2193, thirty-eighth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line two, Section 2194, thirty-ninth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble Minded."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in lines ten and eleven, Section 2194, thirty-ninth page, printed bill, and inserting in lieu thereof the following: "said home"

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line twelve, Section 2194, thirty-ninth page, printed bill, and inserting in lieu thereof the word "home."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in lines thirteen and fourteen, Section 2194, thirty-ninth page, printed bill, and inserting in lieu thereof the word "home."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line three, Section 2195, thirty ninth page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

Also: Amend by inserting the words "or incompetents," after the words "alleged insane," in line forty-eight, Section 2196, forty-first page, printed bill.

Amendment adopted.

Also: Amend by striking out the word "expense," in line six, Section 2197, forty-first page, printed bill, and inserting in lieu thereof the word "expenses."

Amendment adopted.

Also: Amend by striking out the word "proceedings," in line three, Section 2199, forty-second page, printed bill, and inserting in lieu thereof the word "provisions."

Amendment adopted.

Also: Amend by striking out the words "Glen Ellen State Hospital," in line three, section three of Section 2199, forty-second page, printed bill, and inserting in lieu thereof the following: "Home for Feeble-Minded."

Amendment adopted.

The following amendment was submitted by Mr. Cromwell:

Amend page twelve, line eight, of Section 2157, of the printed bill: After the word "therein," add: "and subject to the said approval, the managers may employ a competent architect to prepare plans, specifications, or estimates of cost of proposed structures, and adopt such plans, specifications, or estimates, and, after plans, specifications, or

estimates of cost are so approved, may let contracts for erection of such buildings or making of such repairs, and may employ a competent architect to superintend the construction of such building or the making of such repairs."

Amendment adopted.

Ordered to print, engrossment, and third reading.

On motion of Mr. Cromwell, Assembly Bill No. 614 was made a special order for Tuesday, February 24, 1903, at eleven o'clock A. M.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly re-engrossed:

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books; authorizing said committee, subject to approval of the State Board of Education, to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to produce a meritorious, uniform series of State school text-books; granting powers, subject to the approval of the State Board of Education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State school-book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of State school text-books

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Assembly Bill No 75—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election, in determining the place of residence of any person entitled to vote therein.

Assembly Bill No. 159, engrossed—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos, and the construction of a new power house at the Veterans' Home located at Yountville, Napa County, State of California.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, vs. The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Assembly Bill No. 425--An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. "3" of judgments of the Superior Court of Calaveras County, page 333.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera (a corporation) vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No 19 of Department Two of said Superior Court, at page 391.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 629—An Act to appropriate the sum of $257 05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C H. Blemmer from the State of California.

Assembly Bill No. 172—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Assembly Bill No. 401—An Act to amend Section 2643 of the Political Code, relating to duties of supervisors respecting roads.

AMERIGE, Chairman.

THIRD READING OF BILL.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a new provision in place of the part omitted, that no supplies of printed or lithographed, or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed, or will be printed and bound or lithographed, and manufactured in the State of California; and job printing, and lithographing, and advertising, under this section, shall be done in the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Greer, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Mahany, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Walker, Walsh, Wanzer, Waste, and Weger—55.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Olmsted gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 415 was on this day passed.

MESSAGE FROM THE GOVERNOR.

Mr. Amerige moved that the Assembly do now consider messages from the Governor.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 21, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 808—An Act to amend Section 3 of an Act for the protection of horticulture, which became a law March 11, 1899.

Also: Assembly Bill No 143—An Act to repeal an Act to provide for the letting of contracts for the lighting of streets, approved March 26, 1895.

Also: Assembly Bill No. 185—An Act to appropriate money for assisting to defray the expenses incident to the holding of a National Encampment of the Grand Army of the Republic.

GEO. C. PARDEE,
Governor of the State of California.

ANNOUNCEMENT.

The Speaker pro tem. announced that three sets of codes from the Chief Clerk's desk; one set of codes from Mr. Weger's desk; one Underwood typewriter, and several minor articles, had been stolen from the Assembly chamber, and that the Chief Clerk and Sergeant-at-Arms, jointly, offer a reward of $20, for evidence that will convict the guilty party.

ADJOURNMENT.

At eleven o'clock and forty-two minutes A. M., on motion of Mr. Lewis of Riverside, the Assembly adjourned until eleven o'clock A. M. of Monday, February 23, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 23, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

LEAVES OF ABSENCE.

Leaves of absence were granted for the day to Messrs. Susman, Hart, and Pann.

READING OF THE JOURNAL.

On motion of Mr. Waste, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, February 20, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 767—An Act to amend an Act to provide for the incorporation, operation, and management of co-operative associations—report the same back, and, by a majority vote, recommend that it do not pass.

Also: Assembly Bill No. 391—An Act to repeal Section 644 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Also: Assembly Bill No. 392—An Act to repeal Section 645 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Also: Assembly Bill No 393—An Act to repeal Section 646 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Report the same back, with the recommendation that they do not pass

Also: Assembly Bill No. 772—An Act to add a new section to the Political Code of the State of California, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Also: Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant can not be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 827—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States, approved March 23, 1901—report the same back, with two amendments, and recommend its passage as amended

Also: Assembly Bill No. 848—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home—report the same back, with the recommendation that it do pass

Also: Assembly Bill No. 19—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain—report the same back without recommendation.

JOHNSON, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WALKER, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Assembly Bill No. 596—An Act to add a new section to the Code of Civil Procedure, to be numbered 1040, providing a method of relieving persons satisfactorily shown to be unable to prepay the same, from the necessity of prepaying the fees, costs, charges and expenses fixed by law or rule of court, and incident to actions or special proceedings in courts of justice.

Assembly Bill No. 694—An Act to provide for locating and surveying a proposed highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Assembly Bill No 473—An Act to appropriate $355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I," at page 570, in the Superior Court of the County of Placer.

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange

Assembly Bill No. 607—An Act to appropriate $2400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled 'James T. Laird vs. The State of California."

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California, recovered by Oscar R. Brown, in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Assembly Bill No. 344—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year.

Assembly Bill No 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Assembly Bill No 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Assembly Bill No. 172—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

AMERIGE, Chairman.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. King: Assembly Concurrent Resolution No. 9—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 16th day of February, 1903.

Referred to Committee on Municipal Corporations.

By Mr. Waste: Assembly Bill No. 900—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 1474*a*, relating to commissions for University of California cadets who served in the United States army or navy during the Spanish-American war.

Read first time, and referred to Committee on Military Affairs.

By Mr. Walsh: Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read first time, and referred to Committee on Corporations.

By Mr. McNeil: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a uniform system of county and township

governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered "152*a*," providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 903—An Act to amend Section 221 of the Civil Code of the State of California, relating to adoption.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 904—An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons.

Read first time, and referred to Committee on Judiciary.

By Mr. Howard (by request): Assembly Bill No. 905—An Act to amend an Act entitled "An Act to amend the Political Code by adding a new article to Chapter ——— of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive," approved March 13, 1901.

Read first time, and referred to Committee on Municipal Corporations.

By Committee on Election Laws: Assembly Bill No. 906—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of judicial local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act.

Read first time, and ordered on second-reading file.

Also: Assembly Bill No. 907—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Read first time, and ordered on second-reading file.

By Mr. Stanton: Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson: Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin against the State of California.

Read first time, and referred to Committee on Ways and Means.

By Mr. Killingsworth: Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Carter: Assembly Bill No. 911—An Act to provide for the location and acquirement of mining claims in salt marsh and tide lands owned by the State of California.

Read first time, and referred to Committee on Mines and Mining Interests.

Also: Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 913—An Act authorizing the making of official city maps for the purpose of assessment or transferring of property by descriptions, as delineated on such maps, and for the re-surveying and renumbering of blocks, lots, or parcels of land, and fixing the names of streets, avenues, lanes, courts, places, commons, or parks.

Read first time, and referred to Committee on Judiciary.

By Mr. Lewis of Riverside: Assembly Bill No. 914—An Act for the establishment and maintenance of a board of examiners for applicants to the office of Horticultural Commissioners, and of inspectors of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and of members of the County Board of Horticultural Commissioners, and to provide for their compensation, examination of applicants, and for the appointment of an examining board by the Governor, and the issuing of certificates of qualification of such applicants.

Read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Higgins: Assembly Constitutional Amendment No. 30—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 19 of Article V, relating to the compensation of State officers.

Referred to Committee on Constitutional Amendments.

By Mr. Brown: Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 916—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments.

Read first time, and referred to Committee on Judiciary.

By Mr. Soward: Assembly Bill No. 917—An Act to provide for the completion and publication of the work of "The Commissioners for the Revision and Reform of the Law," and to repeal thereafter an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Prescott (by request): Assembly Bill No. 918—An Act to validate bonds for street work issued under an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, and to declare the meaning and effect of said Act as to such bonds.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson: Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor and to provide for the payment of the same," approved March 9, 1897.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Barber: Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Read first time, and referred to Committee on Judiciary.

By Mr. Lux: Assembly Bill No. 921—An Act providing that in any city, or city and county in this State, where by general law or by charter, the Board of Police Commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto; and repealing all Acts and parts of Acts in conflict herewith.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 922—An Act providing that in any city, or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county are authorized and empowered to appoint, promote, to suspend, disrate, or dismiss any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language; and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated; and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply; and providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction

may review the proceedings had upon such hearings, for certain purposes; and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Fisk: Assembly Bill No. 923—An Act to amend Section 476 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Read first time, and referred to Committee on Corporations.

SPECIAL ORDER.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Read third time.

Mr. Amerige moved that a select committee of one be appointed to amend Assembly Bill No. 75, as follows:

All the part beginning from word "also" in line sixteen to line twenty to the word "provided."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bliss, Brown, Carter, Covert, Dougherty, Drew, Dunlap, Duryea, Ellis, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, and Wright—49

NOES—Messrs. Allen, Amerige, Cromwell, Dunbar, Lewis of San Francisco, McMahon, Snyder, and Mr. Speaker—8.

Title read and approved.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Committee on Ways and Means—Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Read first time, and ordered on second-reading file.

By Mr. Dunlap: Assembly Bill No. 925—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895," approved March 23, 1901, conferring further powers on said Board of Harbor Commissioners.

Read first time, and referred to Committee on Judiciary.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit their report for the two weeks ending Saturday, February 21, 1903, as follows:

*Bills Referred to This Committee Since Last Report*

| | | |
|---|---|---|
| Feb. 9, | Senate Bill No 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry | $3,500 00 |
| 9, | Assembly Bill No. 319—An Act creating a commission to be known as the California Relief Commission, etc. | 7,200 00 |
| 6, | Assembly Bill No. 655—An Act to provide for the protection of the banks of Eel River against the ravages of high water | 5,000 00 |
| 6, | Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster, on a judgment | 550 00 |
| 9, | Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, etc., office of Clerk of the Supreme Court, in San Francisco | 500 00 |
| 9, | Assembly Bill No. 688—An Act making an appropriation to pay the judgment in favor of Oscar R. Brown | 1,035 00 |
| 10, | Assembly Bill No. 230—An Act to appropriate $250 to pay the claim of Thomas D. Riordan | 250 00 |
| 10, | Assembly Bill No. 242—An Act making an appropriation to pay the claim of George C. Graves for services rendered, etc. | 126 10 |
| 10, | Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles | 4,150 00 |
| 10, | Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same | |
| 10, | Assembly Bill No. 398—An Act to establish a State dairy school and experiment farm, to be located at Menlo Park, California | 50,000 00 |
| 10, | Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi | 1,566 00 |
| 10, | Assembly Bill No. 580—An Act making an appropriation to pay judgment for the sum of $600 in favor of Julia H. Jones | 600 00 |
| 11, | Assembly Bill No 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico | 28,500 00 |
| 11, | Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home at Yountville, Napa County, California | 25,000 00 |
| 11, | Assembly Bill No. 622—An Act to amend Section 457 of the Political Code | |
| 12, | Assembly Bill No. 333—An Act to provide for the sanitary construction, equipment, and inspection of bakeshops, kitchens, etc. | |
| 12, | Assembly Bill No. 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, etc. | 40,000 00 |
| 12, | Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power house at the Veterans' Home located at Yountville, Napa County | 10,000 00 |
| 13, | Senate Bill No 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California during the insurrection | |
| 13, | Assembly Bill No. 7—An Act to provide for the payment of the claim of John F. Forward | 4,333 75 |
| 13, | Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C Frazer for the sum of $2,520 | 2,520 00 |
| 13, | Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands, etc ,for the Mendocino State Hospital | 15,000 00 |
| 13, | Assembly Bill No. 158—An Act making an appropriation for furnishing modern hospital building for Veterans' Home at Yountville | 10,000 00 |
| 13, | Assembly Bill No 166—An Act making an appropriation to pay claim of A W. Rapelye | 300 00 |
| 13, | Assembly Bill No 227—An Act to pay the claim of Albert G. Lafferty | 1,000 00 |
| 13, | Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State. | 6,133 75 |
| 13, | Assembly Bill No. 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey | 2,218 50 |
| 13, | Assembly Bill No 462—An Act to provide for the purchase of additional lands for the Napa State Hospital. | 60,000 00 |

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| Feb. 13, | Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children | $2,500 00 |
| 13, | Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children | 25,000 00 |
| 13, | Assembly Bill No 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children | 80,000 00 |
| 13, | Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children | 9,500 00 |
| 13, | Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children. | 4,000 00 |
| 13, | Assembly Bill No 610—An Act making an appropriation of $52 40 to pay the claim of J. D. Collins, Sheriff of Fresno County | 52 40 |
| 13, | Assembly Bill No. 647—An Act to pay the claim of George Williams | 180 00 |
| 13, | Assembly Bill No 663—An Act making an appropriation to pay the claim of James L. McCarthy | 168 00 |
| 13, | Assembly Bill No 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river, etc. | 1,800 00 |
| 13, | Assembly Bill No 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply at the California Home for the Care and Training of Feeble-Minded Children | 15,000 00 |
| 13, | Assembly Bill No 572—An Act to provide for the purchase of additional grounds for the Napa State Hospital | 8,500 00 |
| 13, | Assembly Bill No. 573—An Act to provide for the construction of a dam in Kruse Canyon, in the County of Napa | 25,000 00 |
| 13, | Assembly Bill No. 574—An Act to provide for the erection and furnishing of an 80-room cottage for the Napa State Hospital | 55,000 00 |
| 14, | Senate Bill No 315—An Act making an appropriation of $700 to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D 1903. | 700 00 |
| 14, | Assembly Bill No. 384—An Act to appropriate money for the survey, location, acquisition of rights of way, and construction of a free wagon road or State highway from the town of Boulder Creek, Santa Cruz County, etc | 60,000 00 |
| 14, | Assembly Bill No. 429—An Act creating the office of State Entomologist, etc. | 15,000 00 |
| 14, | Assembly Bill No. 599—An Act making an appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year | 952 50 |
| 14, | Assembly Bill No 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, etc. | ---------- |
| 14, | Assembly Bill No 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year | 500 00 |
| 14, | Assembly Bill No 769—An Act making an appropriation to pay the claim of A W Randal for the reward offered by the State of California for the arrest of Josef E Blanther, for murder | 1,000 00 |
| 14, | Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L Boyd, etc | 190 00 |
| 16, | Assembly Bill No 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans | 879 25 |
| 17, | Assembly Bill No 811—An Act to provide for the preservation, improvement and maintenance of the California Redwood Park in Santa Cruz County | 20,000 00 |
| 18, | Assembly Bill No. 533—An Act providing for the relief of J. H. Sawtell, etc | 1,130 00 |
| 18, | Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D Riordan | 250 00 |
| 18, | Senate Bill No 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," etc. | ---------- |
| 18, | Senate Bill No 76—An Act appropriating $300 to pay the reward of C. W. King for the arrest of "Indian Dick Hutchings" | 300 00 |
| 18, | Senate Bill No 207—An Act to pay the claim of J. E Atkinson | 5,000 00 |
| 18, | Senate Bill No. 302—An Act to appropriate the sum of $1,200 to pay for repairs to Capitol Building, etc. | 1,200 00 |

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| Feb. 18, | Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co., etc. | $21,000 00 |
| 18, | Senate Bill No 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due | 142 50 |
| 19, | Assembly Bill No. 818—An Act to appropriate money to be expended by the Regents of the University of California, through the Department of Agriculture and Chemistry, etc. | 6,000 00 |
| 19, | Assembly Bill No. 833—An Act to pay the claim of William M. Sullivan | 5,000 00 |
| 19, | Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California | 25,000 00 |
| 20, | Assembly Bill No. 399—An Act to create free employment offices in certain counties, etc. | ---------- |
| 20, | Assembly Bill No 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, etc. | 40,000 00 |
| 18, | Assembly Bill No 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls | 125,000 00 |
| 20, | Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, etc. | 35,000 00 |

*Bills Reported by This Committee.*

| | | |
|---|---|---|
| 16, | Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session | 25,000 00 |
| | | $895,427 75 |

*Bills Reported Favorably.*

| | | |
|---|---|---|
| Feb. 18, | Assembly Bill No. 368 | $100,000 00 |
| 16, | Assembly Bill No. 376 | 4,000 00 |
| 16, | Assembly Bill No. 30 | 12,000 00 |
| 9, | Assembly Bill No. 138 | 5,000 00 |
| 9, | Assembly Bill No 104 | 3,046 75 |
| 13, | Assembly Bill No. 191 | 520 00 |
| 11, | Assembly Bill No. 297 | 50,000 00 |
| 13, | Assembly Bill No. 427 | 250,000 00 |
| 13, | Assembly Bill No. 428 | 1,500 00 |
| 18, | Assembly Bill No. 547 | 125,000 00 |
| 9, | Assembly Bill No. 134 | 1,800 00 |
| 18, | Assembly Bill No. 595 | 21,000 00 |
| 11, | Assembly Bill No. 126 | 5,000 00 |
| 16, | Senate Bill No. 67 | 2,500 00 |
| 13, | Assembly Bill No. 600 | 400 00 |
| 13, | Assembly Bill No. 601 | 185 00 |
| 9, | Assembly Bill No, 38 | 300 00 |
| 11, | Assembly Bill No. 81 | 1,856 78 |
| 11, | Assembly Bill No. 319 | 7,200 00 |
| 9, | Assembly Bill No. 655 | 5,000 00 |
| 18, | Assembly Bill No. 685 | 500 00 |
| 11, | Assembly Bill No. 230 | 250 00 |
| 13, | Assembly Bill No. 269 | 4,150 00 |
| 16, | Assembly Bill No 344 | 8,000 00 |
| 13, | Assembly Bill No 629 | 257 05 |
| 11, | Senate Bill No. 70 | 250 00 |
| 11, | Senate Bill No. 144 | ---------- |
| 13, | Assembly Bill No. 398 | 50,000 00 |
| 11, | Assembly Bill No. 576 | 1,566 00 |
| 11, | Assembly Bill No. 580 | 600 00 |
| 11, | Assembly Bill No. 622 | ---------- |
| 13, | Assembly Bill No. 321 | 6,133 75 |
| 13, | Senate Bill No. 14 | ---------- |
| 16, | Assembly Bill No. 69 | 2,520 00 |
| 18, | Assembly Bill No. 454 | 2,218 50 |
| 16, | Assembly Bill No. 610 | 52 40 |
| 16, | Assembly Bill No 647 | 180 00 |
| 18, | Assembly Bill No 663 | 168 00 |
| 16, | Assembly Bill No. 429 | 15,000 00 |
| 16, | Assembly Bill No. 599 | 952 50 |
| 16, | Assembly Bill No. 756 | 500 00 |
| 16, | Assembly Bill No. 770 | 190 00 |
| 18, | Assembly Bill No 794 | 879 25 |

| | | |
|---|---|---|
| Feb. 18, | Assembly Bill No. 811 | $20,000 00 |
| 18, | Senate Bill No. 71 | |
| 18, | Senate Bill No. 207 | 3,750 00 |
| 20, | Assembly Bill No. 154 | 7,500 00 |
| 20, | Assembly Bill No. 155 | 30,000 00 |
| 20, | Assembly Bill No. 158 | 10,000 00 |
| 20, | Assembly Bill No. 201 | 25,000 00 |
| 20, | Assembly Bill No. 258 | 5,000 00 |
| 20, | Assembly Bill No. 357 | 8,000 00 |
| 20, | Assembly Bill No. 361 | 1,000 00 |
| 20, | Assembly Bill No. 362 | 500 00 |
| 20, | Assembly Bill No. 363 | 500 00 |
| 20, | Assembly Bill No. 367 | 13,000 00 |
| 20, | Assembly Bill No 697 | 5,000 00 |
| 20, | Assembly Bill No. 570 | 5,800 00 |
| 20, | Assembly Bill No. 559 | 2,500 00 |
| 20, | Assembly Bill No. 561 | 20,000 00 |
| 20, | Assembly Bill No. 562 | 6,500 00 |
| 20, | Assembly Bill No. 563 | 2,000 00 |
| 20, | Assembly Bill No. 531 | 5,000 00 |
| 20, | Assembly Bill No. 241 | 25,000 00 |
| 20, | Assembly Bill No. 423 | 3,500 00 |
| 20, | Assembly Bill No. 422 | 500 00 |
| 20, | Assembly Bill No. 162 | 2,345 75 |
| 20, | Assembly Bill No. 408 | |
| 20, | Assembly Bill No. 815 | 25,000 00 |
| | | $918,071 73 |

*Bills Reported Without Recommendation.*

| | | |
|---|---|---|
| Feb. 18, | Assembly Bill No. 131 | $8,000 00 |
| 16, | Assembly Bill No. 227 | 1,000 00 |
| 16, | Assembly Bill No. 694 | 1,800 00 |
| 20, | Assembly Bill No. 360 | 6,000 00 |
| 20, | Assembly Bill No. 399 | |
| | | $16,800 00 |

*Bills Reported with Recommendation that they be Referred to Committee on Judiciary.*

| | | |
|---|---|---|
| Feb. 9, | Assembly Bill No. 607 | $2,400 00 |
| 9, | Assembly Bill No. 660 | 550 00 |
| 9, | Assembly Bill No. 688 | 1,035 00 |
| 9, | Assembly Bill No. 473 | 355 00 |
| | | $4,340 00 |

*Bills Recalled.*

| | | |
|---|---|---|
| Feb. 12, | Senate Bill No. 59 | |
| 13, | Assembly Bill No. 159 | $10,000 00 |
| 13, | Assembly Bill No. 572 | 8,500 00 |
| 13, | Assembly Bill No 573 | 25,000 00 |
| 13, | Assembly Bill No. 574 | 55,000 00 |
| 12, | Assembly Bill No. 269 | |
| 11, | Assembly Bill No. 125 | 15 000 00 |
| 12, | Assembly Bill No. 240 | |
| | | $113,500 00 |

*Bills Reported Unfavorably.*

| | | |
|---|---|---|
| Feb. 16, | Assembly Bill No. 333 | |
| 20, | Assembly Bill No. 257 | $5,000 00 |
| 20, | Assembly Bill No. 462 | 60,000 00 |
| 20, | Assembly Bill No. 358 | 5,000 00 |
| 20, | Assembly Bill No. 359 | 5,000 00 |
| 20, | Assembly Bill No. 404 | 500 00 |
| 20, | Assembly Bill No. 506 | 200,000 00 |
| 20, | Assembly Bill No. 116 | 20,000 06 |
| 20, | Assembly Bill No. 259 | 25.000 00 |
| | | $320,500 00 |

*Recapitulation.*

| | |
|---|---|
| Total appropriations referred to this committee to date | $3,611,285 74 |
| Total appropriations reported favorably | 1,683,208 15 |
| Total appropriations reported unfavorably | 321,750 00 |
| Total appropriations reported without recommendation | 16,800 00 |

| | |
|---|---|
| Total appropriations reported with recommendation that they be referred to Judiciary Committee | $4,340 00 |
| Total appropriations recalled | 114,916 50 |
| Total appropriations reduced | 195,783 99 |
| Total appropriations remaining in hands of committee | 1,274,487 10 |

Respectfully submitted.

DUNLAP, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1903.

*To the Assembly of the State of California:*

I have the honor herewith to transmit for your information a copy of a dispatch which has been received from Surgeon-General Wyman of the Public Health and Marine Hospital Service of the United States Government.

As you will observe, this dispatch shows that the United States authorities believe the health conditions in San Francisco are now satisfactory, and they have proceeded to communicate a knowledge of the actual situation to the governments of countries which, under a misapprehension, had established quarantines against ships sailing from that port.

The showing thus made is one which the people of California can regard with considerable satisfaction, and I believe that the policy of cooperation between the Federal, State, and Municipal governments is being justified by results.

GEO. C. PARDEE,
Governor of California.

COPY OF DISPATCH FROM SURGEON-GENERAL.

WASHINGTON, D. C., February 22, 1903.

GOVERNOR PARDEE, *Sacramento, Cal.:*

Replying to inquiry I have to say that no case of plague has been discovered in San Francisco since December 11th, nearly two months and a half ago, and then only one case. Official reports show that the National, State, and City authorities are now working in thorough harmony under the leadership of the Federal officers; that searching inspections are being made daily in Chinatown, and proper sanitary measures are being rigidly enforced, including radical measures for the destruction of rats. Bacteriological examinations of captured rats are being made daily, and the last infected rat was found on December 8th, since which time bacteriological examinations have been made of three hundred and twenty-four dead rats and none found infected.

The State Department was requested last week to notify the Governments of Mexico and Ecuador of the satisfactory conditions now prevailing, and which have prevailed for some time at San Francisco, and doubtless this has been done, and the above facts have been moreover communicated to the International Union of American Republics.

WALTER WYMAN,
Surgeon-General U. S. Public Health and Marine Hospital Service.

RECESS.

At twelve o'clock M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. McMartin: Assembly Bill No. 926—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," thereon approved March 13, 1883; and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Leininger: Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

By Mr. Gleeson: Assembly Bill No. 929—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relating to lotteries, and providing that any person who engages therein, either by his labor or capital, is guilty of a felony.

Read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 930—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by adding a new section thereto, to be numbered Section 13.

Read first time, and referred to Committee on Labor and Capital.

By Mr. McCartney: Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage, or in any wise to advertise the word divorce or any word affecting domestic relations.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 932—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 933—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Read first time, and referred to Committee on Judiciary.

By Mr. Waste: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Read first time, and referred to Committee on Corporations.

By Mr. Bliss: Assembly Bill No. 935—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 936—An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property and providing for the disposition of the selling price.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Higgins: Assembly Bill No. 937—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Read first time, and referred to Committee on Judiciary, and on return to Committee on Commerce and Navigation.

By Mr. McKenney: Assembly Bill No. 938—An Act making an appropriation to pay the claim of J. W. Sibole.

Read first time, and referred to Committee on Claims.

By Mr. Weger: Assembly Bill No. 939—An Act amending Section 338 of the Code of Civil Procedure and adding a new section to said code, to be numbered 338½, relating to the time within which certain actions may be considered.

Read first time, and referred to Committee on Judiciary.

By Mr. John: Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

RESOLUTIONS.

By Mr. Ells: From Danville Grange, relative to the California Polytechnic School:

Preambles and resolutions in favor of an appropriation by the State Legislature for the California Polytechnic School.

WHEREAS, The State Legislature at its last session made an appropriation of $50,000 for the purpose of establishing the California Polytechnic School at San Luis Obispo; and

WHEREAS, The trustees of said school have purchased a suitable site of 280 acres near the City of San Luis Obispo at a cost of $7,800 and are expending the remainder of said appropriation for the erection of buildings; and

WHEREAS, The trustees have determined to make the study and practice of agriculture in its various branches of domestic science, carpentry, blacksmithing, and other industrial trades particularly suited for country communities the leading feature of said school; and

WHEREAS, The trustees have estimated that an additional sum of $100,000 will be needed for the next two years to erect other necessary buildings and carry on the work of the school, and have asked the Legislature for such an appropriation; and

WHEREAS, We believe that the establishment and liberal maintenance of said school will be of inestimable value for the practical education of boys and girls who reside in the country; be it therefore

*Resolved*, That we petition the Legislature to make the desired appropriation for the further equipment and maintenance of the California Polytechnic School; and be it further

*Resolved*, That these preambles and resolutions be sent to each of our Representatives in the Legislature and to the Governor.

[SEAL.]

S. F. RAMAGE, President.
S. E. WOOD, Secretary.

By Mr. Carter:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: WHEREAS, A large number of bills introduced in this House, in the early part of this session, affecting the public institutions of the State, were referred to the Ways and Means Committee, and have ever since been before said committee, and more than ten days have elapsed since the same were referred to said committee; and

WHEREAS, There remains but ten days more of this session, as provided by law; now, therefore, be it

*Resolved*, That said committee be instructed to report to this House at once all bills that have been before it for a period of ten days.

Resolution ruled out of order by the Chair.

Mr. Carter moved that the Chair request the Committee on Ways and Means to report the bills back to the Assembly.

The Speaker announced that the request would be granted unless the chairman of the Committee on Ways and Means asked for further time.

The chairman of the Committee on Ways and Means asked for further time.

Request granted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California,

in reference to speed of street cars, and regulating the number of trucks and kinds of brakes to be used on those cars operated at a speed of more than eight miles per hour—report the same back, with four amendments, and, by a majority vote, recommend its passage as amended.

Also: Assembly Bill No. 843—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relating to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor—report the same back without recommendation.

Also: Assembly Bill No. 888—An Act to amend Sections 771 and 777 of the Political Code, relating to reporting and publishing decisions of the Supreme Court—report the same back, with the recommendation that it do pass.

JOHNSON, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Wright: Assembly Joint Resolution No. 15—Relative to manning vessels with Chinese crews.

Referred to Committee on Commerce and Navigation.

MOTION.

Mr. Olmsted moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 415 was on Saturday passed.

So ordered.

By unanimous consent, further consideration of the motion was postponed until Tuesday, February 24, 1903.

SECOND-READING FILE.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "fifteen thousand," in line one of title of bill, and inserting in lieu thereof the words "seven thousand five hundred." Also, strike out words "fifteen thousand" in line three, section one, first page, printed bill, and insert in lieu thereof the following: "seven thousand five hundred."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "its passage," in line two, section five, second page, printed bill, and inserting in lieu thereof the following: "January first, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 154.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 154 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 114 passed on file.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend section four, line two, printed bill, by striking out the words "its passage," and inserting in lieu thereof the words "January 1, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 241.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 241 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 32, 439, 442, 438, 440, 83, 203, 475, 240, 829, 50, 116, 258, 257, 259, 826, and 550, passed on file.

At two o'clock and thirty minutes P. M., the Speaker called Mr. Johnson to the chair.

Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "and to provide an appropriation therefor," after the word "Act," in lines four and five of the title, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of section two, page two, after the words "United States," in line thirteen of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of section nine, fourth page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figures "10" after the word "section," in section ten, in line one, fourth page, printed bill.

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 408.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 408 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor"—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

JOHNSON, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 447 and 445 passed on file.

Assembly Bill No. 506 re-referred to Committee on Ways and Means.

Assembly Bills Nos. 202, 177, 358, 435, and 414 passed on file.

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Read second time.

MOTION.

Mr. Drew moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 531.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 531 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 296 passed on file.

Assembly Bill No. 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 162.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 162 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California—and do now report the same back, and recommend that the same do pass,

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bills Nos. 238, 229, and 31 passed on file.

Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies.

Heretofore read second time.

The following committee amendment was submitted:

AMENDMENT No. 1.

In section one, lines two, three, and four, strike out "two such offices in counties of the first class, and one such office in each of the counties of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth class," and insert "one such office in counties of the first, second and third classes" in lieu thereof.

Amendment adopted.

AMENDMENT No. 2.

In section two, line two, after the word "force" strike out the words "the Commissioner of Labor shall recommend and."

Amendment adopted.

AMENDMENT No. 3.

In section two, lines three and four, strike out "assistant superintendent."

Amendment adopted.

AMENDMENT No. 4.

In section two, lines six and seven, strike out "the assistant superintendent, or."

Amendment adopted.

AMENDMENT No. 5.

In section two, lines ten and eleven, strike out "the salary of such assistant superintendent shall be $900.00 per annum."

Amendment adopted.

AMENDMENT No. 6.

In section two, line twelve, strike out "clerks" and insert "clerk" in lieu thereof.

Amendment adopted.

AMENDMENT No. 7.

In section two, line twelve, after "per annum," strike out the remaining portion of the section.

Amendment adopted.

AMENDMENT No. 8.

In section five, lines twelve and thirteen, strike out "whether such trades or special journals are published within the State of California or not."

Amendment adopted.

AMENDMENT No. 9.

In section five, line sixteen, after "year" add "and all such advertising be in papers or journals printed in this State."

Amendment adopted.

AMENDMENT No. 10.

In section six, line eight, strike out "including the charges of an interpreter when necessary."

Amendment adopted.

AMENDMENT No. 11.

In section seven, line four, strike out "assistant superintendent."

Amendment adopted.

AMENDMENT No. 12.

In section nine, line two, after the words "and to such" add "other persons who have declared their intentions of becoming such."

Amendment adopted.

AMENDMENT No. 13.

In section nine, line two, after the words "and to such" add "other persons who have declared their intentions of becoming such,"

Amendment adopted.

AMENDMENT No. 14.

In section eleven, strike out all of lines three, four, five, six, seven, eight, and nine.

Amendment adopted.

AMENDMENT No. 15.

Strike out Section 12, and insert in lieu thereof:

"SEC. 12. To pay the sum authorized by this Act to be expended, there is hereby appropriated out of any moneys not otherwise appropriated the sum of ten thousand dollars, payable only upon vouchers approved by the Commissioner of the Bureau of Labor Statistics, and no expenses shall in any event be incurred under the provisions of this Act in excess of the sum hereby appropriated."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 497 passed on file.

Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 559.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 559 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 559—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 462 passed on file.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "eighty," on line one, section one, first page, printed bill, and inserting in lieu thereof the following: "twenty."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of sections two and three on first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "Sec. 4," "Sec. 5," "Sec. 6," "Sec. 7," "Sec. 8," and "Sec. 9," second page, printed bill, and inserting in lieu thereof the following: "Sec. 2," "Sec. 3," "Sec. 4," "Sec. 5," "Sec 6."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "seventeen," in line one, section six, second page, printed bill, and inserting in lieu thereof the following: "eight."

Amendment adopted.

AMENDMENT No 5.

Amend by striking out the word "six,' in line three, section six, second page, printed bill, and inserting in lieu thereof the following: "three."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "two," in line one, section seven, second page, printed bill, and inserting in lieu thereof the following: "one."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "six," in line three, section seven, second page, printed bill, and inserting in lieu thereof the following: "three."

Amendment adopted.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "four," in line three, section one, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bills No. 561 and 563.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bills Nos. 561 and 563 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

And do now report the same back, and recommend that the same do pass as amended by the Assembly.

JOHNSON, Chairman.

Report adopted.

Assembly Bills Nos. 561 and 563 ordered to print, engrossment, and third reading.

Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, and 18, and adding a new section, to be numbered and designated Section 22½.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the figures "22½," after the word "Section," in the title of the Act, first page, printed bill, and inserting in lieu thereof the following: the figures "21½."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the word "now," immediately after the word "person," in line two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend on line three, first page, printed bill, immediately after the word "state" by adding the following: "who has failed to register his license with the clerk of the county wherein his place of business is located, as provided by law, must register the same within sixty days after this Act takes effect, and every person who shall hereafter be licensed to practice dentistry in this state."

Amendment adopted.

AMENDMENT No. 4.

Amend line eleven, fourth page, printed bill, by inserting the following: the word "reputable," immediately before the word "dental."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "and all laws heretofore enacted and existing prior to this Act in the State of California," in line two, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "fornia, referring to dentistry and the practice thereof, and the several matters contemplated in this Act are hereby repealed," on lines four, five, and six, section twenty-five, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend line six, section twenty-five, eighth page, printed bill, by inserting the following: the word "hereby," immediately after the word "are."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "of the United States of America," on line five, section twelve, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend said Act as follows: Strike out the words and figures "Amend Section 10 so as to read as follows:" immediately following the enacting clause on page one of the printed bill, and in lieu thereof insert the following:

"SECTION 1. Section ten of an Act entitled 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885," approved March 23, 1901,' is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 10.

Amend said Act as follows: Strike out the words and figures "Amend Section 12 as follows" immediately following line six of section twenty-five, eighth page of printed bill, and in lieu thereof insert the following:

"SEC. 2. Section twelve of that certain Act of the Legislature of the State of California, more particularly designated and described in section one thereof is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 11.

Amend said Act as follows: Strike out the words and figures "Amend Section 14 to read as follows:" immediately following line sixty-seven of section ten, page three of printed bill, and in lieu thereof insert the following:

"SEC. 3. Section fourteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows."

Amendment adopted.

AMENDMENT No. 12.

Amend said Act as follows: Strike out the words and figures "Amend Section 15 so as to read as follows:" immediately following line thirty-two of section fourteen, page four of printed bill, and in lieu thereof insert the following:

"SEC. 4. Section fifteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 13.

Amend said Act as follows: Strike out the words and figures "Repeal Sections 16, 17, and 18," immediately following line twenty of section fifteen, page five of the printed bill, and insert in lieu thereof the following:

"SEC. 5. All of sections sixteen, seventeen and eighteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, are hereby expressly repealed."

Amendment adopted.

AMENDMENT No. 14.

Amend said Act as follows: Strike out the words and figures "Amend Section 19 so as to read as follows:" immediately preceding line two of section nineteen, page five of the printed bill, and in lieu thereof insert the following:

"SEC. 6. Section nineteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows."

Amendment adopted.

AMENDMENT No. 15.

Amend said Act as follows: Strike out the words and figures "Add a new section, numbered 21½," immediately preceding line two of section twenty-one and one half, page six of the printed bill, and in lieu thereof insert the following:

"SEC. 7. There is hereby added to that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, a new section, to be numbered section twenty-one and one half, as follows:"

Amendment adopted.

AMENDMENT No. 16.

Amend said Act as follows: Strike out the words and figures "Amend Section 25 as follows:" immediately preceding line two of Section 25, page seven of the printed bill, and in lieu thereof insert the following:

"SEC. 8. Section twenty-five of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

Ordered to print, engrossment, and third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Boisson: Assembly Bill No. 941—An Act to provide for the purchase of the painting, "Departure of the First California Regiment from San Francisco, May 25, 1898," by the State Board of Examiners, and to appropriate money therefor.

Read first time, and referred to Committee on Ways and Means.

By Mr. Stanton: Assembly Bill No. 942—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property assets, and franchises, with other like associations or corporations, either created under the laws of the State of California or under the laws of any other State or Territory.

Read first time, and referred to Committee on Corporations.

By Mr. Dorsey: Assembly Bill No. 943—An Act to amend Section 4119 of the Political Code, relating to the residence of certain county officers.

Read first time, and referred to Committee on Judiciary.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of nine hundred and thirty-seven dollars and ninety cents ($937.90) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| B. Wilson & Co. | $6 75 |
| Tenbrook & Co. | 6 00 |
| J. E Mayo | 3 00 |
| G M. Fessell | 53 00 |
| Mrs. Coffield | 18 00 |
| Stober Bros. | 2 50 |
| A. S. Hopkins Co. | 25 00 |
| Thos. Scott | 73 50 |
| Ben B. Welch | 25 95 |
| Geo. Purnell | 37 45 |
| Kane & Trainor Ice Co. | 35 00 |
| Mrs. McCall | 10 00 |
| Sunset Telephone Co. | 16 60 |
| John Breuner Co | 60 25 |
| Capital Manufacturing Co. | 19 25 |
| Capital Telephone Co. | 18 10 |
| Electrical Engineering and Supply Co. | 15 60 |
| Geo B. Stack | 130 35 |
| Yost Writing Machine Co. | 67 50 |
| D. Johnston & Co. | 314 10 |
| Total | $937 90 |

Ordered printed in the Journal.

SECOND-READING FILE—(RESUMED).

Assembly Bills Nos. 7, 166, and 454 passed on file.

Assembly Bill No. 526—An Act providing the manner of payment of fees of the County Clerk in cases of petitions for letters of administration filed by Public Administrators.

Read second time.

Passed on file, pending amendment.

Assembly Bills Nos. 528 and 59 passed on file.

Assembly Bill No. 543—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read second time.

The following committee amendment was submitted:

Insert in printed bill after the title "The people of the State of California, represented in Senate and Assembly, do enact as follows."

"SEC. 1. An Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, is hereby amended by adding a new section thereto, to be known and numbered as Section 402¾, to read as follows."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 384 passed on file.

Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recorded in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding thereto the following: "*provided, however,* that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, first page of printed bill, insert the following: "under conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding thereto the following: "*provided, however,* that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, first page of printed bill, insert the following: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bills Nos. 600 and 601.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bills Nos. 600 and 601 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recorded in an action entitled "John E Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

And do now report the same back, and recommend that the same do pass as amended by the Assembly.

JOHNSON, Chairman

Report adopted.

Assembly Bills Nos. 600 and 601 ordered to print, engrossment, and third reading.

Assembly Bill No. 533 passed on file.

Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use.

Read second time. and ordered to engrossment and third reading.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Read second time.

The following amendments were submitted by Mr. Drew:

AMENDMENT No. 1.

Amend section five, line two, by striking out the first word "section" and inserting the word "sections."

Amendment adopted.

AMENDMENT No. 2.

Amend line nine, same section, by striking out the word "and."

Amendment adopted.

AMENDMENT No. 3.

Amend section twenty-one, line four of the printed bill, by striking out the word "of," in the beginning of said line, and inserting the word "in."

Amendment adopted.

AMENDMENT No. 4.

Amend section thirty-one, line thirty two of the printed bill, by striking out the figures "41" and inserting the figures "40."

Amendment adopted.

AMENDMENT No. 5.

Amend section sixty-four, line twelve of the printed bill, by striking out the word "and," in the middle of the line, and inserting the word "or."

Amendment adopted.

AMENDMENT No. 6.

Amend section ninety, line nine of the printed bill, by inserting the word "of" after the word "section" in said line.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 721 passed on file.

Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of Justices' Courts.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said code, to be numbered, consecutively, 1233 and 1234, concerning the dissolution of private corporations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 490—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, providing what persons are competent to serve as executors, and what persons are entitled to letters of administration with the will annexed, and in what order they are entitled.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 106—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 309, 340, and 741 passed on file.

Assembly Bill No. 598—An Act to add a new section to the Penal Code, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 757—An Act to add a new section to the Civil Code of the State of California, under Title II, Part II thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 16—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1402 thereof, relating to the disposition of and succession to community property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 1401 thereof, relating to community property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 108—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.

Read second time.

The following committee amendment was submitted:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Appointments, promotions, and transfers of officers and employés to or in the service of the State shall be made according to merit and fitness; but the rules and regulations to that end in this Act provided for shall not apply to any officers elected by the people, or appointed by the Governor, whether upon or without confirmation by the Senate; nor to any office or position in the militia or military departments established under the provisions of Article VIII of the Constitution; nor to the head or heads of any State institution, superintendents, principals or teachers in a normal school or in the State University; nor to the deputies of the principal executive officers

authorized by law to act generally for and in place of their principals; nor to the secretary of any board, officer, or commission authorized by law to appoint a secretary.

SEC. 2. The Governor is hereby empowered in his discretion to cause to be prepared and to promulgate rules and regulations more effectually to carry out the provisions of section one hereof, and such rules and regulations he may alter from time to time; and the same, so far as not in conflict with this Act or with the Constitution of the State, shall control in respect to such appointments, promotions and transfers as may be within the purview thereof; and no officer or employé appointed, promoted or transferred in violation of any such rule or regulation shall receive any of the compensations or emoluments of the office or place to which he is so appointed, promoted or transferred; *provided*, that all officers and employés holding offices or places at the time such rules and regulations are extended to such offices or places may continue therein until the expiration of their terms of office or employment, or until lawfully removed.

SEC. 3. For the purpose of assisting him in preparing rules and regulations, and in determining the merit and fitness of applicants for appointment, promotion and transfer, the Governor may employ from time to time such person or persons as he may see fit at such terms as he may deem advisable; he may also incur reasonable expenses for printing, provided that the whole amount expended under this Act shall in no event exceed the sum hereby appropriated

SEC. 4. There is hereby appropriated for carrying out the purposes of this Act, out of moneys not otherwise appropriated, the sum of two thousand dollars, payable only upon vouchers signed by the Governor

SEC. 5. This Act shall go into effect July 1, 1903.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 534 passed on file.

Assembly Bill No. 453 withdrawn by author.

Assembly Bills Nos. 53, 51, and 39 passed on file.

Assembly Bill No. 452 withdrawn by author.

Assembly Bill No. 213 passed on file.

ASSEMBLY JOINT RESOLUTION No. 10.

Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

WHEREAS, Certain land owned by Jessie Benton Fremont was taken by the United States for public purposes in the year 1863 and no payment therefor has ever been made; and

WHEREAS, In addition to the mere legal obligation it cannot be forgotten that Jessie Benton Fremont was the worthy helpmate of a man whose genius and fortitude placed his country in his debt forever; yet that she died in straitened circumstances, leaving to an only daughter a noble name, poverty and this claim; therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That we do respectfully urge the Congress of the United States to make such provision for the payment of said claim as may now seem just.

*Resolved*, That a copy of this resolution be transmitted by mail to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each of the Senators and Representatives from California in said Congress.

Resolution read.

Mr. Houser moved the adoption of the resolution.

Resolution adopted.

Assembly Bill No. 728—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 639—An Act to provide for the classification of Supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Read second time, and ordered to engrossment and third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Lumley: Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read first time, and referred to Committee on Agriculture.

By Mr. Barber (by request): Assembly Bill No. 945—An Act to add a new section to the Penal Code, to be known as Section 1132, relating to evidence of larceny, embezzlement, and obtaining money or property by false pretenses.

Read first time, and referred to Committee on Judiciary.

STATEMENT.

By Mr. Houser:

SACRAMENTO, February 23, 1903.

MR. SPEAKER: I desire to state that in the vote taken this morning on the final passage of Assembly Bill No. 75, I voted in the affirmative in favor of the passage of the bill. I make this statement because I am informed that the record, as kept by the Clerk, does not so state. I ask that this statement be printed in the Journal.

RESOLUTION.

By Mr. Waste:

WHEREAS, Yesterday was the anniversary of the natal day of George Washington, whose life and deeds become more dear to all Americans as each year passes into history, and whose name is the brightest heritage of the Republic; and

WHEREAS, A special programme appropriate to the occasion has been prepared for this evening's session of the Assembly and Senate in joint session; be it

*Resolved*, That all rules be suspended and that this evening's session, after eight o'clock, be devoted entirely to such programme;

*Resolved, further*, That when the Assembly adjourn this day, February 23, it do so in honor of the name and memory of Washington.

Resolution read.

The question being on the adoption of the resolution.

Resolution adopted.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

And were presented to the Governor February 23, 1903, at eleven o'clock and fifteen minutes A. M.

AMERIGE, Chairman.

SPECIAL FILE—SENATE BILLS.

Senate Bills Nos. 310, 118, 95, 68, 27, and 85 passed on file.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and fifteen minutes P. M., Mr. Higgins moved a call of the House.

So ordered.

The roll was called and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, Mott, Murphy, Olmsted, Prescott, Pyle, Snyder, Stansell, Stanton, Steadman, Walker, Walsh, Waste, Weger, and Mr. Speaker—49.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty minutes P. M., on motion of Mr. Higgins, further proceedings under call of the House were dispensed with.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bangs, Barnes, Boisson, Brown, Carter, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Ells, Greer, Hart, Higgins, Johnson, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, Mott, Murphy, Olmsted, Prescott, Snyder, Stanton, Steadman, Walker, Walsh, Waste, Weger, and Mr. Speaker—37.

NOES—Messrs. Allen, Amerige, Barber, Burgess, Duryea, Foster, Goodrich, Houser, Howard, Johnstone, Pyle, and Stansell—12.

NOTICE OF MOTION TO RECONSIDER.

Mr. Higgins gave notice that he would on next legislative day move for a reconsideration of the vote whereby Senate Bill No. 372 was this day refused passage.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McLaughlin, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—49.

NOES—None.

Title read and approved.

Committee Substitute for Senate Bills Nos. 261, 307, and 317 passed on file.

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "five thousand (5,000)," in line one, section one, first page, printed bill, and inserting in lieu thereof the following: "three thousand seven hundred and fifty (3,750)."

Same in line three, section two, page one.

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 207.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 207 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass, as amended in the assembly.

JOHNSON, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Read second time, and ordered to third reading.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure or the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read second time, and ordered to third reading.

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Read second time, and ordered to third reading.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read second time, and ordered to third reading.

Senate Bill No. 50—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062*a*, 1062*b*, 1062*c*, 1062*d*, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property

is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successor or assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Read second time, and ordered to third reading.

Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Read second time, and ordered to third reading.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copy of the records of the same.

Read second time, and ordered to third reading.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Read second time, and ordered to third reading.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Read second time, and ordered to third reading.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read second time, and ordered to third reading.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction,

and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Read second time, and ordered to third reading.

SENATE JOINT RESOLUTION No. 8.

Resolution relating to the purchasing and making free by the United States Government of the toll roads over the Yosemite National Park, in the State of California.

WHEREAS, The State of California did, in the years eighteen hundred and eighty-five and eighteen hundred and eighty-nine, purchase and make free the portions of those certain three toll roads lying within the bounds of the grant of the Yosemite Valley (containing about thirty-six thousand acres), made to the State of California by Act of Congress, passed June thirtieth, eighteen hundred and sixty-four, said roads having been built into and over said grant by permission of the State of California, and the commissioners to manage said park, provided by said Act of Congress;

AND WHEREAS, The Congress of the United States did, on October first, eighteen hundred and ninety, pass an Act establishing the Yosemite National Park, containing about one million acres, in the center of which the said original Yosemite Valley grant lies, but did not provide for the making free of the said three toll roads which pass over said national park and into said Yosemite Valley, or for the making free of that certain fourth toll road which passes through said park, but not into said Yosemite Valley;

AND WHEREAS, The Yosemite National Park is visited annually by many thousands of Californians and others, and it is a matter of great importance to the people of the United States and particularly to the people of the State of California that these toll roads should be made free by the National Government, and the anomaly of paying tolls in a people's park be done away with;

AND WHEREAS, Congress has appropriated for the Yellowstone National Park over $1,100,000, of which the sum of $57,800 was appropriated at the last session of the present Congress, and has appropriated many hundreds of thousands of dollars for other national parks, but only the sum of $22,000 for the Yosemite National Park;

AND WHEREAS, At the 56th session of Congress a special commission was created to examine and report upon the feasibility of acquiring the four toll roads in and about said park, and for the construction of other necessary new roads within said park;

AND WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor, and did recommend that the said four toll roads be purchased at the price of $208,750, before the National Government construct any new roads; therefore, be it

*Resolved by the Senate and Assembly, jointly*, That the same policy which induced the State of California to buy and make free the toll roads and trails in the California Yosemite Valley grant, should also influence the National Government to buy and make free the toll roads which traverse the Yosemite National Park; and that our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations at the present session of Congress, in accordance with the report of said commission, for the purchase of these roads, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

*Resolved, further*, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Resolution read.

Mr. Baxter moved that the Assembly do now concur in the adoption of Senate Joint Resolution No. 8.

The question being, "Shall the Assembly concur?"

The Assembly concurred in the adoption of the resolution.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Read second time, and ordered to third reading.

Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear

on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 24.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 24 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Bliss: Assembly Bill No. 946—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 947—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ALLEN, Chairman.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Wanzer: Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and town governments," approved March 1, 1887.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Murphy: Assembly Bill No. 949—An Act providing for an expression of opinion by electors on questions of public policy at any election.

Read first time, and referred to Committee on Election Laws.

By Mr. Goodrich (by request): Assembly Bill No. 950—An Act to amend Section 1402 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to community property.

Read first time, and referred to Committee on Judiciary.

By Mr. Goodrich (by request): Assembly Constitutional Amendment No. 31—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article XII thereof, relating to corporations.

Read, and referred to Committee on Constitutional Amendments.

MOTION.

Mr. Ells moved that the Assembly do now consider Assembly Bill No. 667.

So ordered.

Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read third time.

Mr. Ells moved that a select committee of one be appointed to amend Assembly Bill No. 667, as follows:

Amend by adding the letter "s" to the word "government," in line three, page one, of printed bill; also, add the letter "s" to the word "government," in line nine, page one of printed bill

Also: Amend by adding a new subdivision to section one, after line twenty-two, on page two of printed bill, to be numbered "1½," and to read as follows:

"1½. A registration clerk to be appointed by the County Clerk, and hold office during the pleasure of the County Clerk, seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers is paid."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 667—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class—with instructions, does now report that the instructions of the Assembly have been carried out.

ELLS, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Dougherty moved that the Assembly do now consider Assembly Bill No. 98.

So ordered.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Read third time.

Mr. Dougherty moved that a select committee of one be appointed to amend Assembly Bill No. 98, as follows:

AMENDMENT No. 1.

Amend by adding to section one of said Act the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2

Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest"

AMENDMENT No. 3.

Strike out all of section three and in lieu thereof insert the following:
"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners."

AMENDMENT No. 4.

Amend section two of said Act as follows: After the word "warrant," in line two of said section two, insert the words "upon the State Treasurer."

AMENDMENT No. 5.

Amend said Act by adding thereto a new section to be numbered section four, as follows:
"SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps—with instructions, does now report that the instructions of the Assembly have been carried out

DOUGHERTY, Committee.

Report adopted.

Ordered to print, re-engrossment, and third reading.

Mr. Johnson moved that the Assembly do now consider Assembly Bills Nos. 142, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90 and 91.

So ordered.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus the State of California, defendant.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 142, as follows:

AMENDMENT No. 1.

Amend section one of said Act, as amended in Assembly, February 3, 1903, by striking out the word "four," in line eighteen, of section one of printed bill, as amended, and inserting the word "five" in lieu thereof.

AMENDMENT No. 2.

Amend section two of said Act by striking out the word "treasury," in line four, page two of printed bill, as amended in Assembly, February 3, 1903, and inserting the word "Treasurer" in lieu thereof.

AMENDMENT No. 3.

Amend section three of said Act by striking out the word "treasury," in line one of said section, page two of printed bill, as amended in Assembly, February 3, 1903, and inserting the word "Treasurer" in lieu thereof

AMENDMENT No. 4.

Amend section three of said Act by adding to said section three the following: "and the authorization and direction contained in sections two and three of this Act are hereby excepted from the operation of the provisions of section six hundred and seventy-two of the Political Code of this State."

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 96, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 95, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn and the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately"

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered

in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 94, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn and the said judgment shall be standing not reversed or vacated, and there being no appeal pending therefrom"

AMENDMENT No. 2.

Amend section two as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 92, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 93, as follows:

AMENDMENT No 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of

January, 1905, nor unless at the time such warrant is drawn and the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 84, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn and the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 86, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn and the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No 87, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 88, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed to the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 89, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 90, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend said Act by striking out all of section three, and in lieu thereof inserting the following:

"SEC. 3. This Act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners."

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read third time.

Mr. John moved that a select committee of one be appointed to amend Assembly Bill No. 91, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after

the date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest"

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4 This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento County.

Also: Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Also: Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T Lightner vs The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

With instructions, does now report that the instructions of the Assembly have been carried out.

JOHN, Committee.

Report adopted.

Assembly Bills Nos. 142, 96, 95, 94, 92, 93, 84, 86, 87, 88, 89, 90, and 91 ordered to print and re-engrossment.

MOTION.

Mr. Duryea moved that the Assembly do now consider Assembly Bill No. 743.

So ordered.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Read second time.

The following amendments were submitted by Mr. Duryea:

AMENDMENT No. 1.

Amend by striking out the word "county" in line sixty-seven, page three, printed bill, and inserting in lieu thereof the word "township."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line sixty-nine, page three, printed bill, after the word "cents," the following: "outside of his township, but within his county, ten cents."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line seventy-four, page three, printed bill, the word "ten," and inserting in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting, at the end of subdivision fourteen of the bill, the following: "*provided further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Read third time.

Mr. Brown moved that a select committee of one be appointed to amend Assembly Bill No. 288, as follows:

Strike out all of line forty-six, page two, printed bill, after the word cities; all of lines forty-seven, forty-eight and forty-nine down to and including the word "years," in line forty-nine, and insert in lieu thereof the following: "and cities and counties shall have power to establish and maintain free kindergarten classes in connection with the public primary schools of any district or city or city and county for the instruction of children between three and six years of age residing in such district or city or city and county, and shall prescribe such courses of training, study and discipline, and such rules and regulations governing such kindergarten classes as said trustees or board of education may deem best; *provided*, that nothing in this section shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of State and county school funds among the several counties and districts in this State; *provided, further*, that the cost of establishing and maintaining such kindergarten classes shall be paid from the school funds of said districts or cities, or cities and counties, and the said kindergarten classes shall be a part of the public school system in such places, and shall be governed as far as practicable in the same manner, and by the same officers as is now, or hereafter may be, provided by law for the government of other public schools of the State; *and provided further*, that all teachers for kindergarten classes established as herein authorized, shall be required to hold kindergarten primary certificates of the county where the kindergarten classes are maintained."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education—with instructions, does now report that the instructions of the Assembly have been carried out.

BROWN, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Houser moved that the Assembly do now consider Assembly Bill No. 167.

So ordered.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors at law in the courts of the State of California.

Read third time.

Mr. Houser moved that a select committee of one be appointed to amend Assembly Bill No. 167, as follows:

Amend the title after the figures "1872," by inserting "declaring who are attorneys and counselors at law within the State of California, and."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors at law in the courts of the State of California—with instructions, does now report that the instructions of the Assembly have been carried out.

HOUSER, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. McKenney moved that the Assembly do now consider Assembly Bill No. 828.

So ordered.

Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Read second time.

Mr. McKenney submitted the following amendments:

Amend by striking out of section three, line six of printed bill, the words "by the Superior Judge thereof."

Amendment adopted.

Also:

Add after the word "responsibilities," sixth line of the title, the words "of the county."

Amendment adopted.

Ordered to engrossment and third reading.

MOTION.

Mr. Johnstone moved that the Assembly do now consider Assembly Bill No. 515.

So ordered.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read third time.

Mr. Johnstone moved that a select committee of one be appointed to amend Assembly Bill No. 515, as follows:

Amend by striking out of section one, line twenty-two of printed bill, the word "twelve" and inserting "nine" In section one, subdivision first, line twenty-three, after word "number" insert the words "not less than five."

Also: Amend by striking out of section five, line sixty-nine of printed bill, the word "to" after the word "re-transferred" and insert the word "by."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSTONE, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Snyder moved that the Assembly do now consider Assembly Bill No. 29.

So ordered.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Read third time.

Mr. Snyder moved that a select committee of one be appointed to amend Assembly Bill No. 29, as follows:

Amend by striking out all of section two after word "charge" in line eight, printed bill.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same—with instructions, does now report that the instructions of the Assembly have been carried out.

SNYDER, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Carter moved that the Assembly do now consider Assembly Bill No. 456.

So ordered.

Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

Mr. Carter moved that a select committee of one be appointed to amend Assembly Bill No. 456, as follows:

Amend by inserting in section one, line thirty-four, page two of the printed bill, the words "or for the collection of poll taxes," after the words "personal property."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—with instructions, does now report that the instructions of the Assembly have been carried out.

CARTER, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Wright moved that the Assembly do now consider Assembly Bill No. 175.

So ordered.

Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Read third time.

Mr. Wright moved that a select committee of one be appointed to amend Assembly Bill No. 175, as follows:

After the word "of," in first line of title, printed bill, insert the word "electric."
After the word "any," at end of line two, printed bill, insert the word "electric."
After the word "propel," line four, printed bill, strike out the words "directly or indirectly, by steam or electric power."
After the word "any," line five, printed bill, insert the word "electric."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material—with instructions, does now report that the instructions of the Assembly have been carried out.

WRIGHT, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Dunbar moved that the Assembly do now consider Assembly Bill No. 753.

So ordered.

Assembly Bill No. 753—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.

Read second time.

Mr. Dunbar submitted the following amendment:

Amend by striking out of section one, line twenty-one of printed bill, the word "and," after the word "local."

Amendment adopted.

Ordered to print and engrossment.

MOTION.

Mr. Olmsted moved that the Assembly do now consider Assembly Bill No. 379.

So ordered.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 379, as follows:

Amend by inserting the words "City Recorder" after the word "court," in line six of the printed bill.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report adopted.

Ordered to print, engrossment, and third reading.

MOTION.

Mr. Knight moved that the Assembly do now consider Assembly Bill No. 523.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Read third time.

Mr. Knight moved that a select committee of one be appointed to amend Assembly Bill No. 523, as follows:

Amend by inserting the following: "automatic," next after the word "safe," in line ten of section one of amended printed bill.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 523—An Act to regulate the use of illuminating gas—with instructions, does now report that the instructions of the Assembly have been carried out.

KNIGHT, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. Drew moved that the Assembly do now consider Assembly Bill No. 368.

So ordered.

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

Read second time.

The following amendment was submitted:

SECTION 1. The Governor of the State of California is hereby appointed a commissioner, to be known as the Louisiana Purchase Exposition Fair Commissioner, and the Lewis and Clark Exposition Commissioner, and he shall have exclusive charge and control thereof, with power to appoint all necessary persons for the purpose of carrying out the provisions of this Act, and the expenditure of all moneys herein appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition Fair, to be held in the City of St. Louis, State of Missouri, in 1904, and also for transporting and installing that portion of the products of the State of California used at St Louis that can be transported and installed at the Lewis and Clark Exposition to be held in the City of Portland, State of Oregon, in the year 1905.

SEC. 2. The Governor of the State of California shall receive no compensation for his services, but he shall have the power to employ suitable persons, and upon such terms as he shall deem just and equitable, for the purpose of carrying out the provisions of this Act.

SEC 3. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to meet the expenses of erecting buildings, and collecting and maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis, in the State of Missouri, in 1904, and at the Lewis and Clark Exposition to be held in the City of Portland, State of Oregon, in the year 1905, and the Controller is hereby directed to draw his warrant on the general fund from time to time for such portion of the one hundred thousand dollars, and in favor of such persons, as the Governor of the State of California, such Commissioner hereinabove referred to, shall direct, and the State Treasurer is directed and empowered to pay the same.

SEC. 4. It shall be the duty of all public institutions in the State of California to assist the said Commissioner in every possible way by loaning him such material in their possession as will add to the attractive features of the State exhibit.

SEC. 5. This Act is exempt from the provisions of Section 672 of the Political Code of the State of California.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Amendment adopted.

MOTION.

Mr. Drew moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 368.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 368 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held at St. Louis in 1904, and to provide for commissioners thereof—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

JOHNSON, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

At four o'clock and five minutes P. M., Speaker Fisk in the chair.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Olmsted: Assembly Bill No. 951—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the racetrack, enclosure, fair grounds or buildings wherein such trial or contest of skill, speed or power of endurance, of, by, or between men, animals or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act.

Read first time, and referred to Committee on Public Morals.

MOTION.

Mr. Brown moved that the Assembly do now return to the second-reading file.

So ordered.

SECOND-READING FILE.

Assembly Bill No. 658—An Act to amend Subdivision 2 of Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words and numbers in lines forty-seven to sixty, inclusive, of printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words and figures in lines forty-four to sixty-eight, inclusive, of printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 664—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Read second time.

The following committee amendment was submitted:

Amend by inserting the words "The People of the State of California, represented in Senate and Assembly, do enact as follows," on page one, after the word "California," beginning a new line of printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 631—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "procuring bonds and," in line one, section one, printed bill, and strike out the word "for" in line two, section one, printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 723—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words and figures in lines one hundred and twenty-two to one hundred and thirty-nine, inclusive, of the printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 718—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 162 thereof.

Read second time.

The following committee amendment was submitted:

Amend by striking out all the words after the figures "17" beginning with the word "In" in line one hundred and thirty-seven, fifth page, printed bill, down to and including the word "compensation" in line one hundred and seventy-one, sixth page, printed bill

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code, relating to the formation of new school districts.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 620—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 809—An Act to protect the public health of the State and to prevent the sale of poultry until the same has been properly prepared.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 801—An Act to prevent the use of adulterants in the manufacture of beer in lieu of hops, and providing for the amount of hops to be used in each barrel of beer so manufactured.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Mondays.

Read second time.

The following committee amendments were submitted:

Strike out all after the enacting clause and insert as follows:

"SECTION 1. Section 28 of the Penal Code of the State of California is hereby amended so as to read as follows:

"Section 28. Every person now confined in any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatsoever name the same may now or hereafter be known in this State, under conviction for a penal offense for a term exceeding thirty days, shall be discharged on a Monday regardless of the day of the week upon which the term or time of confinement prescribed in the sentence or terminated by credits or commutation would otherwise expire, unless the Monday upon or preceding the day in the same week upon which the sentence or commutation would otherwise expire shall fall upon or precede, within four days, a legal holiday, in which event such person shall be discharged upon the first Monday preceding that which will not be upon or be followed by a holiday within four days."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 351—An Act to amend Section 1143 of the Penal Code of the State of California, relating to the fees of jurors serving in criminal cases in the Superior Court of the State of California, and providing a limitation on the amount of money that each juror may draw in any one year.

Read second time.

The following committee amendments were submitted:

Strike out the word "fifteen" where it occurs in line eight of section one, on page one of the printed bill, and insert in lieu thereof the word "ninety."

Amendment adopted.

Also:

Strike out the word "thirty," where it occurs in line eleven, section one of the printed bill, and insert in lieu thereof the words "one hundred and eighty."

Amendment adopted.

Also:

Strike out the word "fifteen," in line thirteen, page two of the printed bill, and insert in lieu thereof the word "ninety."

Amendment adopted.

Also:

Strike out the words "one cause," in line fourteen, page two of the printed bill, and insert in lieu thereof the words "such cases."

Amendment adopted.

Also:

Insert the word and figure "Section 1" in front of the word "that," in line one, page one of the printed bill, and strike out the word "that."

Amendment adopted.

Also:

Strike out the word "be," in line two, page one of the printed bill, and insert in lieu thereof the word "is."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 337—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options,

and repealing all Acts and parts of Acts in conflict therewith, and providing a penalty for the violation of the provisions thereof.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 776—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read second time.

The following committee amendment was submitted:

Strike out all commencing at the word "in," in line thirty-four, page two of the printed bill, down to the word "party," in line thirty-six, page two of the printed bill, both inclusive.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 265, 266, and 267 passed on file.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

Also: Amend section two of said Act as follows: Before the words "the State Controller," in line one of section two, insert the following words: "under the conditions and after the date and upon the contingencies stated in section one hereof."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 770.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 770 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 770—An Act authorizing the payment of a judgment in favor of Maggie L Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 327—An Act to repeal Section 1543 of the Political Code of the State of California, relating to education.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 579—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 149—An Act to prohibit prize-fighting and for the control of sparring exhibitions and to prohibit betting or stake-holding upon any fight or sparring exhibition.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title to read as follows: "An Act to amend Section 412 of the Penal Code, relating to prize-fighting, challenges, and sparring exhibitions, and to add a new section to the Penal Code, to be numbered Section 420, relating to betting or stake-holding."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "prize-fighting and sparring exhibitions, aiding," in line one, section one, first page, printed bill, and inserting in lieu thereof the following: "Section 412 of the Penal Code of the State of California is hereby amended to read as follows: 412."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "therein," etc., in line two, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "contention," in line twenty-two, section one, second page, printed bill, the following: "any word, spoken or written, or any signs uttered or made to any person, expressing or implying, or intended to express or imply, a desire, request, invitation or demand to engage in any fight, such as is mentioned in this section, are to be deemed a challenge within the meaning of this section."

Amendment adopted.

AMENDMENT No. 5

Amend by striking out all of section two, second page, printed bill, and inserting in lieu thereof the following:

"SEC. 2 A new section is hereby added to the Penal Code, numbered 420, as follows: 'A person who bets, stakes, or wagers money or other property, upon the result of such a fight or encounter, or who holds or who undertakes to hold money or other property so staked or wagered, to be delivered to or for the benefit of the winner thereof, is guilty of a misdemeanor.'"

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out all of section three, second page, printed bill, and inserting in lieu thereof the following:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of section four, second page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out all of section five, second page, printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 657 passed on file.

Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school house.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "one" in line four, section one, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "mile" in line five, section one, first page, printed bill, and inserting in lieu thereof the word "feet."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all the words in section one, after the word "towns," in line six, section one, first page, printed bill.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 782—An Act to prohibit the use of bristle-bur, tack-bur, or other like device on horses or other animals in this State.

Read second time, and ordered to engrossment and third reading.

On motion of Mr. Allen, Assembly Bill No. 782 was made a special order for Wednesday, February 25, 1903, at eleven o'clock A. M.

Assembly Bill No. 634—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, to prevent the sale or exchange of intoxicating liquors of any character for anything but lawful money of the United States, and providing a penalty therefor.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 818 and 773 passed on file.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of the State Prisons," approved March 27, 1897.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 695—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "immediately" in line one, section two, second page, printed bill, and inserting in lieu thereof the following: "on and after August 1, 1903."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 640—An Act to prohibit the sale of pools and the conducting of poolrooms where bets or wagers are made or received on horse races or other contests, and providing penalties for violation of the provisions of this Act.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 260 passed on file.

Assembly Bill No. 714—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent

certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 788 passed on file.

Assembly Bill No. 458—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to salaries of city officers and boards of trustees.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 760—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State received by him from the United States for the payment of amounts due to California United States Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 742—An Act providing for the payment to the California United States Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Read second time, and ordered to engrossment and third reading.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Higgins: Assembly Constitutional Amendment No. 30—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 19 of Article V, relating to the compensation of State officers.

Referred to Committee on Constitutional Amendments.

By Mr. Walsh: Assembly Bill No. 952—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read first time, and referred to Committee on Labor and Capital.

ANNOUNCEMENT.

The Speaker announced the following Committee on Introduction of Bills: Messrs. Carter, Brown, and McConnell.

RECESS.

At four o'clock and thirty minutes P. M., the Speaker declared the Assembly at recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

EXERCISES COMMEMORATIVE OF WASHINGTON'S BIRTHDAY.

In accordance with the provisions of Assembly Concurrent Resolution No. 8, adopted February 17, 1903, by the Senate and Assembly, the evening session of the Senate and Assembly was devoted to exercises commemorative of the birthday of George Washington, the two legislative bodies meeting in joint session for that purpose.

At seven o'clock and forty minutes the Sergeant-at-Arms of the Assembly announced that his Excellency Governor George C. Pardee, Hon. J. Alden Anderson, Lieutenant-Governor and President of the Senate, and the Senate were at the bar of the House.

The Speaker called the Senate and Assembly to order, and announced that the President of the Senate would preside over the Joint Session. The President of the Senate addressed the Joint Session briefly.

The following exercises in honor of and commemorative of the life and services of George Washington were then held:

EXERCISES.

1. National Airs, - - - - - - - - - - Noack's Orchestra
2. Call to Order, - - - - Hon. A. G. Fisk, Speaker of the Assembly
3. Announcement of the arrival of Governor George C. Pardee, accompanied by the Senate.
4. "Star-Spangled Banner," - - Quartette, Audience, and Orchestra

Oh! say can you see by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming;
Whose broad stripes and bright stars through the perilous night,
O'er the ramparts we watched, were so gallantly streaming?
And the rocket's red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there;
Oh, say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

On the shore, dimly seen through the mists of the deep,
Where the foe's haughty host in dead silence reposes,
What is that which the breeze o'er the towering steep
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam;
Its full glory reflected now shines on the stream;
'Tis the star-spangled banner! Oh! long may it wave
O'er the land of the free and the home of the brave.

5. Invocation, - - - - Rev. C. L. Miel, Chaplain of the Senate
6. Remarks, - Lieut.-Gov. Alden Anderson, President of the Senate
7. Reading, "Washington's Farewell Address," - - Hon. C. M. Belshaw
8. Selection, - - - - - - - - - - - - - - Orchestra
9. "Our Country," - - - - - - - - - - Hon. F. W. Houser
10. "Our Flag," - - - - - - - - - - - - Hon. J. B. Curtin
11. "The Flag Forever," - - - - - - - - - - - Orchestra

12. "The President," - - - - - - - - - - Hon. O. Z. Hubbell
13. "California," - - - - - - - - - - - Hon. J. G. Covert
14. "Washington," - - - - - - - - - - Hon. Grove L. Johnson
15. "America," - - - - - - Quartette, Audience, and Orchestra

My country! 'tis of thee,
Sweet land of liberty,
Of thee I sing.
Land where my fathers died,
Land of the pilgrim's pride;
From every mountain side,
Let freedom ring.

My native country! thee,
Land of the noble free,
Thy name I love;
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills,
Like that above.

16. Benediction, - - Rev. J. V. Stevenson, Chaplain of the Assembly
17. "Auld Lang Syne."

At the conclusion of the exercises, the Senate retired.

REASSEMBLED.

The Assembly reconvened at nine o'clock and forty-eight minutes P. M. Speaker Fisk in the chair.

ADJOURNMENT.

At nine o'clock and fifty minutes P. M., on motion of Mr. Johnson, the Assembly adjourned, out of respect to and in memory of George Washington.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 24, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—68.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Saturday, February 21, 1903, was read, corrected, and approved.

ANNOUNCEMENT.

The Speaker announced that the copy of Assembly Bill No. 847, which had been reported back by the Committee on Universities, was not the original bill, but a printed copy, and the Speaker ordered the report of Committee on Universities on Assembly Bill No. 847 expunged from the Journal, and the bill destroyed, and that the original bill be referred to Committee on Universities.

PROTEST AGAINST PASSAGE OF BILL.

Mr. Barber presented the following protest from the Merchants' Association of San Francisco:

SAN FRANCISCO, CAL., February 16, 1903.

*To the Honorable Senate and Assembly of the State of California:*

GENTLEMEN: On behalf of the many manufacturers who are members of this Association, we strongly protest against the passage of Senate Bill No. 354, requiring every article made or manufactured in this State to be stamped with the name and address of the manufacturer.

We feel that, upon consideration, you will recognize that to require every article made in the State to be so stamped, while goods made outside of the State can be sold here without being so stamped, is a direct discrimination against home manufacturers, while it should be the duty of every one to encourage manufacturing here and the consumption of home products in preference to those made abroad. To require every article made in the State to be stamped entails a heavy additional expense on the California manufacturer, which the manufacturer in other States is not obliged to assume. It follows, therefore, that California goods can not compete on equal terms with goods from other States and that the enactment of any law resulting in this will be detrimental to the interests of the State.

We therefore urge that Senate Bill No. 354 be not passed.

Respectfully,

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO.
FRANK J. SYMMES, President.
L. M. KING, Secretary.

Protest read, and ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES.

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 12—Relative to an increase in the limit of weight of packages of third and fourth class matter described under the United States Postal Laws as provided by Act of Congress, approved June 8, 1896—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Joint Resolution No. 13—Relative to admission of Chinese into the Philippines—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended

GOODRICH, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 877—An Act appropriating five thousand dollars to erect a warehouse for the storage of jute at the State Prison at San Quentin, Cali-

fornia—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

OLMSTED, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Amended, and passed as amended, Assembly Bill No 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal—and respectfully ask the concurrence of your honorable body in said amendments.

Also: Passed Assembly Bill No. 612—An Act making an appropriation of $4,310.75 for transportation of officers and members of the National Guard of California.

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street Wharf, in the City and County of San Francisco.

Also: Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402*a*, relating to misdemeanors.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 612—An Act making an appropriation of $4,310.75 for transportation of officers and members of the National Guard of California.

Ordered to enrollment.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street Wharf, in the City and County of San Francisco.

Ordered to enrollment.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402*a*, relating to misdemeanors.

Read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Assembly Bill No 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Also: Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Also: Adopted, as amended, Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

F. J. BRANDON, Secretary of Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Ordered to enrollment.

Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed a motion requesting your honorable body to recall from enrollment Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon—and return the same to the Senate for the purpose of amendment.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

WITHDRAWAL AND RE-REFERENCE OF BILLS.

Mr. Snyder moved that Assembly Bill No. 866 be recalled from Committee on Public Buildings and Grounds and re-referred to Committee on State Prisons and Reformatory Institutions.

So ordered.

Mr. Black moved that Assembly Bill No. 431 be withdrawn, and that Assembly Bill No. 532 be substituted in place thereof.

So ordered.

Mr. Barber moved that Assembly Bill No 481 be withdrawn, and that Assembly Bill No. 689 be substituted in place thereof.

So ordered.

RESOLUTION.

By Mr. Olmsted:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Preston School of Industry, located at Ione, Amador County, California, have visited the same.

The following members are entitled to mileage for the same, to wit, fifty-five miles:

| | |
|---|---|
| Olmsted | $11 00 |
| Carter | 11 00 |
| McKenney | 11 00 |
| Barber | 11 00 |
| Murphy | 11 00 |
| | $55 00 |

And we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S H. Olmsted, chairman of said committee, for the sum of $55, as per above statement; said warrant to be drawn upon the funds for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

OLMSTED, Chairman.

Resolution read, and referred to Committee on Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 891—An Act to prohibit the use or disposition of any moneys or other property held in trust or specially deposited with the officers or authorities of State institutions for the use or benefit of said institutions, patients, inmates, or pupils therein, for purposes other than provided by the terms of such trusts or special deposits—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Grotefend indefinitely.

RESOLUTION.

By Mr. Snyder:

WHEREAS, The Hon. Geo. A. Grotefend, member of the Assembly from the Fourth District, was stricken down with typhoid fever during the early days of the thirty-fifth session; and

WHEREAS, It became necessary to remove Mr. Grotefend to his home at Redding, for proper care and treatment; and

WHEREAS, The unfortunate Assemblyman has experienced a mighty battle between life and death, which is deeply deplored by every member; and

WHEREAS, The Hon. Geo. A. Grotefend has, on account of his illness, been deprived of the privilege of sitting during the session with his fellow-members; therefore, be it

*Resolved*, That the Assembly extends its sincere sympathy to the Hon. Geo. A. Grotefend, and hopes for his speedy recovery; and be it further

*Resolved*, That this body deeply regrets the inability of the distinguished member to deliberate in its proceedings; and be it further

*Resolved*, That a copy of these resolutions be transmitted to the Hon. Geo. A. Grotefend by the Chief Clerk.

Resolution read.

Mr. Snyder moved the adoption of the resolution.

Resolution adopted.

UNFINISHED BUSINESS.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Mr. Mott moved that the consideration of Senate Bill No. 79 be postponed until March 3, 1903.

So ordered.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Passed on file until Wednesday, February 25, 1903.

Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Passed on file until Wednesday, February 25, 1903.

SPECIAL FILE.

Assembly Bills Nos. 1, 367, 524, and 583 passed on file.

Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Boisson, Burgess, Covert, Cromwell, Drew, Dunbar, Ells, Foster, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman, Susman, Transue, Walsh, Waste, Weger, and Mr Speaker—46.

NOES—Messrs. Carter, Dougherty, Dunlap, Goodrich, Houser, Johnstone, King, Leininger, Mattos, Olmsted, Walker, and Wright—12.

Title read and approved.

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Read second time.

The following committee amendment was submitted:

By Committee on Ways and Means:

Amend by striking out the words "immediately after its passage," in lines one and two, section three, printed bill, and inserting in lieu thereof the following: "July first, nineteen hundred and three."

Amendment adopted.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 570.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 570 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 489 passed on file.

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "twelve thousand dollars ($12,000)" in line one, section one, first page, printed bill, and inserting in lieu thereof the following: "eight thousand dollars ($8,000)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "to be paid to the Board of Trustees of the Whittier State School," in lines four and five, section one, first page, printed bill, and inserting in lieu thereof the following: "one half of said sum to be paid to the Board of Trustees of the Whittier State School on July 1, 1903, and the remainder of said sum to be paid to said trustees on July 1, 1904."

Amendment adopted.

Assembly Bill No. 359—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Read second time.

Assembly Bill No. 361—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for use of the said school.

Read second time.

The following committee amendment was submitted:

Amend by striking out all of section one, and inserting in lieu thereof the following: "SECTION 1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, one half of said sum to be paid to the Board of Trustees of Whittier State School, at Whittier, California, on July 1, 1903, and the remainder of said sum to be paid to said Board of Trustees on July 1, 1904, to be by them expended for the purpose of purchasing horses, wagons, and farming implements for the use of said school."

Amendment adopted.

Assembly Bill No. 360—An Act making an appropriation of $6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Read second time.

Assembly Bill No. 362—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Read second time.

Assembly Bill No. 363—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department at said school.

Read second time.

Assembly Bill No. 404—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase sewing-machines for the tailor shop and girls' department of said school.

Read second time.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read second time.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 357, 359, 361, 360, 362, 363, 404, 422, and 423.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 357, 359, 361, 360, 362, 363, 404, 422, and 423 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Also: Assembly Bill No. 359—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Also: Assembly Bill No. 361—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for use of the said school

Also: Assembly Bill No. 360—An Act making an appropriation of $6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Also: Assembly Bill No. 362—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school

Also: Assembly Bill No. 363—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school

Also: Assembly Bill No. 404—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase sewing-machines for the tailor shop and girls' department of said school.

Also: Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry

Also: Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

And do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 357 and 361 ordered to print, engrossment, and third reading.

Assembly Bills Nos. 359, 360, 362, 363, 404, 422, and 423 ordered to engrossment and third reading.

Assembly Bill No. 558 passed on file.

Assembly Bill No. 621 passed on file.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "from and after its passage" in line one, section four, second page, printed bill, and inserting in lieu thereof the following: "January first, nineteen hundred and four."

Amendment adopted.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "nine" in line three, section one, printed bill, and inserting in lieu therof the word "six"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "seven" in line one, section two, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "its passage," in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "January first, 1904."

Amendment adopted.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "immediately" in line one, section five, second page, printed bill, and inserting in lieu thereof the following: "July first, 1903."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and the purchase and development of an additional water supply" in the title of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "fifteen" in line three, section one, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "and the purchase and development of an additional water supply," in lines four and five, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No 5.

Amend by striking out all of sections two and three, first and second pages, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words and figures "Sec. 4" and "Sec. 5," on second page, printed bill, and inserting in lieu thereof the following: "Sec. 2" and "Sec. 3."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 201, 562, 158, and 697.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 201, 562, 158, and 697 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor

Also: Assembly Bill No 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor

Also: Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Also: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

And do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 201, 562, 158, and 697 ordered to print, engrossment, and third reading.

Assembly Bill No. 560 passed on file.

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Steadman, Susman, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr Speaker—52.

NOES—None

Title read and approved.

Assembly Bill No. 204—An Act to permit and enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator at the general election in 1904.

Read third time, and passed on file.

Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Passed on file.

Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Carter, Covert, Cromwell, Dougherty, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, Kelso, Kerrigan, Killingsworth, King, Knight, Leninger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 821 passed on file.

Assembly Constitutional Amendments Nos. 2, 3, 23, 25, 22, 19, 20, 29, 26, and 27 passed on file.

Assembly Constitutional Amendment No. 14—Relative to proposed amendment of Article II of the Constitution, relative to providing a system of direct legislation by means of the initiative and referendum in counties, cities, and cities and counties.

Amendment read.

The following amendments were submitted by Mr. Houser.

AMENDMENT No. 1.

Amend by striking out of line fifteen the word or figure "5," and inserting in place thereof the word "ten."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line sixteen, after the word "cast," the words "for all persons voted for."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "cast," in line twenty-five, the words "for all persons voted for."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "cast," in line thirty-five, the words "for all persons voted for."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line fifty-five the word or figure "7," and inserting in place thereof the word "ten."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting in line fifty-six, after the word "cast," the words "for all persons voted for."

Amendment adopted.

AMENDMENT No. 7.

Amend by adding at the end of line ninety-one the following: "In any city or city and county that has or may hereafter have a charter providing a system of direct legislation the provisions of this section shall not be operative except as to matters not provided for by such charter."

Amendment adopted.

AMENDMENT No. 8.

Amend by inserting after the word "electorate," at the end of line sixty-three of the printed resolution, the following: "said petition or petitions being filed within forty days after the final passage of said ordinance or measure."

Amendment adopted.

Ordered to print and re-engrossment.

Assembly Constitutional Amendment No. 15—Relative to proposed amendment of Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

Amendment read.

The following amendments were submitted by Mr. Houser:

AMENDMENT No. 1.

Amend by striking out of lines seventeen and eighteen the following words and figures: "5 per cent of the total number of votes last cast for Governor," and insert in place thereof the following words: "fifteen per cent of all the votes cast for persons voted for for Governor at the then last election of a Governor."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "enact," where that word first occurs in line twenty-one, the following: "or might enact except for the fact that it involves the repeal or amendment of a law adopted by the electorate as herein provided."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of lines twenty-five to thirty-two inclusive.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of lines forty-eight, forty-nine, and fifty the following: "and such petition or petitions are signed by qualified voters in number equal to fifteen per cent of the total number of votes last cast for Governor."

Amendment adopted.

AMENDMENT No 5.

Amend by striking out of lines fifty-four and fifty-five the words following: "the total vote last cast for Governor," and insert in place thereof the following: "all the votes cast for persons voted for for Governor at the then last election of a Governor."

Amendment adopted.

The following amendment was submitted by Mr. Camp:

Amend by inserting after the word "electors," in line forty-three of the printed resolution, the following: "(said petition or petitions having been filed within ninety days after the final passage of said law)."

Amendment adopted.

Ordered to print and re-engrossment.

At ten o'clock and forty-five minutes A. M., the Speaker called Mr. Dunlap to the chair.

Assembly Constitutional Amendment No. 18—Relative to amending Article VII of the Constitution, relating to a Board of Pardons and pardons.

Constitutional amendment read.

The following amendment was submitted:

Amend by striking out the words "the Chief Justice of the Supreme Court," after the word "Governor," in line two, first page, printed bill, and inserting in lieu thereof the following: "the Lieutenant-Governor."

Amendment adopted.

Ordered to print and re-engrossment.

Assembly Bills Nos. 131 and 264 passed on file.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bliss, Boisson, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lumley, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—45.

NOES—Messrs Black, Cromwell, Dunbar, Lewis of San Francisco, Mahany, McCartney, McMahon, Stanton, and Weger—9

Title read and approved.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—44.

NOES—Messrs. Black, Boisson, Copus, Cromwell, Dunbar, Kerrigan, Lewis of San Francisco, Mahany, McMahon, Stanton, and Weger—11.

Title read and approved.

Mr. Lumley moved that Assembly Bill No. 694 be substituted for Assembly Bill No. 346.

So ordered.

Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Black, Bliss, Brown, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—52.

NOES—None.

Title read and approved.

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Heretofore read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Dunbar, Gleeson, Lewis of San Francisco, Mahany, McMahon, Stanton, and Wright—9

Title read and approved.

Assembly Bill No 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

On motion of Mr. Cromwell, Assembly Bill No. 614 was made a special order for Wednesday, February 25, 1903.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—46.

NOES—Messrs. Black, Dunbar, Gleeson, Lewis of Riverside, Mahany, McMahon, Stanton, Weger, and Wright—9.

Title read and approved.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 581—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Also: Assembly Bill No 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Also: Assembly Bill No. 814—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor

Also: Assembly Bill No 833—An Act to pay the claim of William M Sullivan against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No 872—An Act to appropriate the sum of one hundred and forty dollars to pay the claim of R. P. Marquez, for money due and owing the said R P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Senate Bill No. 315—An Act making an appropriation of seven hundred ($700.00) dollars to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30th, A. D 1903.

Also: Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make neceesary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

Also: Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D Fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No 837—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 489—An Act making an appropriation of $22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School.

Also: Assembly Bill No 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended by the Committee on Ways and Means, and that the amendments by Committee on State Hospitals and Asylums be rejected.

Also: Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended by Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 298—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the

instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California entitled: County of San Luis Obispo vs. Henry T Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L Ford, Attorney-General of the State of California, Henry T. Gage, chairman of the Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners, Tirey L Ford, member of the State Board of Examiners, Henry T Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L. Ford, Attorney-General of the State of California, Henry T. Gage, chairman of the State Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners of the State of California, Tirey L. Ford, member of the State Board of Examiners of the State of California, Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No 9555; W. L. Wood vs State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D O. Mills & Co vs. State of California-No. 9616; J. J Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No 9609; A. T. Lightner vs State of California, No. 9613; Geo. Leonard vs. State of California, No. 9611; C. A. Pommer vs State of California, No 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9616; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled: Samuel Davis vs State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled: Samuel Davis vs. State of California, No. 6871—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DUNLAP, Chairman.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Transue, Walker, Walsh, and Wanzer—44.

NOES—Messrs. Black, Copus, Dunbar, Gleeson, Kerrigan, Mahany, McMahon, Moore, Siskron, Snyder, Stanton, and Wright—12.

Title read and approved.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,645 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California,

defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Stansell, Steadman, Transue, Walker, Walsh, Wanzer, and Waste—42.

NOES—Messrs. Black, Copus, Dunbar, Kerrigan, Mahany, McMahon, Stanton, Weger, and Wright—9.

Title read and approved.

Assembly Bill Nos. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Waste—43.

NOES—Messrs Black, Copus, Dunbar, Kerrigan, Mahany, McMahon, Stanton, and Weger—8

Title read and approved.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Lumley, McConnell, McKenney, McLaughlin, McNeil, Pann, Prescott, Pyle, Snyder, Stansell, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—42.

NOES—Messrs. Black, Copus, Dunbar, Kerrigan, Mahany, McMahon, Stanton, and Weger—9.

Title read and approved.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Pann, Prescott, Pyle, Snyder, Stansell, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—46.

NOES—Messrs. Black, Copus, Dunbar, Kerrigan, Mahany, McMahon, Siskron, Stanton, and Weger—9.

Title read and approved.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—47

NOES—Messrs Dunbar, Kerrigan, Mahany, McMahon, Stanton, and Weger—6.

Title read and approved.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Mr Speaker—45.

NOES—Messrs Black, Dunbar, Kerrigan, Mahany, McMahon, and Weger—6.

Title read and approved.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Pann, Prescott, Pyle, Snyder, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr Speaker—47.

NOES—Messrs. Black, Dunbar, Kerrigan, Mahany, McMahon, and Weger—6.

Title read and approved.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Pann, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—45.

NOES—Messrs. Black, Dunbar, Mahany, McMahon, and Weger—5.

Title read and approved.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bliss, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—43.

NOES—Messrs. Black, Dunbar, Mahany, McMahon, and Weger—5.

Title read and approved.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bliss, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—44.

NOES—Messrs. Black, Dunbar, Mahany, McMahon, Weger, and Wright—6.

Title read and approved.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California,

defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—46.

NOES—Messrs. Black, Copus, Dunbar, Mahany, McMahon, Weger, and Wright—7.

Title read and approved.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Waste, and Mr. Speaker—45.

NOES—Messrs. Black, Copus, Mahany, McMahon, Siskron, Weger, and Wright—7.

Title read and approved.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—45.

NOES—Messrs. Black, Copus, Mahany, McMahon, Siskron, Weger, and Wright—7.

Title read and approved.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claims of the Producers' Bank against the State of California upon a

judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Prescott, Pyle, Snyder, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—45.

NOES—Messrs. Black, Copus, Cromwell, Dunbar, King, Mahany, McMahon, Siskron, Weger, and Wright—10.

Title read and approved.

RECESS.

At twelve o'clock M., the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker pro tem. Carter in the chair.

RESOLUTION—(CASE OF URGENCY).

By Mr. Fisk:

*Resolved*, That Assembly Bill No. 923 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at two o'clock and fifteen minutes P. M., Mr. Fisk moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Drew, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright and Mr. Speaker—55.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and twenty minutes P. M., Mr. Fisk moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Drew, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Read second time.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Drew, Duryea, Ellis, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

On motion of Mr. Olmsted, leave of absence for the day was granted to Mr. Murphy.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Assembly Bill No 580—An Act making an appropriation to pay a judgment for the sum of $600 00, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Assembly Bill No. 395—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to misdemeanors

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Assembly Bill No 163—An Act to provide for the establishment and operation of a dairy school, the construction of a building therefor, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

Assembly Bill No. 525—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary, bond, and term of office, providing for assistants, appropriating money for the purposes of entomological research, and providing means for the payment of the same.

Assembly Bill No. 369—An Act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Assembly Bill No. 162—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Assembly Bill No. 559—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use.

Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts.

Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said code to be numbered, consecutively, 1233 and 1234, concerning the dissolution of private corporations

Assembly Bill No. 490—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, providing what persons are competent to serve as executors and what persons are entitled to letters of administration with the will annexed, and in what order they are entitled

Assembly Bill No. 106—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Assembly Bill No. 757—An Act to add a new section to the Civil Code of the State of California, under Title II, Part II thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Assembly Bill No. 16—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1402 thereof, relating to the disposition of, and succession to, community property.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 1401 thereof, relating to community property.

Assembly Bill No. 728—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Assembly Bill No. 639—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that not all of them shall go out of office at the same time.

Assembly Bill No. 653—An Act to amend Subdivision 2 of Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Assembly Bill No. 620—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Assembly Bill No. 809—An Act to protect the public health of the State, and to prevent the sale of poultry until the same has been properly prepared.

Assembly Bill No. 801—An Act to prevent the use of adulterants in the manufacture of beer in lieu of hops, and providing for the amount of hops to be used in each barrel of beer so manufactured.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Assembly Bill No. 337—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict herewith, and providing a penalty for the violation of the provisions thereof.

Assembly Bill No. 327—An Act to repeal Section 1543 of the Political Code, relating to education

Assembly Bill No. 579—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to school districts.

Assembly Bill No. 634—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, to prevent the sale or exchange of intoxicating liquors of any character for anything but lawful money of the United States, and providing a penalty therefor.

Assembly Bill No. 782—An Act to prohibit the use of the bristle-bur, tack-bur or other like device on horses or other animals in this State.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State Prisons," approved March 27, 1897.

Assembly Bill No. 640—An Act to prohibit the sale of pools and the conducting of pool-rooms where bets or wagers are made or received on horse races or other contests, and providing penalties for violation of the provisions of this Act

Assembly Bill No. 714—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvements.

Assembly Bill No. 458—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to salaries of city officials and boards of trustees.

Assembly Bill No. 779—An Act to amend Section 670 of the Political Code, relating to high schools.

Assembly Bill No. 760—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Assembly Bill No. 742—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

AMERIGE, Chairman.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 665—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402¾, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper,

or cigarette wrappers within the State of California, and fixing a penalty therefor—have had the same under consideration, and respectfully report the same back without recommendation.

BARBER, Chairman.

At two o'clock and thirty-five minutes P. M., Speaker Fisk in the chair.

MOTION.

Mr. Cromwell moved that the Assembly do now consider Assembly Bill No. 614 for the purpose of amendment.

So ordered.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time.

Mr. Cromwell moved that a select committee of one be appointed to amend Assembly Bill No. 614, as follows:

AMENDMENT No. 1.

On page twenty-four, Section 2166, line four, printed bill, as amended February 21, 1903, amend by inserting the word "and" after the word "authorities."

AMENDMENT No. 2.

On page thirty-four, Section 2187, line twenty-two, printed bill, as amended February 21, 1903, amend by inserting the words "be obtained" after the word "made"

AMENDMENT No. 3.

On page thirty-four, Section 2188, line one, printed bill, as amended February 21, 1903, amend by inserting the words "or incompetent" after the word "insane."

AMENDMENT No. 4.

On page thirty-four, Section 2188, lines three, four, five, six, and seven, printed bill, as amended February 21, 1903, amend by striking out the words "a relative or some friend in his behalf to the Superior Judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity must be inquired into and determined. The medical history of the patient," and inserting in lieu thereof the following: "by such person, a relative or friend in his behalf to the Superior Judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity or incompetency must be inquired into and determined. The medical history of such person."

AMENDMENT No. 5.

On page thirty-five, Section 2189, line two, printed bill, as amended February 21, 1903, amend by striking out the words "for the insane"

AMENDMENT No. 6.

On page thirty-six, Section 2189, line sixty, printed bill, as amended February 21, 1903, amend by striking out the words "for the insane."

AMENDMENT No. 7.

On page thirty-seven, Section 2189, line seventy-five, printed bill, as amended February 21, 1903, amend by inserting the following after the word "procedure": "The term patient, as used in subdivisions one, two, three, and six of this section, shall be regarded as referring to and including inmates of the Home for Feeble-Minded."

AMENDMENT No. 8.

On page thirty-seven, Section 2190, line one, printed bill, as amended February 21, 1903, amend by inserting the words: "or inmate," after the word "patient."

AMENDMENT No. 9.

On page thirty-nine, Section 2193, line eleven, printed bill, as amended February 21, 1903, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons—with instructions, do now report that the instructions of the Assembly have been carried out.

CROMWELL, Committee.

Report adopted.

On motion of Mr. Cromwell, sent with rush order to printer, and made special order for Thursday, February 26, 1903, at eleven o'clock A. M.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 328—An Act to repeal Section 1533 of the Political Code, relating to education—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 566—An Act to amend Section 1668, relating to physical culture and exercises.

Also: Assembly Bill No 567—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and that the author be privileged to withdraw them.

MATTOS, Chairman.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 852—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOISSON, Chairman.

SECOND-READING FILE.

Assembly Bills Nos. 114, 32, 439, 442, 438, 440, and 83 passed on file.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 475 passed on file.

Mr. Mattos moved that Assembly Bill No. 745 be substituted for Assembly Bill No. 240.

So ordered.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time.

The following committee amendment was submitted:

Amend by adding after the word "Clerk," in line nine, printed bill, the words: "When no compensation has been allowed to him by the Board of Trustees, he shall be allowed one per cent on all moneys received and paid by him as such Treasurer. He may credit himself with such per cent in his settlement with the Clerk. Upon each quarterly settlement he shall file a statement of his account with the Clerk."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 829, 50, and 116 passed on file.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 258.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 258 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

WITHDRAWAL OF BILLS.

Assembly Bill No. 257—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Withdrawn by author.

Assembly Bill No. 259—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Withdrawn by author.

Assembly Bills Nos. 826, 550, and 447 passed on file.

Assembly Bill No. 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Strike out, in the title of the Act, the words "adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of section one on page one of the printed bill.

Amendment adopted.

AMENDMENT No. 3

Strike out the figure "2" in line one, section two, page one of the printed bill, and insert in lieu thereof the figure "1."

Amendment adopted.

AMENDMENT No. 4.

Strike out the figure "3" in line one, page two of the printed bill, and insert in lieu thereof the figure "2."

Amendment adopted.

AMENDMENT No. 5.

Strike out lines eight and nine on page two of the printed bill.

Amendment adopted.

The following amendment was submitted by Mr. Johnson:

Strike out all after the enacting clause and insert as follows:
SECTION 1. Section seven hundred and thirty-nine of the Political Code is hereby amended to read as follows:
Section 739. The annual salaries of the officers connected with the Supreme Court are as follows:
The Reporter of Decisions, twenty-five hundred dollars.
One Phonographic Reporter, three thousand dollars; and
One Phonographic Reporter, twenty-four hundred dollars.
One Secretary, three thousand dollars; and
One Secretary, twenty-four hundred dollars.
Two Bailiffs, fifteen hundred dollars each.
One Librarian, fifteen hundred dollars.
SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "two" in line one of title, first page, printed bill, and inserting in lieu thereof the following: "one."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "two" in line one, section one, first page, printed bill, and inserting in lieu thereof the following: "one."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "from and after its passage" in lines one and two, section three, first page, printed bill, and inserting in lieu thereof the following: "January second, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 506.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 506 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 506—An Act appropriating the sum of $200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 202, 358, 435, 177, and 414 passed on file.

Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "from and after its passage" in line one, section three, printed bill, and inserting in lieu thereof the following: "January first, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 296.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 296 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr, and do now report the same back, with amendments, and recommend that the same do pass as amended.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D. Fish.

Read second time.

The following amendment was submitted by Mr. Dorsey:

Amend by striking out the period in line six, first page, printed bill, and inserting in lieu thereof the following: "and the direction herein is hereby exempted from the provisions of Section 672 of the Political Code."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 238.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 238 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 238—An Act making an appropriation of $650 to pay the claim of O. D. Fish—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "two hundred" in line one, section one, printed bill, and inserting in lieu thereof the words "one hundred"; also strike out figures "$250,000.00" in line two, section one, first page, printed bill, and insert in lieu thereof the following: "$150,000.00."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in and after line ten, section one, first page, printed bill, the following: "Twenty-five thousand dollars of the money hereby appropriated shall be available from and after July first, 1903; seventy-five thousand dollars thereof shall be available from and after January first, 1904, and the remaining fifty thousand dollars thereof shall be available from and after July first, 1904."

Amendment adopted.

Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 229 and 31.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 229 and 31 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly

Also: Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass

FISK, Chairman.

Report adopted.

Assembly Bill No. 229 ordered to print, engrossment, and third reading, and Assembly Bill No. 31 to engrossment and third reading.

Assembly Bill No. 497—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "addition" in line three, section one, first page, printed bill, and inserting in lieu thereof the word "additional."

Amendment adopted.

AMENDMENT No. 2.

Amend line one, first page, printed bill, by inserting the following before the enacting clause: "Section 3."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 462.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 462 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Mr. Higgins moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 373 was on yesterday refused passage.

So ordered.

Mr. Higgins moved that further consideration of the motion be postponed until Wednesday, February 25, 1903, at two o'clock and thirty minutes P. M.

So ordered.

Mr. Carter moved that the Assembly do now consider Assembly Bill No. 578.

So ordered.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

Mr. Carter moved that a select committee of one be appointed to amend Assembly Bill No. 578, as follows:

AMENDMENT No. 1.

Amend by striking out of line one hundred and eighty-one, page six of printed bill, the word "commission," and inserting in place thereof the word "compensation."

AMENDMENT No. 2.

Amend by striking out of paragraph sixteen, line three hundred and twenty, page ten of printed bill, the word "dollars" after the word "thousand," and inserting the word "dollars" after the words "two hundred" in the same line.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—with instructions, does now report that the instructions of the Assembly have been carried out.

CARTER, Committee.

Report adopted.

Ordered to print and re-engrossment.

Mr. Drew moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 415 was passed be continued until Thursday, February 26, 1903.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 785—An Act to provide special quarters in county jails, city and county jails, city jails, or police stations for juvenile prisoners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 796—An Act to amend and re-enact Section 4161 of the Political Code, in relation to the duties of County Treasurers in respect to public moneys.

Also: Assembly Bill No 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No 632—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 5 thereof, relating to the general permanent powers of Boards of Supervisors.

Also: Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No 795—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Also: Assembly Bill No 873—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 802—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Also: Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 190 thereof, relating to counties of the thirty-third class

Also: Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Also: Assembly Bill No. 879—An Act to amend Section 46 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to compensation of county officers and court reporter or official reporter of the Superior Court in counties of the forty-second class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WALSH, Chairman.

SPECIAL FILE OF SENATE BILLS.

Senate Bills Nos. 310, 118, 95, 68, and 27 passed on file.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Committee Substitute for Senate Bills Nos. 261, 307, and 317 passed on file.

Senate Bill 207 passed on file.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Black, Boisson, Brown, Burgess, Carter, Cromwell, Drew, Dunbar, Dunlap. Duryea, Ells, Foster, Goodrich, Hart, Higgins, Howard, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Wanzer, Waste, Wright, and Mr. Speaker—50.

NOES—Messrs. Allen, Bangs, Copus, Covert, Dougherty, Houser, John, Mahany, Mott, Walker, Walsh, and Weger—12.

Title read and approved.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Boisson, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore,

Mott, Olmsted, Prescott, Pyle, Siskron, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—51.
NOES—Messrs. Bangs, Dougherty, Houser, King, Leininger, Mahany, Snyder, and Weger—8.

Title read and approved.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.
NOES—Mr. McMahon—1.

Title read and approved.

At three o'clock and twenty minutes P. M., the Speaker called Mr. McMartin to the chair.

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—56.
NOES—None.

Title read and approved.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Stanton, Steadman, Transue, Walker, Wanzer, Waste, and Weger—56.
NOES—None.

Title read and approved.

Senate Bill No. 50—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062*a*, 1062*b*, 1062*c*, 1062*d*, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee, to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud cred-

itors, or the successor or assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—53.

NOES—None.

Title read and approved.

Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McCartney, McKenney, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Steadman, Susman, Transue, Wanzer, Waste, and Weger- 51.

NOES—None.

Title read and approved.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copy of the records of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King,

Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Steadman, Susman, Transue, Wanzer, and Waste—50.

NOES—None.

Title read and approved.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Barber, Barnes, Brown, Burgess, Carter, Cromwell, Dorsey, Drew, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Stanton, Steadman, Susman, Traber, Waste, and Wright—44.

NOES—Messrs Bangs, Black, Covert, Dougherty, King, Mahany, McMahon, Snyder, Transue, and Weger—10.

Title read and approved.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Read third time, and passed on file.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read third time, and passed on file.

Senate Bill No. 347 passed on file.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pyle, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—47

NOES—Messrs. Prescott and Wright—2.

Title read and approved.

Senate Bill No. 24—An Act to appropriate the sum of $250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Gleeson, Goodrich, Higgins, Howard, Johnson, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McKenney, McLaughlin, McMartin, McNeil, Mott, Olmsted, Prescott, Pyle, Siskron, Steadman, Susman, Transue, Wanzer, and Waste—43.

NOES—Messrs Houser, Johnstone, Kelso, Mahany, McMahon, Pann, Walker, Weger, and Wright—9.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 793—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of $100—report the same back without recommendation.

Also: Assembly Bill No. 628—An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General.

Also: Assembly Bill No. 627—An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions.

Also: Assembly Bill No. 625—An Act to amend Section 4256 of the Political Code of the State of California, defining the duties of the District Attorney.

Also: Assembly Bill No. 624—An Act to amend Section 90 of the Civil Code of the State of California, relating to dissolution of marriage

Also: Assembly Bill No 487—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Report the same back, and, by a majority vote, recommend that they do not pass.

Also: Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions—report the same back, and, by a majority vote, recommend that it do pass.

Also: Assembly Bill No. 817—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee—report the same back, and, by a majority vote, recommend that it do not pass.

Also: Assembly Bill No. 276—An Act to amend Chapter III, Title III, Part II of the Penal Code of California, relating to magistrates, by changing the title thereof to "magistrates" and substituting new sections for Sections 806 and 809 thereof

Also: Assembly Bill No. 277—An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819, and 827 of Chapter IV, Title III, Part II of the Penal Code of California, relating to warrants of arrest.

Also: Assembly Bill No 278—An Act to amend Sections 858, 861, 870, 871, 877, 878, repealing Section 864 and adding 884 and 885, in Chapter VII, Title III, Part II of the Penal Code of California, relating to preliminary examinations before magistrates.

Also: Assembly Bill No. 279—An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II of the Penal Code of California, relating to pleadings in criminal actions.

Also: Assembly Bill No. 280—An Act to amend Section 1258 of the Penal Code of California and to add thereto a new section, to be known as Section 1256, both relating to appeals.

Also: Assembly Bill No. 281—An Act to amend Section 1404 of the Penal Code of California, relating to errors in pleadings and proceedings.

Also: Assembly Bill No. 282—An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution for a public offense.

Also: Assembly Bill No 283—An Act to add a new section to the Penal Code of California, to be known as Section 1405, relating to estoppel in criminal action.

Also: Assembly Bill No. 284—An Act to add two new sections to the Penal Code of California, namely: Sections 1132 and 1133, relating to variance.

Also: Assembly Bill No. 285—An Act to amend Section 1326 of the Penal Code of California, relating to subpœnas.

Also: Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Report the same back without recommendation.

Also: Assembly Bill No. 810—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, undertaking, and writ of ejectment, and the manner of serving the writ—report the same back, and, by a majority vote, recommend that it do not pass.

Also: Assembly Bill No. 709—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Assembly Bill No 710—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Assembly Bill No 711—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Assembly Bill No. 744—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Also: Assembly Bill No. 354—An Act to amend an Act entitled "An Act to amend Section 61 of the Civil Code, relating to granting of divorces," as approved February 25, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 797—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve and maintain public boulevards —have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

WALSH, Chairman.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 150—An Act to repeal Section 1565 of the Political Code.

Also: Assembly Bill No. 151—An Act to repeal Section 1563 of the Political Code.

Also: Assembly Bill No. 152—An Act to repeal Section 1564 of the Political Code.

Also: Assembly Bill No. 153—An Act to repeal Section 1560 of the Political Code.

Also: Assembly Bill No. 324—An Act to repeal Section 1562 of the Political Code, relating to education.

Also: Assembly Bill No. 325—An Act to repeal Section 1502 of the Political Code, relating to education.

Also: Assembly Bill No. 326—An Act to repeal Section 1561 of the Political Code, relating to education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

MATTOS, Chairman.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WASTE, Chairman

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 28—Submitting to the people of the State of California an amendment to the Constitution, amending Section 1, Article XX, of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same—have had the same under consideration, and, by a majority vote, respectfully report the same back without recommendation.

McCARTNEY, Chairman.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read third time.

Mr. Mattos moved that a select committee of one be appointed to amend Senate Bill No. 11, as follows:

Insert after word "witness," in line fourteen, page one, printed bill, "*provided*, that when a signature is by mark, it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil

Procedure," relating to the definition of certain words—with instructions, does now report that the instructions of the Assembly have been carried out.

MATTOS, Committee.

Report adopted.

Ordered to print.

MESSAGES FROM THE SENATE.

Mr. Copus moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Passed the following: Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read first time, and referred to Committee on Ways and Means.

CONSIDERATION OF SENATE AMENDMENTS.

Mr. Copus moved the Assembly do now consider Assembly Bill No. 224.

So ordered.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

The following Senate amendment was submitted:

SENATE AMENDMENT.

Amend by striking out the word "must" in line eight, first page, printed bill, and inserting in lieu thereof the following: "may in their discretion."

The question being, "Shall the Assembly concur in the Senate amendment?"

The roll was called, and the Assembly concurred in the amendment by the following vote:

AYES—Messrs. Allen, Barnes, Black, Bliss, Boisson, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Siskron, Steadman, Susman, Transue, Walker, Walsh, Wanzer, and Wright—49.

NOES—None.

Mr. Copus moved that the Assembly do now consider Assembly Bill No. 383.

So ordered.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

The following Senate amendments were submitted:

SENATE AMENDMENTS.

Insert between lines eleven and twelve the following:

"Third—The number of school children in each house, or family, that have not been vaccinated."

Also: In line twelve, strike out the word "third" and insert the word "fourth."

Also: In line fourteen, strike out "fourth" and insert "fifth."

Also: In line sixteen, strike out "fifth" and insert "sixth."

The question being, "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred in the amendments by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Stansell, Steadman, Transue, Walker, Wanzer, Waste, Weger, and Wright—52

NOES—None.

Mr. Boisson moved that Assembly Bill No. 518 be withdrawn and that Senate Bill No. 328 be substituted in its place.

So ordered.

Mr. Brown moved that the Assembly do now consider the second-reading file.

Mr. Mattos moved to amend by substituting third-reading file.

So ordered.

THIRD-READING FILE.

Assembly Bills Nos. 118 and 474 passed on file.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books; providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication

or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

Read third time.

Mr. Lewis of Riverside moved that a select committee of one be appointed to amend Assembly Bill No. 37, as follows:

Amend by striking out all after the word "shall," in line seven, page two, printed bill, down to and including the word "to," in the middle of line eighteen, page two, printed bill.

The question being, "Shall a select committee of one be appointed for the purpose of amending the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—58.

NOES—Mr. Lewis of Riverside—1.

Title read and approved.

At four o'clock and eighteen minutes P. M., Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Mr. Howard was granted leave of absence for the day.

Mr. Knight moved that Assembly Bill No. 759 be substituted for Assembly Bill No. 388.

So ordered.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs Allen, Barnes, Black, Boisson, Burgess, Dunbar, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Lewis of Riverside, Lumley, Lux, McKenney, McLaughlin, McNeil, Mott, Pyle, Susman, Walsh, Wanzer, Waste, and Wright—25.

NOES—Messrs. Amerige, Bliss, Brown, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunlap, Duryea, Greer, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Mahany, Mattos, McCartney, McConnell, McMahon, Olmsted, Pann, Prescott, Siskron, Snyder, Stansell, Steadman, Transue, and Walker—33.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 196 was this day passed.

Mr. Knight gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 759 was this day refused passage.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 320 was this day passed.

RECESS.

At four o'clock and thirty minutes P. M., the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Carter in the chair.

LEAVE OF ABSENCE.

Leave of absence for the day was granted to Mr. Pyle on account of sickness.

MOTION.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 703.

So ordered.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Read third time.

Mr. Walsh moved that a select committee of one be appointed to amend Assembly Bill No. 703, as follows:

AMENDMENT No. 1.

Strike out in line two of the title of printed bill the words "section one hundred and sixty (160) of"

AMENDMENT No. 2.

Insert after the figures "1901" in line five of title of printed bill, a comma in lieu of a period, and add the following words: "by amending Section 160 thereof, relating to the compensation of officers of counties of the third class."

AMENDMENT No. 3.

Strike out all words and figures on page nine, lines 306 to 317 inclusive, and on page ten, lines 318 to 323 inclusive, and add figures "17" before the words "This Act" after line 323.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

WALSH, Committee.

Report adopted.

Ordered to print and re-engrossment.

THIRD-READING FILE.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mattos, Mott, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Siskron, Stanton, Walker, Walsh, Wanzer, Waste, Weger, and Wright—47.

NOES—Messrs. Greer, Mahany, McMahon, and Snyder—4.

Title read and approved.

Mr. Dunlap moved to substitute Assembly Bill No. 376, number 240 on file, for Assembly Bill No. 557, number 110 on file.

So ordered.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Read first time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Greer, Hart, Higgins, John, Johnson, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Siskron, Snyder, Steadman, Walker, Walsh, Wanzer, Waste, and Wright—48.

NOES—Mr. Houser—1.

Title read and approved.

Assembly Bill No. 245 passed on file.

Mr. Duryea moved that the Assembly do now consider Assembly Bill No. 474.

So ordered.

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 7, 1889.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Black, Brown, Carter, Copus, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Prescott, Siskron, Stansell, Steadman, Walker, Walsh, Wanzer, Waste, and Weger—44.

NOES—Messrs. Dunbar and Snyder—2.

Title read and approved.

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Siskron, Snyder, Stansell, Steadman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—51.
NOES—None.

Title read and approved.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Lumley, Mahany, Mattos, McCartney, McKenney, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Siskron, Snyder, Stansell, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Wright—48.
NOES—None.

Title read and approved.

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Snyder, Stansell, Stanton, Walker, Walsh, Wanzer, and Waste—46.
NOES—Messrs. Mahany, McMahon, and McMartin—3.

Title read and approved.

Assembly Bill No. 689 passed on file.

Assembly Bill No. 481—An Act providing for the loaning of books and documents in the State Library, and for the establishment of traveling libraries.

Passed on file.

MOTION.

Mr. Greer moved that the Assembly do now reconsider the vote whereby Senate Bill No. 137 was on February 20, 1903, refused passage.

Mr. Greer moved that the consideration of the motion be continued until to-morrow.

So ordered.

Assembly Bills Nos. 160 and 541 passed on file.

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Black, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, Mattos,

McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Snyder, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Weger—47.
NOES—Mr. Houser—1.

Title read and approved.

MOTION.

Mr. Copus moved that Assembly Bill No. 320 be recalled from the Senate.

Motion lost.

NOTICE OF MOTION TO RECONSIDER.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby the Assembly on this day passed Assembly Bill No. 320.

Assembly Bills Nos. 254, 416, and 589 passed on file.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing for penalties for the violation thereof.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Boisson, Brown, Carter, Copus, Dougherty, Drew, Dunbar, Duryea, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Pann, Prescott, Snyder, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—50.
NOES—None.

Title read and approved.

Assembly Bills Nos. 566 and 456 passed on file.

Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Bliss, Boisson, Brown, Carter, Dorsey, Dougherty, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Snyder, Stansell, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—50.
NOES—None.

Title read and approved.

Mr. Walsh moved to substitute Assembly Bill No. 663, number 248 on file, for Assembly Bill No. 217, number 122 on file.

So ordered.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Houser, John, Johnson, Kelso, Killingsworth, Knight, Lewis of Riverside, Mahany, Mattos,

McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Snyder, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—51.

NOES—None.

Title read and approved.

Assembly Bill No. 217 passed on file.

Mr. Higgins moved that Assembly Bill No. 635, number 280 on file, be substituted for Assembly Bill No. 509, number 123 on file.

So ordered.

Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Heretofore read third time.

Mr. McConnell moved that a select committee of one be appointed to amend Assembly Bill No. 163, as follows:

AMENDMENT No. 1.

After the word "State," in line three, section three, strike out "experimental" and insert "dairy school and experiment."

AMENDMENT No. 2.

Strike out all after "thereof," line six, section two, and insert: "said point of location to be determined upon and fixed by the commission provided for in section three hereof; *provided*, that no site shall be selected unless there shall be given to the State of California for the use of said school and farm at such place at least one hundred and sixty acres of good first-class irrigable land, together with a water-right appurtenant thereto necessary and sufficient to irrigate said land and to supply water for domestic use, livestock and other purposes."

AMENDMENT No. 3.

After "therein," line eleven, section three, add "at the passage of this Act."

AMENDMENT No. 4.

Strike out all of section four after the word "located," line nine, and insert: "They shall take options or bonds for the purchase of additional land adjoining the property donated and given as provided for in section two of this Act, and, in general, secure such rights and procure such other gifts, contracts or privileges as may be necessary or beneficial, or for the best interests of the said dairy school, experiment farm and agricultural department when located or established. Immediately after said commission shall have selected said site they shall prepare a report of their investigation and conclusion and submit the same to the Regents of the California State University, who shall locate, establish, and operate said school at said place."

AMENDMENT No. 5.

After word "school," line three, section five, insert "and experiment farm."

AMENDMENT No. 6.

After "school," line eight, section five, insert "and experiment farm."

AMENDMENT No. 7.

After "therewith," line ten, section five, insert "as."

AMENDMENT No. 8.

After "school," line eleven, section five, insert "and experiment farm."

AMENDMENT No. 9.

After "school," line fourteen, section five, insert "and experiment farm."

AMENDMENT No. 10.

After "school," line one, section six, insert "and experiment farm."

AMENDMENT No. 11

In line two, section six, change "direct" to "direction."

AMENDMENT No. 12.

Strike out all after the word "Act," line four, section seven, and insert as follows: "The sum of one thousand dollars shall be immediately available, which shall be used for the payment of the actual traveling expenses of the commissioners hereinabove

provided for in making their investigation and in determining upon and selecting a site for the location of the said dairy school; twenty-five thousand dollars January first, 1904, and the remaining twenty-four thousand dollars January first, 1905."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor—with instructions, does now report that the instructions of the Assembly have been carried out.

McCONNELL, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bills Nos. 525, 504, and 299 passed on file.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600 rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia A. Jones, plaintiff, vs. The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bliss, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Mahany, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Snyder, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—47.

NOES—Messrs. Mattos and Stanton—2.

Title read and approved.

Assembly Bills Nos. 81 and 85 passed on file.

Mr. Brown moved that Assembly Bill No. 398, number 163 on file, be substituted for Assembly Bill No. 467, number 131 on file.

So ordered.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Read third time.

Mr. McConnell moved that a select committee of one be appointed to amend Assembly Bill No. 398, as follows:

Strike out after "established" in second line, section one, the following: "to be located on lands belonging to the University of California, known as the 'Flood property,' at Menlo Park, in the County of San Mateo, State of California," and insert: "to be located wherever the President of the University of California and a majority of the professors in the agricultural department of said University may deem most advantageous to the agricultural and dairy interests of the State"

The question being, "Shall a select committee of one be appointed for the purpose of amending the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Dunlap, Ells, Foster, Goodrich, Hart, Houser, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mattos, McCart-

ney, McKenney, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Siskron, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Wright—43.

NOES—Messrs. Dunbar, Greer, Higgins, Killingsworth, McConnell, Prescott, Snyder, Stanton, and Weger—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Dorsey gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 398 was on this day passed.

ADJOURNMENT.

At nine o'clock and forty-eight minutes P. M., on motion of Mr. Killingsworth, the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 25, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Monday, February 23, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 850—An Act to amend Section 10 of an Act to provide for the organization and management of county fire insurance companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 470—An Act to require all persons and corporations engaged in supplying gas and electricity for domestic lighting and heating and water for domestic purposes, to provide and maintain, without cost to consumers, the most improved and effective meters and appliances for measuring, regulating, and controlling the delivery of gas and electricity for domestic lighting and heating and water for domestic purposes; and providing a penalty for any violation of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 846—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 898—An Act to regulate the collection of premiums on accident and casualty reinsurance.

Also: Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 355—An Act to amend the Civil Code by adding thereto a new section, to be numbered 379, relating to the publication of the financial conditions of corporations (except banking and insurance companies and building and loan societies)—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 824—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 294—An Act to provide for the organization, management, and control of mutual fire insurance corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ALLEN, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 683—An Act to amend sections four (4), five (5), eight (8), nine (9), ten (10), eleven (11), twelve (12), and thirteen (13) of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Also. Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass.

Also: Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Also: Assembly Bill No. 641—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Have had the same under consideration, and respectfully report that Senate Bill No. 420 do pass, and that, both bills being identical, the author of Assembly Bill No. 641 be permitted to withdraw same.

MATTOS, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 823—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts

Have had the same under consideration, and a majority respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Assembly Bill No. 880—An Act authorizing and directing the Commissioner of Public Works to perform certain duties relating to drainage and to ascertain the cost and the feasibility of diverting the storm and flood waters of the Sacramento River by a relief canal, and making an appropriation of money for the purposes of this Act.

Also: Assembly Bill No. 881—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie

Also: Assembly Bill No. 894—An Act to provide for the control of the flood waters of the Sacramento River; to improve its channel for the purposes of navigation, and to drain its flood areas.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MOORE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 813—An Act to add a new section to the Penal Code, to be known as Section 626*n*, relating to the preservation of game.

Also: Assembly Bill No. 804—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to the preservation of game.

Also: Assembly Bill No. 781—An Act to amend Section 626*k* of the Penal Code of the State of California, relating to the preservation of game.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 805—An Act to add a new section to the Penal Code, to be known as 626*n*, making it a misdemeanor to hunt, pursue, kill or destroy certain birds by the aid of artificial light—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEININGER, Chairman.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 841—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging-house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or castoff clothing, rags, or castoff or second-hand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ELLS, Chairman.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 875—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

GREER, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No 734—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics,' approved March 3, 1883," approved February 8, 1889—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 860—An Act to regulate the work and hours of selling at retail, drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, without recommendation, other than that the author be permitted to withdraw the same, it being identical with Assembly Bill No. 730.

PYLE, Chairman.

Assembly Bill No. 860 withdrawn by author.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof and for the payment of extra labor employed therein—have had the same under consideration, and respectfully report the same back without recommendation, other than that it be re-referred to Committee on Judiciary.

PYLE, Chairman.

Assembly Bill No. 853 re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 726—An Act defining the time within which employés are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLE, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 359—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Assembly Bill No. 362—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Assembly Bill No. 360—An Act making an appropriation of $6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Assembly Bill No. 404—An Act appropriating $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase sewing-machines for the tailor shop and girls' department of said school.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Assembly Bill No. 363—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

Assembly Bill No 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Assembly Bill No. 31—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Assembly Bill No. 497—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution

AMERIGE, Chairman.

RECONSIDERATION OF VOTE ON ASSEMBLY BILL No 616

Mr. Johnson moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 616 was on Friday, February 20, 1903, refused final passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 616 was refused final passage?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Bangs, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Ellis, Gleeson, Goodrich, Greer, Hart, Higgins,

Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—None.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Ells, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

ANNOUNCEMENT.

The Speaker announced that some of the attachés of the Assembly were not reporting regularly for duty, and that hereafter they must report each and every morning until the close of the session of the Assembly, or he would use his prerogative and drop their names from the roll of attachés without further notice.

Mr. Brown moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 398 was on yesterday passed.

So ordered.

Mr. Brown moved to lay the motion on the table.

So ordered.

INTRODUCTION AND REFERENCE OF BILL.

Mr. Hart moved that he be granted leave to introduce the following bill, to wit: "An Act to amend Sections 3790, 3793, 3808, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862, all relating to revenue and taxation"—which said bill accompanies this motion.

Referred to Committee on Introduction of Bills.

RESOLUTION.

By Mr. Moore:

*Resolved*, That the Chief Clerk of the Assembly provide Assemblymen Lux, Moore, Wanzer, Weger, and Grotefend with the Codes as provided the other members of the Assembly These Codes are to replace those stolen from the desk of the Chief Clerk, and the Controller is authorized to draw his warrant for the same, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Resolution read.

Mr. Moore moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Drew, Dunbar, Dunlap, Ells, Gleeson, Goodrich, Greer, Hart, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney,

McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

RESOLUTION.

By Mr. Prescott:

WHEREAS, The Commander-in-Chief of the Grand Army of the Republic of the United States and party will visit the Capitol this noon and probably not until after the usual hour of recess of this Assembly; now, therefore, be it

*Resolved*, That the hour of the noon recess of this Assembly be extended until after the visit of General Thomas J. Stewart, Commander-in-Chief of the Grand Army of the Republic, and party, and that he be received by the Speaker and invited to address the Assembly.

Resolution read.

Mr. Prescott moved the adoption of the resolution.

Resolution adopted.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools.

Read third time.

Mr. Carter moved that a select committee of one be appointed to amend Assembly Bill No. 779 as follows:

Insert after the title the following words: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools—with instructions, does now report that the instructions of the Assembly have been carried out.

CARTER, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Heretofore read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 148 as follows:

Amend by inserting in section one, in line four, after the word "State," the following: "outside of incorporated cities and towns."

The question being, "Shall a select committee of one be appointed to amend the bill?"

The ayes and noes were demanded by Messrs. Soward, Greer, and Snyder.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and forty minutes A. M., Mr. Drew moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson,

Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Wright, and Mr. Speaker—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and forty-four minutes A. M., Mr. Drew moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the motion to appoint a select committee carried by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Black, Bliss, Boisson, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Ells, Foster, John, Johnson, Killingsworth, King, Lumley, McCartney, McKenney, McMahon, Moore, Mott, Pann, Siskron, Soward, Stanton, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—36.

NOES—Messrs. Amerige, Brown, Camp, Copus, Dunbar, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, McConnell, McLaughlin, McMartin, McNeil, Murphy, Olmsted, Prescott, Pyle, Snyder, Stansell, Steadman, Susman, and Wright—32.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax—with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Mr. Lewis moved that a select committee of one be appointed to amend Assembly Bill No. 148, as follows:

Amend by striking out all in lines seven and eight and the first four words in line nine, printed bill, and insert in lieu thereof the following: "Impose a license in a uniform manner on each and every kind of business not prohibited by law or ordinance and transacted and carried on within the limits of their respective jurisdictions, the amount of such license, when for revenue, to be in proportion to the amount of the gross receipts from the business done, and the license collector of any county, city and county, city or town shall have power to require a sworn statement showing the gross receipts of any business licensed hereunder."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax—with instructions, do now report that the instructions of the Assembly have been carried out.

LEWIS, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 244 passed on file.

At ten o'clock and fifty-eight minutes A. M., the Speaker called Mr. Brown to the chair.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 17.

A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, Anno Domini

one thousand nine hundred and three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding a new section thereto, to be numbered Section 10½, to read as follows:

Section 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation.

The following Senate amendment was submitted:

SENATE AMENDMENT.

Amend by striking out the word "two" in line ten, and inserting in lieu thereof the word "one."

Mr. Lumley moved that the Assembly do now concur in the Senate amendment.

The question being, "Shall the Assembly concur in the Senate amendment?"

The roll was called, and the Assembly concurred in the Senate amendment by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—58

NOES—Messrs. Amerige, Bangs, Dougherty, and Johnstone—4.

Assembly Bill No. 782—An Act to prohibit the use of bristle-bur, tack-bur, or other like device on horses or other animals in this State.

On motion of Mr. Allen, continued and made a special order for to-morrow at three o'clock P. M.

SPECIAL FILE.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Section one, line three, printed bill, strike out the words "one hundred and two" and insert the words "eighty-seven."

Amendment adopted.

AMENDMENT No 2.

Section one, line nine, strike out comma and insert the word "and."

Amendment adopted.

AMENDMENT No. 3.

Section one, line ten, strike out all after the word "building" and insert a period.

Amendment adopted.

AMENDMENT No. 4.

Section one, strike out all of line eleven.

Amendment adopted.

MOTION.

Mr. Barnes moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 1.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 1 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

BROWN, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger and Wright—57.

NOES—None.

Title read and approved.

Assembly Bills Nos. 583, 524, and 570 passed on file.

Assembly Bill No. 489—An Act making an appropriation of $22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read second time.

The following committee amendments were submitted:

AMENDMENT NO. 1.

Amend by striking out the figures "$22,000" in line one of title, printed bill, and inserting in lieu thereof the following: "$6,000."

Amendment adopted.

AMENDMENT NO. 2.

Amend by striking out the word "twenty-two" in line three, first page, section one, printed bill, and inserting in lieu thereof the word "six."

Amendment adopted.

MOTION.

Mr. Allen moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 489.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 489 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 489—An Act making an appropriation of $22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

BROWN, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 357 passed on file.

Assembly Bill No. 359—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Drew, Dunbar, Foster, Goodrich, Higgins, Houser, Howard, John, Johnstone, Kelso, King, Knight, Leininger, Lumley, Lux, Mahany, McCartney, McConnell, McMahon, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Weger—48.

NOES—Messrs Dougherty and McLaughlin—2.

Title read and approved.

Assembly Bill No. 361 passed on file.

Assembly Bill No. 360—An Act making an appropriation of $6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McMahon, McNeil, Moore, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Weger—49.

NOES—Messrs. Burgess and Dougherty—2.

Title read and approved.

Assembly Bill No. 362—An Act appropriating $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lux, Mahany, Mattos, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—59.

NOES—None.

Title read and approved.

Assembly Bill No. 363—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Transue, Walker, Walsh, Waste, and Weger—55.

NOES—None.

Title read and approved.

Assembly Bill No. 404 withdrawn by author.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Gleeson, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Weger—57.

NOES—None.

Title read and approved.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Assembly Bills Nos. 558, 621, 201, 562, and 158 passed on file.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read second time.

The following committee amendments were submitted:

Amend by striking out the words "twenty-five thousand," in line three, section one, first page, printed bill, and inserting in lieu thereof the following: "twenty-two thousand five hundred."

Amendment lost.

Amend by striking out all of section two, first page, printed bill.

Amendment lost.

Amend by striking out the words "Sec. 3," first page, printed bill, and inserting in lieu thereof the following: "Sec. 2."

Amendment lost.

Amend by striking out the words "Sec. 4," "Sec. 5," "Sec. 6," second page, printed bill, and inserting in lieu thereof the following: "Sec. 3," "Sec. 4," "Sec. 5."

Amendment lost.

Amend by striking out the period after the word "effect," in line one, section six, second page, printed bill, and inserting in lieu thereof the following: "immediately."

Amendment lost.

The following amendments were submitted by Committee on Ways and Means:

AMENDMENT No. 1.

Amend by striking out the words "twenty-five thousand," in line three, section one, first page, printed bill, and inserting in lieu thereof the following: "sixteen thousand five hundred."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "five," in line one, section three, first page, printed bill, and inserting the following: "four."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "seventeen thousand five hundred," in line one, section four, second page, printed bill, and inserting the following: "ten thousand."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line one, section six, printed bill, the following: "January first, nineteen hundred and four."

Amendment adopted.

MOTION.

Mr. Dunbar moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 560.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 560 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly, as per recommendation of the Committee on Ways and Means.

BROWN, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 697, 204, 397, 821, and Assembly Constitutional Amendments Nos. 2 and 3, passed on file.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 23.

To propose to the people of the State of California an amendment to the Constitution of the State amending article twenty, by adding a new section thereto, to be known as section number twenty-two, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all members elected to each house concurring, hereby proposes that article twenty of the Constitution of said State be amended by adding thereto a new section, to be known as section number twenty-two, which shall read as follows:

Section 22. Any combination by individuals, corporations, or associations, other than producers, of the products of the soil, having for its object or effect the controlling of the price of any article of manufacture or commerce, or the cost of exchange or transportation, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers, or conferring the exclusive privilege of purchase on any class, association or limited number of purchasers, is prohibited, and hereby declared unlawful, and against public policy. The rights herein given and the duties herein imposed shall have immediate effect and be self-executory. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies it may declare a forfeiture of their franchise.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, John, Kelso, Kerrigan, King, Knight, Leininger, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolfey, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Walker, Walsh, Waste, and Weger—57.

NOES—Messrs. Amerige, Camp, Johnson, Johnstone, Killingsworth, Stanton, and Wanzer—7.

Assembly Constitutional Amendment No. 25 passed on file.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to Section 8½, Article XI, of the Constitution.

Section 8½ of Article XI of the Constitution is hereby amended so as to read as follows:

Section 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government and jurisdiction of police courts and for the manner in which, the times at which, and the terms for which the judges of said courts shall be elected or appointed, and for the compensation and qualifications of said judges, and of the clerks and attachés of said courts.

2. For the constitution, regulation and government of the public school system of any municipality adopting a charter under said section eight of article eleven, and the terms of office, compensation, qualifications, and election or appointment of the board of education, teachers and other clerks, attachés or employés of the said public school system.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed and for the constitution, regulation, compensation, qualifications, and government of said boards, their clerks and attachés, and the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, qualifications, and government of said boards, and of their clerks and attachés, and for all expenses incident to the holding of election.

5. Where a city and county government has been merged and consolidated into one municipal government it shall also be competent in any charter framed under section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers, including the superintendent of public

instruction, shall be elected or appointed, for their compensation and qualifications, and for the number, compensation and qualifications of their deputies, attachés and employés.

6. It shall also be competent to provide in said charter for the constitution, regulation, government, and jurisdiction of justices' courts, and for the manner in which, the times at which, and the terms for which the justices of the peace shall be elected or appointed, and for the compensation and qualifications of said justices, and of the clerks and attachés of said courts.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Barnes, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—Messrs. Amerige, Bangs, and Dorsey—3.

Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city and county, or city, or town.

Read, and passed on file, pending amendment.

Assembly Constitutional Amendment No. 20—Proposed amendment to Section 1 of Article VI of the Constitution, relative to the judicial power of the State and fixing the age limit of judicial officers.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs. Barber, Barnes, Black, Bliss, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Pann, Prescott, Rolley, Siskron, Snyder, Transue, Walker, Walsh, Wanzer, Waste, and Mr Speaker—45.

NOES—Messrs. Allen, Amerige, Bangs, Brown, Covert, Dunlap, Howard, Knight, Mattos, McCartney, McLaughlin, Murphy, Olmsted, Pyle, Soward, Stansell, Stanton, Steadman, Susman, Weger, and Wright—21.

## NOTICE OF MOTION TO RECONSIDER.

Mr. Houser gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 20 was this day refused adoption.

## MOTION.

Mr. Copus moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 196 was on yesterday refused final passage.

Mr. Copus moved to make the motion a special order for Friday, February 27, 1903, at eleven o'clock A. M.

Mr. Susman moved to amend by making the motion to reconsider a special order for two o'clock P. M. of this day.

Mr. Dorsey moved to lay the motion on the table.

Motion carried.

At twelve o'clock and seven minutes P. M., Speaker Fisk in the chair.

SPECIAL FILE—(RESUMED).

Assembly Constitutional Amendment No. 29 passed on file.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Black, Boisson, Brown, Camp, Carter, Dorsey, Dougherty, Dunbar, Gleeson, John, Kerrigan, Leininger, Lewis of Riverside, Lewis of San Francisco, McMahon, McMartin, McNeil, Moore, Siskron, Snyder, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr Speaker—32.

NOES—Messrs. Allen, Amerige, Copus, Covert, Cromwell, Drew, Dunlap, Ells, Houser, Johnstone, Mahany, Mattos, McCartney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, and Stanton—23.

NOTICE OF MOTION TO RECONSIDER.

Mr. Soward gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 26 was on this day refused adoption.

RECEPTION OF COMMANDER-IN-CHIEF OF GRAND ARMY OF THE REPUBLIC, AND PARTY.

At twelve o'clock and fifteen minutes P. M., in accordance with resolution offered by Mr. Prescott, and adopted, the Assembly greeted General Thomas J. Stewart, Commander-in-Chief of Grand Army of the Republic, and his staff and ladies of the party.

General Stewart appeared at the bar of the House escorted by the Senate Special Reception Committee, headed by Senator Savage.

The Speaker invited General Stewart to the rostrum and introduced him to the members of the Assembly. The General made an address, in which he thanked the Legislature for having passed the bill appropriating $25,000 to be used in aid of the National Encampment to be held next August in the City of San Francisco.

At the conclusion of his remarks, the Speaker thanked General Stewart and invited the ladies of his party to the floor of the Assembly.

Mr. Johnson moved, and it was carried, that General W. R. Shafter be asked to address the Assembly.

The Speaker appointed Mr. Johnson a committee of one to escort General Shafter forward.

The General made a few remarks, thanking the members for their welcome.

On motion of Mr. Drew, the Assembly invited Mrs. M. Anna Hall of Wheeling, West Virginia, President of the Ladies of the Grand Army of the Republic, and Mrs. L. J. Taylor, President of the Woman's Relief Corps, to address the Assembly.

The Speaker appointed Mr. Drew a committee of one to escort the ladies forward.

Mrs. Hall addressed the Assembly briefly, and was followed by Mrs. Taylor, who also spoke.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Drew, the Assembly took a recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M. Speaker Fisk in the chair.

SECOND-READING FILE.

Assembly Bills Nos. 114, 32, 439, 442, 438, 440, 83, 203, 475, 829, 50, 116, 826, 550, 447, 202, 177, 358, 435, 414, 7, 166, 528, 59, 384, and 533 passed on file.

Assembly Bill No. 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Heretofore read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section three by striking out all after "3" and inserting in lieu thereof the following: "This Act is exempt from the provisions of Section 672 of the Political Code of the State of California."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding a new section, to be known as Section 4. "This Act shall take effect and be in force from and after its passage."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 454.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 454 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 526 passed on file.

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for

the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 309, 340, and 741 passed on file.

Mr. Walsh moved that Assembly Bill No. 843, number 371 on the file be substituted on the file for Assembly Bill No. 534, number 316 on the file.

So ordered.

Assembly Bill No. 843—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 53 and 51 passed on file.

Mr. Drew moved to substitute on the file Assembly Bill No. 891, number 375 on the file, for Assembly Bill No. 39, number 319 on the file.

So ordered.

Assembly Bill No. 891—An Act to prohibit the use or disposition of any moneys or other property held in trust, or specially deposited with the officers or authorities of State institutions, for the use or benefit of said institutions, patients, inmates, or pupils therein, for purposes other than provided by the terms of such trusts or special deposits.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 213 passed on file.

Assembly Bill No. 265—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, relating to the selection of grand jurors and trial jurors.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 266, 267, 657, and 818 passed on file.

Assembly Bill No. 773—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of said water to the place of use.

Read second time.

The following amendment was submitted by Mr. Duryea:

Amend by inserting at the end of section thirteen, the following: "nor to apply to persons, associations, companies, or corporations organized for the purpose of, and who are, supplying water to their own members or stockholders only, or who are not operating their plants for profit."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 260 passed on file.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "of at least ten thousand inhabitants," in line three, section nine, second page, printed bill.

Also: Add "SEC. 15. This Act shall take effect July 1, 1904."

Also: Insert in first line, section fourteen, the figures "125,000."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the words "one hundred and twenty-five thousand dollars" before the dollar mark, and the figures "125,000" after the dollar mark in line one, section fourteen, third page, printed bill.

Amendment adopted.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 547.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 547 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 500—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 500.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 500 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 500—An Act to appropriate money for the support of aged persons in indigent circumstances—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 794—An Act to provide for the payment to Geo. A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Read second time.

Assembly Bill No. 595—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 794 and 595.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 794 and 595 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 794—An Act to provide for the payment to Geo. A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Also: Assembly Bill No. 595—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

And do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 794 and 595 ordered to engrossment and third reading.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Read second time.

The following amendments were submitted by Mr. Knight:

AMENDMENT No. 1.

Amend by striking out of title of printed bill the figures "$1,250," and inserting the following: "$1,000."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "two hundred and fifty," next following the word "thousand," in line one, section one of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "two hundred and fifty" next following the word "thousand," in line two, section two of printed bill.

Amendment adopted.

AMENDMENT No. 4.

Add a new section, as follows:
"SEC. 3. This Act shall take effect from and after January 1, 1905."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 194.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 194 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Heretofore read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

On page five, line one hundred and twenty-three, of the printed bill, after the word "county," strike out the period, insert a semicolon, and add "except as herein otherwise provided."

Amendment adopted.

AMENDMENT No. 2.

On page two, line twenty-one, insert the words "and twenty-five" after the word "hundred."

Amendment adopted.

AMENDMENT No. 3.

On page five, line one hundred and twenty-eight, of the printed bill, after the word "folio," strike out the period, insert a semicolon and add "except as herein otherwise provided for."

Amendment adopted.

AMENDMENT No. 4.

Insert in line three, page one, between the words "except" and "the," the word "that."

Amendment adopted.

AMENDMENT No. 5.

Insert in line five, page one, between the words "employed" and "may," the words "who is twenty-one years or over of age, and a citizen of the United States."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 707—An Act to amend the Penal Code of the State of California, by adding one new section to Title X thereof, relating to public nuisance, said section to be numbered 370½.

Read second time, ordered to engrossment and third reading.

Assembly Bill No. 677—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace in townships.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 626—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Read second time, and ordered to engrossment and third reading.

Mr. McCartney moved to substitute on the file Assembly Bill No. 744, number 417 on the file, for Assembly Bill No. 34, number 338 on the file.

So ordered.

Assembly Bill No. 744—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 807—An Act to amend Section 3423 of the Civil Code, relating to injunctions.

Read second time, and ordered to engrossment and third reading.

Senate Bills Nos. 310, 118, 95, 68, and 27 passed on file.

Committee Substitute for Senate Bills Nos. 261, 307, and 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003, duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

On motion of Mr. Drew, re-referred to Committee on Military Affairs, to retain place on file.

SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Barnes, Bates, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Senate Bill No. 11 passed on file.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Boisson, Brown, Carter, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—51.

NOES—Messrs. Black, Copus, Dunbar, Houser, Mahany, Mattos, McMahon, Murphy, Pann, Snyder, Stansell, and Weger—12.

Title read and approved.

Mr. Copus moved that the Assembly do now consider Senate Bill No. 27.

So ordered.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Read second time, and ordered to third reading.

Senate Bill No. 315—An Act making an appropriation of seven hundred ($700) dollars to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, 1903.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 315.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 315 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 315—An Act making an appropriation of seven hundred ($700) dollars to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, 1903—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium, or charge, on official bonds when given by surety companies.

Read second time, and ordered to third reading.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read second time, and ordered to third reading.

Mr. Mattos moved that the Assembly do now consider Senate Bill No. 420.

So ordered.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund in any county, or consolidated city and county of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Read second time, and ordered to third reading.

MOTION.

Mr. Goodrich moved that the Assembly consider the third-reading file, beginning with number 97 on the file, the same being the next number after the last number on the file considered at last evening's session of the Assembly.

Mr. Pann moved to amend that the consideration of the third-reading file begin with the first number on the file.

The question being on the amendment.

Amendment lost.

The question recurring on the original motion.

Motion carried.

MOTION TO RECONSIDER.

Mr. Knight moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 759 was on yesterday refused passage.

Motion carried.

The question being, "Shall the Assembly reconsider?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—58.

NOES—Messrs. Amerige, Black, Copus, Dougherty, Murphy, and Olmsted—6.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

On motion of Mr. Knight, the further consideration of Assembly Bill No. 759 was made a special order for Thursday, February 26, 1903, at eleven o'clock A. M.

MOTION TO RECONSIDER.

Mr. Higgins moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 372 was on Monday, February 23, 1903, refused passage.

The question being, "Shall the Assembly reconsider?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Bliss, Boisson, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kerrigan, Killingsworth, Knight, Leininger, Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—Messrs. Burgess, Kelso, and King—3.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Bates, Black, Bliss, Boisson, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kerrigan, Killingsworth, Knight, Leininger, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, Murphy, Pann, Prescott, Pyle, Rolley, Soward, Stanton, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—Messrs. Amerige, Bangs, Burgess, Dunlap, Duryea, Foster, Kelso, King, Mattos, Moore, Olmsted, Stansell, and Steadman—13.

Title read and approved.

THIRD-READING FILE.

Assembly Bill Nos. 161 and 122 passed on file.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing

for the formation of union school districts and the maintenance therein of union schools.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Bliss, Boisson, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None

Title read and approved.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Passed on file.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by amending Section 2, relating to the term of office of members of said board, and to insert three new sections, to be numbered 18, 19, and 20, relating to sanitary conditions of barber shops and barber schools, and the regulation thereof.

Read third time, and passed on file, pending amendment.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Houser, Johnson, Johnstone, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—55.

NOES—Mr. Weger—1.

Title read and approved.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an

action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Assembly Bill No. 597, as follows:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

AMENDMENT No. 2.

Amend section two of said Act, as follows: Before the words "the State Controller," in line one of section two, insert the following: "under the conditions and after the date and upon the contingencies stated in section one hereof."

AMENDMENT No. 3.

Amend said Act, as follows: Strike out all of section three, and in lieu thereof insert the following: "SEC. 3. This Act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code, in relation to the Board of Examiners."

AMENDMENT No. 4.

Amend said Act, by adding thereto a new section, to be numbered section four, as follows: "SEC. 4. This Act shall take effect immediately."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 557 passed on file.

Assembly Bill No. 426—An Act to prevent misrepresentation of employment, and making it a misdemeanor to misrepresent conditions of employment.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Howard, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—53.

NOES—None.

Title read and approved.

MOTION.

Mr. Carter moved that the session be continued until five o'clock and thirty minutes P. M., and that the Assembly do then adjourn.

So ordered.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Read third time.

Mr. Covert moved that a select committee of one be appointed to amend Assembly Bill No. 271, as follows:

In line four, section fifteen, page three of printed bill, after the figures "214" insert the word "miles."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State—with instructions, does now report that the instructions of the Assembly have been carried out.

COVERT, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to the preservation of affidavits of registration.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Brown, Camp, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Finn, Foster, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, and Wright—54.

NOES—None.

Title read and approved.

Assembly Bills Nos. 195 and 196 passed on file.

At four o'clock and fifteen minutes P. M., the Speaker called Speaker pro tem. Carter to the chair.

Assembly Bill No. 633 passed on file.

Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Black, Brown, Camp, Carter, Copus, Covert, Cromwell, Dunbar, Ells, Finn, Foster, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Mr. Knight moved that the Assembly do now consider Assembly Bill No. 195.

So ordered.

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Ells, Finn, Foster, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities or towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dunbar, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, and Wright—54.

NOES—None.

Title read and approved.

Assembly Bills Nos. 366 and 312 passed on file.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Ells, Finn, Foster, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Waste, Weger, and Wright—58.
NOES—None.

Title read and approved.

Mr. Snyder moved to substitute Assembly Bill No. 30, number 183 on file, for Assembly Bill No. 29, number 117 on file.

So ordered.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and the Inspector of Mines.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Wanzer, Waste, Weger, and Wright—55.
NOES—Messrs. McKenney, Mott, and Traber—3.

Title read and approved.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—60.
NOES—None.

Title read and approved.

Assembly Bill No. 175 passed on file.

Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Killingsworth, King, Knight, Lewis of San Francisco, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—55.
NOES—None.

Title read and approved.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bliss, Boisson, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Prescott, Pyle, Rolley, Siskron, Snyder, Traber, Walker, Walsh, Wanzer, and Weger—53.

NOES—Messrs. Brown, Dougherty, and Olmsted—3.

Title read and approved.

Assembly Bill No. 295 passed on file.

Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Traber, Walker, Walsh, Waste, and Wright—50.

NOES—Messrs. Dunbar, Olmsted, Snyder, and Weger—4.

Title read and approved.

Mr. Greer moved that the Assembly do now reconsider the vote whereby Senate Bill No. 137 was on February 20, 1903, refused final passage.

Mr. Greer moved that the consideration of the motion be continued until to-morrow.

So ordered.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Houser, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, and Wright—53.

NOES—Messrs Amerige, Dougherty, and Johnson—3.

Title read and approved.

BILL RECALLED FROM SENATE.

Mr. Susman moved that Senate Bill No. 85, passed by the Assembly yesterday, be recalled from the Senate for the purpose of amending the bill.

So ordered.

Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University,

also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Barber, Barnes, Bliss, Boisson, Brown, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Steadman, Susman, Walsh, Waste, Weger, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Assembly Bills Nos. 395, 233, and 467 passed on file.

At five o'clock and fifteen minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Johnson, Johnstone, Killingsworth, King, Leininger, Lewis of Riverside, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bliss, Boisson, Burgess, Copus, Cromwell, Dorsey, Drew, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Kelso, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Snyder, Soward, Steadman, Susman, Traber, Wanzer, Waste, and Mr. Speaker—45.

NOES—Messrs. Dougherty, Dunbar, Higgins, Mahany, Siskron, Walker, and Weger—7.

Title read and approved.

Assembly Bill No. 167 passed on file.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Boisson, Brown, Burgess, Copus, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Susman, Traber, Walker, Wanzer, Waste, and Weger—48.

NOES—Messrs Dorsey and Snyder—2.

Title read and approved.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and terms of office.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Johnson, Johnstone, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—None.

Title read and approved.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., the Speaker declared the Assembly adjourned.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 26, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker pro tem. Carter in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—74.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Waste, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, February 24, 1903, was read, corrected, and approved.

PETITIONS.

Mr. McCartney presented the following petition from the Congress of Mothers and Child Study Circles:

LOS ANGELES, CALIFORNIA, February 14, 1903.

*To the Honorable Legislators of the State of California:*

GENTLEMEN: At a meeting of the California Congress of Mothers and Child Study Circles, held this day, the following resolutions were unanimously adopted:

WHEREAS, The future development of the State of California is largely dependent upon her forests and streams; and

WHEREAS, The forests and consequently the streams are now being materially destroyed by the ravages both of fire and ax; and

WHEREAS, An intelligent knowledge of the forestry resources of the State, and the method of their proper conservation, is highly desirable to educate an intelligent public sentiment as well as to conserve these natural resources; therefore, be it

*Resolved*, That we favor a certain Act, now pending before the California Legislature, providing for the establishment of a school of forestry at the State University, and appropriating funds for its administration; and

*Resolved further*, That a copy of these resolutions be transmitted by the secretary of this meeting to the Senators and Assemblymen representing this district, and also to the President of the State University.

(Signed:) MRS. W. W. MURPHY, President.

MRS. B. H. FRANKLIN, Recording Secretary.

Ordered printed in the Journal.

Mr. John presented the following petition from citizens of the County of San Luis Obispo:

*To* WARREN M. JOHN, *Assemblyman for District No. 65, State of California, and the Assembly of the State of California:*

We, the undersigned, your constituents of above district, respectfully ask of you, for the benefit of the craft in which we are employed, to vote against any and all bills brought before the Legislature regulating the practice of barbering in the State of California.

Yours respectfully,

HAMSICK & REASONS.

Ordered printed in the Journal.

MOTION.

Mr. McConnell moved that the Assembly do now consider Assembly Bill No. 163, for the purpose of amending.

So ordered.

Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Heretofore read third time.

Mr. McConnell moved that a select committee of one be appointed to amend Assembly Bill No 163, as follows:

AMENDMENT No. 1.

Amend title by substituting as follows: "An Act to provide for the establishment and operation of a dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor."

AMENDMENT No 2.

Strike out all of section two after the word "purposes" in line fourteen.

AMENDMENT No. 3.

Strike out "at the passage of this Act," in line eleven, section three, and add "at the passage of this Act" after "therein," line twelve.

AMENDMENT No. 4.

Strike out all of section four after "place" in line twenty.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 163—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor—with instructions, does now report that the instructions of the Assembly have been carried out.

McCONNELL, Committee.

Report adopted.
Ordered to print and re-engrossment.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

FOSTER, Chairman.

ON MILEAGE

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following:

Mr. Speaker: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the Preston School of Industry, located at Ione, Amador County, California, have visited the same.

The following members are entitled to mileage for the same, to wit, fifty-five miles:

| | |
|---|---|
| Olmsted | $11 00 |
| Carter | 11 00 |
| McKenney | 11 00 |
| Barber | 11 00 |
| Murphy | 11 00 |
| | $55 00 |

And we ask the adoption of the following resolution·

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of S. H. Olmsted, chairman of said committee, for the sum of $55, as per above statement; said warrant to be drawn upon the funds for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted.

BATES, Chairman.

Mr. Olmsted moved the adoption of the report and resolution.
Report and resolution adopted.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Also: Assembly Bill No. 740—An Act to regulate the letting of contracts for the erection, improvement, or repair of public school buildings.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MATTOS, Chairman.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRABER, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city at a general election held therein for the purpose, among other things, of ratifying said charter, on the 2d day of April, 1902.

Also: Passed Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Referred to Committee on Municipal Corporations.

Mr. Dunbar moved that Senate Concurrent Resolution No. 12 be placed on file.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Read first time, and referred to Committee on Commissions and Public Expenditures.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by the direct vote of the people.

Also: Passed Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act and repealing all laws in conflict therewith.

Also: Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Also: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625*a*, relating to unlawful interferences with public fire alarms.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for submitting an amendment to the Constitution of the United States, calling for election of United States Senators by direct vote of the people.

Ordered to enrollment.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

The following Senate amendments were submitted:

SENATE AMENDMENTS.

Amend by striking out of section one, page two, line twenty, the word "twelve," and inserting the word "nine."

Also: Amend by inserting the words "not less than five," after the words "such number," in line twenty, second page, printed bill.

Mr. Copus moved that the Assembly do now concur in the Senate amendments.

The question being, "Shall the Assembly concur in the Senate amendments?"

The roll was called, and the Assembly concurred in the amendments by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Higgins, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—55.

NOES—Messrs. Bangs and Dougherty—2.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices, on horses or other animals in this State.

Read first time.

On motion, placed on Senate special file without reference to committee.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interferences with public fire alarms.

Read first time, and referred to Committee on Judiciary.

## WITHDRAWAL OF BILL.

On motion of Mr. Bates, Assembly Bill No. 162 was withdrawn.

Mr. Bates moved that Senate Bill No. 41 be recalled from Committee on Ways and Means, and placed on Senate special file without reference to a committee, the same being identical with Assembly Bill No. 162.

So ordered.

## REPORT OF SPECIAL COMMITTEE ON MEMORIAL EXERCISES.

MR SPEAKER: Your committee appointed to confer with a like committee from the Senate to arrange a programme of exercises observing the anniversary of Washington's birthday, any expense to be paid equally by the Assembly and Senate out of their contingent funds, not to exceed $100 in the aggregate, have performed such duty and report that said expenses amount to the sum of $100, and we ask the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of J. M. Higgins for the sum of $50, as per statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

*Expense Account Memorial Exercises, Assembly Chamber, February 23, 1903.*

| | |
|---|---|
| Flowers and decorations | $20 00 |
| Printing | 18 50 |
| Band | 35 00 |
| Quartette | 20 00 |
| Attendants | 6 50 |
| | $100 00 |

PRESCOTT, Chairman.

Report and resolution read.

Mr. Prescott moved the adoption of the report and resolution.

The question being on the adoption of the report.

Report adopted.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Goodrich, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—62.

NOES—None.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Assembly Bill No 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street Wharf in the City and County of San Francisco

Assembly Bill No. 612—An Act making an appropriation of $4,310.76 for transportation of officers and members of the National Guard of California.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

And were presented to the Governor February 26, 1903, at nine o'clock and thirty-five minutes A. M.

AMERIGE, Chairman.

PETITION.

By Mr. Bangs: From the dairymen of Merced County.

*To our Honorable Representatives in the California Legislature:*

We, the undersigned dairymen of Merced County, knowing the obnoxious features of Assembly Bill No 395, introduced by Mr. Drew, and Senate Bill No. 247, introduced by Senator Rowell, and realizing that the same will cause unwarranted annoyance and hardship upon the dairymen of this county, as well as the creation of another county officer to be supported out of the taxes of the county, do respectfully urge you to use your efforts to cause the defeat of these bills:

W. J. Jameson, Manuel Morts, S. A. Smith, C. W. Smith, C. P. Smith, R. Fisher, Geo. Johnson, Mrs. F. M. Wilcox, Hans Peterson, Mrs. M. E. Gardner, W. H. Woodson, J. E. Smith, Nels Rasmussen, F. S. Smith, John Schramm, Edward Bibby, Fred Leiser, B. I. Soper, R. W. Morrison, Elmer Smith, Joe M. De Silva, Z. G. Jameson, John Nevy, Mrs. E. C Jameson, Mrs. M. L. Rodrick, Mrs. M. B. Clare, I O. Wilhite, A Minghetti, C. Minghetti, F. M. Chappell, W H. Dilce, F. M Watkins, James Scott, R. Hansen, J L Ish, J. L. Jameson, T. S. Bryan, C. H. Filbarn, W. H. Morrison, S. J. Shannon, J. A. Johnson

Petition ordered printed in the Journal.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Judiciary Committee having had under consideration Assembly Bill No 904—An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons

Also: Assembly Bill No. 849—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts

wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Also: Assembly Bill No. 778—An Act to amend Section 2955 of the Civil Code of California, relating to the mortgaging of personal property.

Also: Assembly Bill No. 502—An Act relating to liens on livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Also: Assembly Bill No. 834—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 328, relating to lost or destroyed certificates of stock of a corporation.

Also: Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Also: Assembly Bill No. 737—An Act to amend Sections 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Also: Assembly Bill No. 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Also: Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I, thereof a new section, numbered 496½, relating to the punishment of attempts to commit grand or petty larceny.

Also: Assembly Bill No. 855—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

CONSIDERATION OF MOTIONS TO RECONSIDER.

Mr. Drew moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 415 was, on February 21, 1903, passed.

So ordered.

Mr. Drew moved to lay the motion on the table.

So ordered.

Mr. Soward moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 26 was, on February 25, 1903, refused adoption.

So ordered.

Mr. Soward moved that the motion be made a special order for Tuesday, March 3, 1903, after the reading of the Journal.

So ordered.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Assembly Bill No 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Also: Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Also: Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty fourth fiscal year.

Also: Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Assembly Bill No. 242—An Act making an appropriation to pay the claim of George C Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: The following resolution by Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of nine hundred and thirty-seven dollars and ninety cents ($937.90) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| B. Wilson & Co. | $6 75 |
| Tenbrook & Co. | 6 00 |
| J. E. Mayo | 3 00 |
| G. M. Fessell | 53 00 |
| Mrs Coffield | 18 00 |
| Stober Bros. | 2 50 |
| A. S. Hopkins Co. | 25 00 |
| Thos. Scott | 73 50 |
| Ben B. Welch | 25 95 |
| Geo. Purnell | 37 45 |
| Kane & Trainor Ice Co. | 35 00 |
| Mrs. McCall | 10 00 |
| Sunset Telephone Co. | 16 60 |
| John Breuner Co. | 60 25 |
| Capital Manufacturing Co. | 19 25 |
| Capital Telephone Co. | 18 10 |
| Electrical Engineering and Supply Co. | 15 60 |
| Geo. B. Stack | 130 35 |
| Yost Writing Machine Co. | 67 50 |
| D. Johnston & Co. | 314 10 |
| Total | $937 90 |

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Report adopted.

Mr. Higgins moved the adoption of the resolution.

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

AYES—Messrs. Allen, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Duryea, Ells, Goodrich, Greer, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—50.

NOES—Mr. Stanton—1.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred bills for the purchase of stationery, etc., for the Assembly, by its Chief Clerk, from the persons and in the amounts hereinafter set forth, has prepared a resolution, as follows:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same, in favor of the persons and in the amounts as follows, to wit:

| | |
|---|---|
| D Johnston & Co. | $39 65 |
| Siller Bros. | 5 00 |
| H E Sleeper | 19 00 |

And respectfully report the same, with the recommendation that it be adopted.

DUNLAP, Chairman.

Report adopted.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney,

McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

At ten o'clock and fifteen minutes A. M., Speaker Fisk in the chair.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 818—An Act to appropriate money to be expended by the Regents of the University of California, through the Departments of Agriculture and Chemistry, in making experiments leading to the destruction of certain animal pests—have had the same under consideration, and respectfully report the same back with a recommendation that the author be permitted to withdraw it

DUNLAP, Chairman.

Assembly Bill No. 818 withdrawn by author.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

Also: Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

DUNLAP, Chairman.

RECONSIDERATION OF VOTE.

Mr. Traber moved to consider the motion to reconsider the vote whereby Assembly Bill No. 189 was on yesterday refused passage.

So ordered.

Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Mr. Traber moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 189 was yesterday refused final passage.

The question being, "Shall the Assembly reconsider?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stanton, Steadman, Traber, Transue, Walker, and Mr. Speaker—44.

NOES—Messrs. Allen, Amerige, Black, Carter, Dunbar, Greer, Higgins, McNeil, Mott, Pann, Rolley, Snyder, Stansell, Susman, Walsh, Waste, and Weger—17.

Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Lux, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy,

Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stanton, Steadman, Traber, Transue, Walker, Wright, and Mr. Speaker—47.

NOES—Messrs. Allen, Amerige, Bates, Black, Bliss, Carter, Dunbar, Greer, Higgins, King, McNeil, Mott, Rolley, Snyder, Stansell, Susman, Walsh, Waste, and Weger—19.

Title read and approved.

Assembly Bill No. 244—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth class.

Read third time.

The question being on the final passage of the bill.

CALL OF THE HOUSE DENIED.

Pending roll call, at ten o'clock and thirty-five minutes A. M., Mr. Lewis of Riverside moved a call of the House.

Motion lost.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Copus, Cromwell, Dougherty, Drew, Foster, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, King, Lewis of Riverside, Mahany, McCartney, McKenney, McLaughlin, McMahon, Murphy, Olmsted, Prescott, Pyle, Siskron, Steadman, Traber, Transue, Walker, Waste, and Wright—38.

NOES—Messrs. Allen, Bangs, Barber, Boisson, Burgess, Covert, Dunbar, Dunlap, Ellis, Greer, Higgins, John, Killingsworth, Lumley, Lux, McConnell, McNeil, Moore, Mott, Rolley, Snyder, Soward, Stanton, Susman, Walsh, Weger, and Mr. Speaker—26.

INTRODUCTION AND REFERENCE OF CONCURRENT RESOLUTION.

By Mr. Knight: Assembly Concurrent Resolution No. 10—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903.

Referred to Committee on Municipal Corporations.

MOTION FOR PERMISSION TO INTRODUCE BILL.

Mr. Foster moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class."

Referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of officers of the counties of the fiftieth class—have had the same under advisement, and respectfully report the same back without recommendation.

WALSH, Chairman.

SPECIAL FILE.

Assembly Bills Nos. 1, 524, 583, 570, 489, 357, 361, 558, 621, 201, 562, 158, 560, 697, 204, 397, 821, and Assembly Constitutional Amendments Nos. 2 an 3 passed on file.

Assembly Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XX by adding a new section thereto, to be known as Section Number 21, relating to the rights of labor, board of labor, conciliation and arbitration, prohibiting the employment of women and children, prohibiting and regulating the contracting of, and convict labor, the political and commercial control of employés, and the exchange of black-lists, abrogating the right of the Legislature to limit damages in actions on account of death, and empowering the Legislature to provide for the health and safety of employés.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, at ten o'clock and fifty minutes A. M., Mr. Murphy moved a call of the House.

Motion lost.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Messrs. Black, Boisson, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Ellis, Foster, Higgins, Houser, John, Kelso, Kerrigan, Killingsworth, King, Lumley, Mahany, Mattos, McKenney, McMahon, Murphy, Olmsted, Pyle, Siskron, Snyder, Stanton, Steadman, Transue, Walker, Walsh, Waste, and Weger—34.

NOES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Camp, Carter, Goodrich, Greer, Howard, Johnson, Johnstone, Knight, Lewis of Riverside, McCartney, McLaughlin, McNeil, Mott, Pann, Prescott, Soward, Susman, and Mr. Speaker—27.

Assembly Constitutional Amendments Nos. 19 and 29 passed on file.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 27.

A resolution proposing to the people of the State of California an amendment to section eight, article eleven of the Constitution of the State of California, relating to charters.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to section eight, article eleven of the Constitution:

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, or, having framed such a charter, may frame a new one, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, whether framed under the provisions of this section of the Constitution or not, and all amendments thereof, and all laws inconsistent with such

charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Mr. Barber gave notice that he would on next legislative day move for a reconsideration of the vote whereby Assembly Constitutional Amendment No. 25 was this day refused adoption.

SPECIAL ORDERS.

Assembly Bill No. 614 passed on file.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Burgess, Carter, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Kerrigan, Knight, Lewis of San Francisco, Lumley, Lux, McCartney, McConnell, McKenney, McNeil, Mott, Prescott, Pyle, Siskron, Stansell, Stanton, Steadman, Susman, Traber, Transue, Wright, and Mr. Speaker—44.

NOES—Messrs. Bangs, Black, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Killingsworth, King, Lewis of Riverside, Mahany, Mattos, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Rolley, Snyder, Soward, Walker, Walsh, Waste, and Weger—28.

Title read and approved.

Assembly Constitutional Amendment No. 14—Relative to proposed amendment to Article II of the Constitution, relative to providing a

system of direct legislation by means of the initiative and referendum in counties, cities, and cities and counties.

Amendment read.

Mr. Camp moved that further consideration of the amendment be continued and made a special order for two o'clock P. M. of this day.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco

Assembly Bill No 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Assembly Bill No. 515—An Act to amend Section 858 of the Political Code, relating to the apportionment of school funds.

Assembly Bill No 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No 753—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissions, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.

Assembly Bill No. 149—An Act to amend Section 412 of the Penal Code, relating to prize-fighting, challenges, and sparring exhibitions, and to add a new section to the Penal Code, to be numbered Section 420, relating to betting or stake-holding.

Assembly Bill No 154—An Act to appropriate the sum of $7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Senate Bill No 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class.

Assembly Bill No. 718—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 162 thereof

Assembly Bill No. 664—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Assembly Bill No. 351—An Act to amend Section 1143 of the Penal Code of the State of California, relating to the fees of jurors serving in criminal cases in the Superior Court of the State of California, and providing a limitation on the amount of money that each juror may draw in any one year.

Assembly Bill No. 695—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school-house.

Assembly Bill No 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class.

Assembly Bill No. 617—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 21½

Assembly Bill No. 399—An Act to create free employment offices in certain counties, and to provide for the maintenance, management, and control of the same, and to prevent private imitations of the name of the same, and regulating private employment agencies

Assembly Bill No 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, declaring who are attorneys and counselors at law within the State of California, and relating to the admission to practice of attorneys and counselors at law in the courts of the State of California.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same

Assembly Bill No. 459—An Act to amend Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E Tucker against the State of California, upon a judgment recovered in an action entitled "John E Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Assembly Bill No 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis, in 1904, and the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905, and to provide for a commissioner thereof.

Assembly Bill No. 543—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances

Assembly Bill No 601—An Act to appropriate the sum of $185 to pay the claim of John E Tucker as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges and Justices of the Peace, and fixing the responsibilities of the county from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Assembly Bill No. 776—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Assembly Bill No 631—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Assembly Bill No. 175—An Act requiring operators of electric street railroads to provide passenger cars with fronts of glass or other material, and providing a penalty for the violation of its provisions.

Assembly Bill No 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 90—An Act to appropriate $2.085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

AMERIGE, Chairman.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mattos, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Steadman, Susman, Transue, Walker, Walsh, Waste, and Weger—55.

NOES—Messrs. Stanton, Traber, and Wright—3.

Title read and approved.

Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city and county, or city, or town.

Amendment read.

The following amendments were submitted:

AMENDMENT No. 1.

Amend by inserting between the words "the" and "county," in line eleven of the printed bill, the words "city and county."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line eighteen, after the word "California," of the printed bill, the following words: "Approved by the district attorney of the city and county, or county, in which said money is to be deposited."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line eighteen of the printed bill, before the word "county," the words "city and county."

Amendment adopted.

Ordered to print and engrossment.

Assembly Constitutional Amendment No. 28—An Act submitting to the people of the State of California an amendment to the Constitution, amending Section 1, Article XX, of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same.

Mr. Greer moved that Assembly Constitutional Amendment No. 28 be made a special order for two o'clock and thirty minutes P. M. this day.

Pending consideration of the motion, at the hour of twelve o'clock the Speaker declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

MOTION.

Mr. Greer moved to suspend the rules and make the consideration of Assembly Constitutional Amendment No. 28 a special order for two o'clock and thirty minutes P. M. this day.

The ayes and noes were demanded by Messrs. Greer, Snyder, and Higgins.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Brown, Camp, Covert, Drew, Foster, Greer, Higgins, Howard, Johnson, Killingsworth, Lumley, McConnell, McLaughlin, McNeil, Prescott, Pyle, Rolley, Snyder, Stansell, and Walsh—23

NOES—Messrs Allen, Barber, Bates, Baxter, Black, Burgess, Copus, Cromwell, Dougherty, Dunbar, Ellis, Finn, Gleeson, Houser, Johnstone, Kelso, King, Leininger, Lux, Mahany, Mattos, McMahon, Moore, Murphy, Pann, Siskron, Soward, Steadman, Susman, Walker, Weger, Wright, and Mr. Speaker—33.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Assembly Bill No. 843—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Assembly Bill No. 891—An Act to prohibit the use or disposition of any moneys or other property held in trust or specially deposited with the officers or authorities of State institutions for the use or benefit of said institutions, patients, inmates or pupils therein, for purposes other than provided by the terms of such trusts or special deposits.

Assembly Bill No. 265—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, relating to the selection of grand jurors and trial jurors.

Assembly Bill No 788—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March thirtieth, eighteen hundred and seventy-two," approved March 11, 1874.

Assembly Bill No. 500—An Act to appropriate money for the support of aged persons in indigent circumstances.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Assembly Bill No. 595—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Assembly Bill No. 707—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance; said section to be numbered 370½.

Assembly Bill No. 677—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices of the peace in townships.

Assembly Bill No. 626—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Assembly Bill No. 744—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Assembly Bill No. 807—An Act to amend Section 3423 of the Civil Code, relating to injunctions.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind."

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 361—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements, for the use of said school.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 108—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883.

Assembly Bill No. 506—An Act appropriating the sum of $100,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School.

Assembly Bill No. 296—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparn.

Assembly Bill No. 238—An Act making an appropriation of $650 to pay the claim of O. D. Fish.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés

Assembly Bill No. 462—An Act to provide for the purchase of additional lands for the Napa State Hospital, and making an appropriation therefor.

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Assembly Bill No. 229—An Act to provide for the construction of a new hotel in the Yosemite Valley and making an appropriation therefor.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

AMERIGE, Chairman.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Article XI of the Constitution of the State of California be amended by adding thereto a section to be numbered Section 20, to read as follows:

Section 20. Any measure that the legislative body, or the electorate thereof, of any county, city and county, or city has authority to adopt, said legislative body may submit to a vote of its constituent electors at a general or special election

Upon presentation to (first) the legislative body of any county, or city and county, or (second) to the legislative body of any city of a petition or petitions signed by qualified electors in number equal to 10 (ten) per cent of the total number of votes last cast for all persons voted for for county clerk in the first instance, or city clerk in the second instance, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that said body might itself adopt, it must either adopt such measure without alteration or submit the same to its electorate at the next succeeding general election occurring subsequent to 60 days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 15 per cent of the total number of votes last cast for all persons voted for for county clerk or city clerk as the case may be, then such measure if not so adopted by such legislative body must be submitted to such electorate at a special election to be called within 60 days from the filing of such petition or petitions.

If such proposed measure is a measure that said legislative body might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 15 per cent of the total vote last cast for all persons voted for for county clerk or city clerk as the case may be, then such proposed measure must be submitted to the electors of the county, city and county, or city as the case may be, at the next succeeding general election occurring subsequent to 60 days after the filing of said petition or petitions.

Except as herein provided no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance making or authorizing any contract (except contracts where the subject-matter involved is of less value than $5,000, and except contracts for improvements the expenses whereof are defrayed by special local assessment) passed by the legislative body of any county, city and county, or city, shall go into effect in less than 40 days after its final passage. But ordinances and contracts necessary for the immediate preservation of the public peace, health, or safety passed by a three-fourths vote of the legislative body, and not obligating the county, city and county, or city, as the case may be, for a longer period of time than six months, may go into effect at the will of the legislative body adopting the same.

If a petition or petitions signed by qualified electors of the county, city and county, or city in number equal to ten per cent of the total number of votes last cast for all persons voted for for county clerk or city clerk as the case may be is filed with the county clerk or city clerk as the case may be, asking that any ordinance or measure (except ordinances or resolutions relating to improvements the expenses whereof are defrayed by special local assessments and except ordinances or resolutions preliminary to bond issues, where the issuance of the bonds is submitted to popular vote) adopted by its legislative body be submitted to such electorate (said petition or petitions being filed within forty days after the final passage of said ordinance or measure) then such ordinance or measure must be either repealed or submitted to the electors for approval or rejection at the next succeeding general election occurring subsequent to 60 days after the filing of said petition or petitions or at a special election called prior to such general election; and if such ordinance or measure has not gone into effect before the

filing of such petition or petitions, it shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted except by a vote of the legislative body or on a petition signed by 15 per cent of the electorate.

If a majority of the votes cast on any ordinance or measure referred, as herein provided, to the electors of any county, city and county, or city shall be in favor thereof it shall, if not already in effect, go into effect 15 days after such election or as soon thereafter as the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect 15 days after such election, or as soon thereafter as the official count shall be determined. Such repeal of a measure repealing a former measure shall revive such former measure. No ordinance or measure approved by an electorate under the provisions of this section shall be subject to veto or be amended or repealed except by vote of the same electorate or by legislative authority superior to that of the legislative body of such electorate.

If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control. In any city or city and county that has or may hereafter have a charter providing a system of direct legislation the provisions of this section shall not be operative except as to matters not provided for by such charter

Amendment read.

Mr. Knight submitted the following amendment:

Amend by striking out of line twenty-four, page two of printed bill, the figures "15" and inserting the figures "25."

The question being upon the adoption of the amendment.

The ayes and noes were demanded by Messrs. Knight, Allen, and Dougherty.

Whereupon the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Baxter, Brown, Burgess, Carter, Covert, Dougherty, Greer, Johnson, Killingsworth, Knight, McConnell, McKenney, McNeil, Soward, Susman, and Traber—19.

NOES—Messrs. Amerige, Barnes, Bates, Black, Bliss Camp, Copus, Cromwell, Dorsey, Drew, Dunbar, Ells, Finn, Foster, Gleeson, Howard, John, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—47.

Mr. Knight submitted the following amendment:

Amend by striking out of line fifteen, page one, printed bill, the figures and word "10 (ten)," and inserting the following: "15 (fifteen)."

The question being upon the adoption of the amendment.

The ayes and noes were demanded by Messrs. Knight, Allen, and McNeil.

Whereupon the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dougherty, Foster, Greer, Hart, Howard, Johnson, Knight, Mattos, McConnell, McKenney, McNeil, Olmsted, Soward, Stansell, Stanton, Susman, Traber, and Walsh—28.

NOES—Messrs. Black, Camp, Carter, Copus, Cromwell, Dorsey, Drew, Dunbar, Ells, Finn, Goodrich, Houser, John, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McLaughlin, McMahon, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Steadman, Transue, Walker, Waste, Weger, and Mr. Speaker—39.

Mr. Knight submitted the following amendment:

Amend by striking out of line forty-eight, page two, printed bill, the figures "40," and inserting the following: "10."

Amendment lost.

Mr. Knight submitted the following amendment:

Amend by striking out of line fifty-six, page three of printed bill, the word "ten," and inserting the following: "25."

Amendment lost.

The question recurring upon the adoption of Assembly Constitutional Amendment No. 14.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—65.
NOES—Mr. Mott—1.

Mr. Houser moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 20 was refused adoption.

So ordered.

Assembly Constitutional Amendment No. 20—Proposed amendment to Section 1 of Article VI of the Constitution, relative to the judicial power of the State and fixing the age limit of judicial officers.

Mr. Houser moved that the Assembly do now reconsider the vote whereby Assembly Constitutional Amendment No. 20 was yesterday refused final passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Constitutional Amendment No. 20 was refused final passage?"

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Duryea, Finn, Foster, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—60
NOES—Mr. Barber—1.

Assembly Constitutional Amendment No. 20—Proposed amendment to Section 1 of Article VI of the Constitution, relative to the judicial power of the State and fixing the age limit of judicial officers.

Mr. Houser submitted the following amendment:

Strike out lines fifteen, sixteen and seventeen, and insert in lieu thereof the following:
"*Provided*, That if any such person, other than one whose judicial position shall pay no regular salary, shall have served three fourths of the term of office to which he shall have been elected, he shall thereafter, during the unexpired term of his office, receive one half of his regular salary, at the same time and in the same manner as theretofore; *and provided further*, that the term of office of any incumbent at the time this provision may become operative shall not be abridged by reason thereof"

Amendment adopted.

Mr. Drew submitted the following amendment:

Strike the word "seventy" in line fourteen, page one of the printed bill, and insert "ninety."

Amendment lost.

Ordered to print and re-engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following rule for the conduct of the business of the Assembly:

"In all cases business shall be resumed on each file at the place at which the Assembly shall have left off at the last consideration of the file. It shall be the duty of the file clerk to note at the head of each file the number of the bill first to be considered."

BROWN, Chairman.

Report adopted.

MOTION.

Mr. Camp moved that the rules be suspended, and that the Assembly do now consider Assembly Constitutional Amendment No. 15.

Assembly Constitutional Amendment No. 15—Relative to proposed amendment of Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

Amendment read.

Mr. Knight submitted the following amendment:

Amend by striking out of line thirty-seven, page three, printed bill, the figure "5," and inserting the following: "15."

The question being on the adoption of the amendment.

Messrs. Knight, Susman, and Allen demanded the ayes and noes.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Bates, Black, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Houser, Howard, John, Kelso, King, Knight, Leininger, Lux, Mattos, McConnell, McKenney, McLaughlin, Moore, Olmsted, Pann, Prescott, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr Speaker—48.

NOES—Messrs. Copus, Finn, Johnson, Johnstone, Kerrigan, Killingsworth, Mahany, McCartney, McMahon, Mott, Murphy, Rolley, Siskron, Stansell, and Wright—15.

Ordered to print and engrossment.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly Constitutional Amendment has been correctly enrolled: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation—and was presented to the Governor February 26, 1903, at two o'clock and forty minutes P. M.

AMERIGE, Chairman.

Mr. Allen moved that Assembly Bill No. 782 be withdrawn from the special order file and be replaced on third-reading file.

SPECIAL FILE OF SENATE BILLS.

Senate Bills Nos. 310, 118, 95, 68, 27, and Committee Substitute for Senate Bills Nos. 261, 307, and 317 passed on file.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Senate Bill No. 315—An Act making an appropriation of seven hundred ($700) dollars to provide for postage, expressage, telegraphing,

traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, 1903.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr Speaker—61.

NOES—None.

Title read and approved.

At three o'clock and twenty minutes P. M., the Speaker called Mr. Waste to the chair.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Senate Bill No. 468 as follows:

Amend by striking out of section one, line one, printed bill, the word "procuring."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion lost.

The question being on the final passage of the bill.

The roll was called. and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Copus, Covert, Cromwell, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Hart, John, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McNeil, Mott, Murphy, Olmsted, Prescott, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Waste, Weger, and Mr. Speaker—51.

NOES—Messrs. Amerige, Burgess, Camp, Carter, Dougherty, Goodrich, Howard, Johnson, Johnstone, Mattos, McLaughlin, Pann, Pyle, Snyder, Stansell, and Walker—16.

Title read and approved.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Ells, Foster, Goodrich, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Weger—53.

NOES—None.

Title read and approved.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contribu-

tor to such fund within sixty days from the taking effect of this Act and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Susman, Transue, Walker, Walsh, Waste, and Weger—50.

NOES—None.

Title read and approved.

Senate Bill No. 369 passed on file.

REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, introduced by Mr. Foster, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class."

Also: To whom was referred the following bill, herewith return the same, with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: "An Act to amend Sections 3790, 3793, 3808, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code, all relating to revenue and taxation"

CARTER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report of the Committee on Introduction of Bills was adopted by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Brown, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—60.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Foster: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Hart: Assembly Bill No. 954—An Act to amend Sections 3790, 3793, 3808, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code, all relating to revenue and taxation.

Read first time, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

Mr. Stanton moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to adopt Assembly Constitutional Amendment No. 6—A resolution to pro-

pose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section to be numbered Section 21, and relating to appointments, transfers, and promotions of officers and employés of the State, its cities and political subdivisions.

Also: Adopted Assembly Joint Resolution No 14—Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities, transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California.

Also: Passed Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Also: Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities and counties, or towns.

Also: Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Read first time, and referred to Committee on State Hospitals and Asylums.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 291—An Act appropriating the sum of $100,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School.

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Senate Bill No. 291—An Act appropriating the sum of $100,000 for the purchase of a site for the erection, equipment and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: I am directed to inform your honorable body that, in accordance with your request, the Senate herewith returns Senate Bill No. 85 for amendment.

Also: On this day passed a motion requesting your honorable body to return to the Senate, Senate Bill No 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities and counties, or towns.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Mr. Johnson moved that Senate Bill No. 567 be returned to the Senate.

So ordered.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act.

Read first time, and referred to Committee on Election Laws.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Read first time, and referred to Committee on Election Laws.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Assembly Bill No. 138—An Act providing for an appropriation of $5,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Assembly Bill No 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-

General's office of California for the fifty-second and fifty-third fiscal years.

Ordered to enrollment.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Ordered to enrollment.

Assembly Bill No. 138—An Act providing for an appropriation for the purpose of improving the grounds and repairing the buildings of Sutter's Fort.

Ordered to enrollment.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for the State of California, or of or for any political subdivision thereof, imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Ordered to enrollment.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Ordered to enrollment.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Ordered to enrollment.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

Ordered to enrollment.

HOUR OF RECESS EXTENDED.

Mr. Finn moved that the session be extended ten minutes.

So ordered.

Mr. Johnson moved that the Assembly do now consider Senate Bill No. 85.

So ordered.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Heretofore read third time.

Mr. Johnson moved that a select committee of one be appointed to amend Senate Bill No. 85, as follows:

Amend by striking out of title of printed bill, the figures "594" and inserting the following: "595," in place thereof.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil

Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit—with instructions, does now report that the instructions of the Assembly have been carried out.

JOHNSON, Committee.

Report adopted.

Ordered to print.

Mr. Fisk moved that Senate Bill No. 382 be recalled from Committee on Ways and Means and placed on Senate special file without reference to committee.

So ordered.

MESSAGE FROM THE GOVERNOR.

Mr. Johnson moved that the Assembly do now consider Governor's message.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 26, 1903.

*To the Assembly of the State of California:*

I have the honor to respectfully return to your honorable body, without my approval, Assembly Bill No. 99, with my objections thereto, as follows:

The bill provides for an increase in the number of agricultural districts in this State. Instead of an increase, there should, if anything, be a decrease. When these districts were first organized, they were all conducted as it was intended they should be, viz., as an aid to the agricultural interests of the State; their number was small, and the cost to the State was not great. But, as time has passed, their number has steadily increased, until there are now nearly as many districts as there are counties.

Under one of the provisions of the bill, it is proposed to make, on assembly lines, two districts in one county, and this, I think, is a very bad precedent to establish.

The appropriation of State money for the support of these agricultural districts has increased steadily, until to-day it is a severe drain upon the treasury of the State. If, however, which is not the case, the exhibitions held in the agricultural districts had all been conducted as aids to the agricultural interests of the State, and for no other purpose, there might not be so much objection to their increase in number. Such, however, has unfortunately not been the case. And, therefore, especially as the finances of the State will not, in my judgment, permit of any but absolutely necessary increase in appropriations, I feel called upon to, and do, disapprove the bill.

GEO. C. PARDEE,
Governor of California.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 916—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments—report the same back, and, by a majority vote, recommend that it do pass.

Also: Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots—report the same back, with two amendments, without recommendation.

Also: Assembly Bill No. 892—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms—report the same back, with the recommendation that it do not pass.

Also: Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of justices of the peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Also: Senate Bill No 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interferences with public fire alarms.

Report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

MOTION FOR PERMISSION TO INTRODUCE CONSTITUTIONAL AMENDMENT.

Mr. Walsh moved that permission be granted by the Assembly to introduce the accompanying constitutional amendment, the title of

which reads as follows: "To propose to the people of the State of California an amendment to the Constitution of the State, amending Article VI by adding a new section thereto, to be known as Section 14½, relating to the appointment and compensation of official reporters of the Superior Court."

Referred to Committee on Introduction of Bills.

RECESS.

At four o'clock and forty minutes P. M., the Assembly took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Carter in the chair.

MOTION.

Mr. McLaughlin moved that the Assembly do now consider Assembly Bill No. 669, for the purpose of amending the bill.

So ordered.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class.

Read third time.

Mr. McLaughlin moved that a select committee of one be appointed to amend Assembly Bill No. 669, as follows:

Amend title by striking out all of said title after the word "thereof," and inserting in lieu of the part stricken out the following: "relating to the salaries and fees of county and township officers in counties of the thirty-sixth class."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class—with instructions, does now report that the instructions of the Assembly have been carried out.

McLAUGHLIN, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTION.

Mr. McLaughlin moved that the Assembly do now consider Assembly Bill No. 670 for the purpose of amending the bill.

So ordered.

Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class.

Read third time.

Mr. McLaughlin moved that a select committee of one be appointed to amend Assembly Bill No. 670, as follows:

Amend title by striking out all of said title after the word "thereof," and inserting in lieu of the part stricken out the following: "relating to the salaries and fees of county and township officers in counties of the forty-fourth class."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class—with instructions, does now report that the instructions of the Assembly have been carried out.

McLAUGHLIN, Committee.

Report adopted.

Ordered to print and re-engrossment.

MOTIONS.

Mr. McCartney moved that Senate Bill No. 887 be placed on the Senate special file without reference to committee.

So ordered.

Mr. Mattos moved that the Assembly do now consider Assembly Bill No. 825.

So ordered.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code, relating to the formation of new school districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Higgins, Houser, Howard, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Steadman, Transue, Walker, Walsh, Waste, and Wright—52.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No 163—An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

Assembly Bill No. 779—An Act to amend Section 1670 of the Political Code, relating to high schools.

Assembly Bill No. 454—An Act to appropriate the sum of $2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Assembly Bill No. 148—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, to impose a license tax.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Assembly Bill No. 489—An Act making an appropriation of $6,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Assembly Bill No. 773—An Act to regulate and control the sale, rental and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use.

AMERIGE, Chairman.

STATEMENT.

MR. SPEAKER: The Journal of Wednesday, February 25th, does not record my vote on Assembly Bill No. 30. I worked and voted for this bill, and my vote should have been recorded in favor thereof.

C. W. LEININGER.

Ordered printed in the Journal.

REPORT OF COMMITTEE ON CONTESTED ELECTIONS.

SACRAMENTO, CAL., February 26, 1903.

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the contest of Seavy vs Lewis for a seat in this Assembly as Assemblyman from the Thirty-eighth Assembly District, beg leave to submit the following:

*Statement of Expenses of Fred H. Seavy, Contestant.*

| | |
|---|---|
| Typewriting grounds of contest, notices and summons | $7 50 |
| Six witnesses, one day each at $2.00 | 12 00 |
| Filing grounds of contest with County Clerk of San Francisco County | 6 00 |
| Affidavit to grounds of contest | 50 |
| Expenses of Fred. H. Seavy, contestant | 140 00 |
| Fees of Justices of the Peace, four days at $5.00 per day each | 40 00 |
| Daniel S. O'Brien, attorney for contestant | 500 00 |
| | $706 00 |

*Amounts Allowed by Your Committee.*

| | |
|---|---|
| Six witnesses, one day each at $2.00 | $12 00 |
| Filing grounds of contest with County Clerk of San Francisco County | 6 00 |
| Affidavit to grounds of contest | 50 |
| Daniel S. O'Brien, attorney for contestant | 500 00 |
| | $518 50 |

*Statement of Expenses of M. Lewis, Contestee.*

| | |
|---|---|
| Typewriting answer | $5 20 |
| Filing answer County Clerk | 2 00 |
| Verification of answer | 50 |
| Two trips San Francisco and return in attendance at taking of testimony | 33 80 |
| L. Seidenberg, stenographer | 100 00 |
| Wm. Chapman, attorney fee | 500 00 |
| | $641 50 |

*Amounts Allowed by Your Committee.*

| | |
|---|---|
| Filing answer County Clerk | $2 00 |
| Verification of answer | 50 |
| Wm. Chapman, attorney fee | 500 00 |
| | $502 50 |

*Statement of Expenses of Contestant and Contestee for Reporting and Transcribing Testimony.*

To J. A. Vaughan and E. S. Vance, stenographers, Dr.

| | |
|---|---|
| To reporting, four days | $40 00 |
| To transcribing 858 folios | 171 60 |
| To copy of same to contestant | 85 80 |
| To copy of same to contestee | 85 80 |
| Total | $383 20 |

To L. Seidenberg, Dr.

| | |
|---|---|
| Reporting Seavy-Lewis contest, four days before Commissioners Dunn and Long | $40 00 |
| Transcribing testimony, 150 folios, three copies, at forty cents per folio | 60 00 |
| | $100 00 |

*Amounts Approved by Your Committee.*

| | |
|---|---|
| To reporting, four days | $40 00 |
| To transcribing 858 folios | 171 60 |
| To copy of same to contestant | 85 80 |
| To copy of same to contestee | 85 80 |
| | $383 20 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same, out of the Contingent Fund of the Assembly, in favor of Eli Wright, chairman of said committee, for the sum of $1,404.20, to be distributed in accordance with the bills allowed.

WRIGHT, Chairman.

Also:

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the contest of Seavy vs Lewis, for a seat in the Assembly from the Thirty-eighth Assembly District, have had the same under consideration, and beg leave to report as follows:

After reviewing the testimony on file herein and hearing arguments advanced by the attorneys for the respective parties to said contest, it is the unanimous opinion of your committee that a recount of the ballots would not reduce the plurality of said M. Lewis, contestee. We therefore recommend that said contest be dismissed.

WRIGHT, Chairman.

NOTICE OF MOTION TO ADOPT REPORT.

Mr. Wright gave notice that he would on next legislative day move the adoption of the report.

THIRD READING OF BILLS.

Mr. Soward moved that the Assembly do now consider Assembly Bill No. 54.

So ordered.

Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Kelso, King, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, and Waste—51

NOES—None.

Title read and approved.

Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Siskron, Snyder, Stansell, Steadman, Traber, Transue, Walker, Walsh, Waste, and Weger—54.

NOES—None.

Title read and approved.

Assembly Bill No. 141 passed on file temporarily.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class and to the amount and payment of the salary of such deputy.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, and Waste—56.

NOES—None.

Title read and approved.

Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Read third time.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 141, as follows:

Amend by striking out of line twenty-three, page two, printed bill, the word "sixteen," and inserting the word "twelve."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

Mr. Killingsworth moved to strike out the enacting clause of the bill.

The question being, "Shall the enacting clause of the bill be stricken out?"

The ayes and noes were demanded by Messrs. Camp, Greer, and Killingsworth.

The roll was called, and the motion to strike out the enacting clause lost by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Bates, Boisson, Covert, Dougherty, Greer, Howard, Johnson, Killingsworth, King, Lumley, Mattos, Mott, Pann, Stansell, Traber, Walker, and Weger—20.

NOES—Messrs. Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, John, Kelso, Knight, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Transue, Walsh, Waste, and Wright—45.

Mr. Duryea moved that a select committee of one be appointed to amend Assembly Bill No. 141, as follows:

Amend by striking out all of line twenty-six, section three, page four, printed bill, after the word "labor," and all of line twenty-seven, said section three, and inserting in lieu thereof the following: "who have attended school at least five months during the school year in which they are employed."

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

DURYEA, Committee.

Report adopted.

Mr. Houser moved that a select committee of one be appointed to amend Assembly Bill No. 141, as follows:

On page two, section one, strike out lines eighteen to twenty-two, inclusive.

The question being, "Shall a select committee of one be appointed to amend the bill?"

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

HOUSER, Committee.

Report adopted.

Mr. Greer moved that a select committee of one be appointed to amend Assembly Bill No. 141, as follows:

Amend by inserting after the word "session," line twenty-seven, page four, printed bill, the following: "*provided, further*, that the provisions of this bill do not apply to orphan children."

The question being, "Shall a select committee of one be appointed to amend the bill?"

The previous question was demanded by Messrs. Copus, Finn, Knight, and Mahany.

The question being, "Shall the main question be now put?"

Motion lost.

Mr. Dorsey moved that the further consideration of Assembly Bill No. 141 be made a special order for Tuesday, March 3, 1903.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Mr. Baxter gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 468 was on this day passed.

LEAVE OF ABSENCE GRANTED SPECIAL COMMITTEE ON PRISON INVESTIGATION.

Mr. Camp moved that the seven members on the special committee on prison investigation be granted leave of absence until Wednesday, March 4, 1903.

So ordered.

Leave of absence was granted to Mr. Mattos for the day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act.

Also: Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STANTON, Chairman.

MOTION.

Mr. Camp moved that the Assembly do now consider Assembly Bill No. 806.

So ordered.

Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Traber, Walker, Walsh, Waste, Weger, and Wright—55.

NOES—None.

Title read and approved.

MESSAGE FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers,

agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

F. J. BEANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Read first time, and referred to Committee on Judiciary.

THIRD READING OF BILLS.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McMahon, McNeil, Olmsted, Pann, Prescott, Siskron, Snyder, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Waste, and Weger—49.

NOES—None.

Title read and approved.

Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county, and city and county supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Baxter, Black, Bliss, Copus, Finn, Hart, Higgins, John, Killingsworth, Lumley Mahany, McLaughlin, McMahon, Prescott, Siskron, and Stanton—16.

NOES—Messrs. Bangs, Barnes, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Houser, Johnstone, Kelso, King, McConnell, McNeil, Olmsted, Pann, Snyder, Steadman, Traber, Transue, Walker, Waste, and Weger—31.

Assembly Bill No. 667 passed on file.

Assembly Bill No. 727—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on

lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Foster, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Pann, Prescott, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Walker, Walsh, Waste, and Weger—51.

NOES—None.

Title read and approved.

MOTION.

Mr. Hart moved that Assembly Bill No. 954 be withdrawn from Committee on Judiciary and re-referred to Committee on Municipal Corporations.

So ordered.

TIME OF ADJOURNMENT EXTENDED.

Mr. Johnson moved that the time for adjournment be extended until after the consideration of Assembly Bill No. 586.

So ordered.

Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bliss, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Olmsted, Prescott, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Waste, and Weger—48.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Soward gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 586 was on this day passed.

ADJOURNMENT.

At ten o'clock and four minutes P. M., on motion of Mr. Brown, the Assembly adjourned until ten o'clock A. M. of Friday, February 27, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 27, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—69.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## LEAVE OF ABSENCE.

Leave of absence until Monday, March 2, 1903, was granted to Messrs. McMartin, Lewis of San Francisco, and Susman.

## READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, February 25, 1903, was read, corrected, and approved.

## REPORTS OF STANDING COMMITTEES.

### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article XIII of said Constitution by repealing Sections 4 and 5 of said article and by amending Section 1 of said article, relating to taxation.

Also: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said Article XIII, and amending Section 1 of said article.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Constitutional Amendment No. 30—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 19 of Article V, relating to the compensation of State officers—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

McCARTNEY, Chairman.

MOTIONS.

Mr. Johnson moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 586 was on yesterday passed.

So ordered.

Mr. McCartney moved to lay the motion on the table.

So ordered.

Mr. Johnson moved that the Assembly do now consider the motion to reconsider the vote whereby Senate Bill No. 468 was on yesterday passed.

So ordered.

Mr. Johnson moved that further consideration of the motion be made a special order for March 3, 1903, at eleven o'clock and thirty minutes A. M.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 905—An Act to amend an Act entitled an Act to amend the Political Code by adding a new article to chapter of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, approved March 13, 1901—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Concurrent Resolution No. 9—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 16th day of February, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it be approved.

Also: Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements—have had the same under consideration, and a majority respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 575—An Act to amend Section 3337 of the Political Code, relating to exemptions of members of unpaid fire companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 893—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory, approved March 19, 1889"—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do not pass.

McLAUGHLIN, Chairman.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

*Resolved*, That H E Pyburn be and he is hereby appointed Assistant Engrossing and Enrolling Clerk of the Assembly, at the same per diem as paid such officers, such per diem to commence from and include February 10, 1903, and the Controller is authorized to draw his warrant in favor of said Pyburn for such services, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BLACK, Chairman.

Mr. Black moved the adoption of the report.

Report adopted.

PETITION.

Presented by Mr. Pann:

SANTA PAULA, CAL., February 21, 1903.

*To* CHRIS P. PANN, *Assemblyman Sixty-fifth District, State of California, and to the Honorable the Senate and Assembly of the State of California, in Legislature convened:*

Your petitioners, residents of the County of Ventura, State of California, respectfully ask and petition your honorable bodies to pass and enact legislation necessary to establish and maintain a school of forestry at the University of California.

And your petitioners will ever pray, etc.

(Signed:) Mrs. R. N. Hutchison, President Ladies' Current Events Club, Santa Paula; Mrs. Julia C. Heard, President Briggs I. N. S. Club, Santa Paula; Mrs. Orestes Orr, President Tuesday Club, Ventura; Mrs. Theodosia 3. Shepherd, Ventura Improvement Club; Mrs. Viola A. Kenyon, President Avenue Ladies' Club, Ventura.

Ordered printed in the journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class and to the power and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered "152*a*," providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Also: Assembly Bill No. 430—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof.

Also: Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Article 3 of Section 159 of said Act, relating to the office of County Recorder.

Also: Assembly Bill No. 180—An Act to establish a uniform system of township government, defining the powers and jurisdiction of the same, and the authority, powers, and duties of the officers thereof, and providing for the election and appointment of the officers thereof, and also providing for submitting this Act to a vote of the people of the several counties of the State.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 763—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Also: Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 674—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Also: Assembly Bill No. 606—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No 457—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by

amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901.

Also: Assembly Bill No. 436—An Act adding a new section to Chapter II, Article II, of the Political Code of the State of California, to be known as Section 4053, empowering the Supervisors of the various counties of the State of California to create the office of inspector of weights and measures, defining his duties, and fixing his compensation, and further empowering the Supervisors to pass such ordinances as may be necessary to compel those who buy or sell by weight or measure to have their weights, scales, and measures tested, examined, and registered, and fixing a penalty for those who refuse to comply with such ordinances.

Also: Assembly Bill No. 209—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WALSH, Chairman.

CONSIDERATION OF GOVERNOR'S VETO.

Mr. Lumley moved that the Assembly do now consider Assembly Bill No. 99.

So ordered.

Mr. Lumley moved that the Governor's veto of Assembly Bill No. 99 be sustained.

The question being, "Shall Assembly Bill No. 99 become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—Mr. Black—1.

NOES—Messrs. Allen, Barber, Barnes, Boisson, Brown, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stanton, Steadman, Susman, Transue, Walker, Walsh, Weger, and Mr. Speaker—52.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 700—A bill to amend Section 3246 of the Political Code of the State of California, regulating the hours of labor on street cars—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 725—An Act to amend Section 1970 of the Civil Code, relating to the liability of employers for injury or damage sustained by employés—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 787—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California—have had the same under consideration, and a majority respectfully report the same back, with amendments, and recommend that it do pass as amended.

PYLE, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 780—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

MATTOS, Chairman.

RESOLUTION.

By Committee on Attachés and Employés:

*Resolved*, That George W. Ashley and L. C. Cummings be and they are hereby appointed and employed as Porters of the Assembly, each at a per diem of $3; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly;

the appointment of said Ashley to date from the 5th day of January, 1903, and the appointment of said Cummings from the 15th day of January, 1903, said Ashley and Cummings having served as Porters continuously from said dates, respectively.

The State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of said above-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

Mr. Bliss moved the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and twenty minutes A. M., Mr. Dunlap moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Barber, Barnes, Black, Bliss, Boisson, Brown, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Weger, and Mr. Speaker—58.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty-five minutes A. M., Mr. Drew moved that further proceedings under call of the House be dispensed with.

So ordered.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bliss, Boisson, Brown, Covert, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Waste, Weger, and Mr. Speaker—54.

NOES—Messrs. Black, Dougherty, McConnell, Walker, and Walsh—5.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 194—An Act to appropriate $1,000 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

AMERIGE, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

MOTION FOR PERMISSION TO INTRODUCE BILL.

Mr. Dunlap, on behalf of the Ways and Means Committee, moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor."

Referred to Committee on Introduction of Bills.

PRIVILEGES OF THE HOUSE.

Mr. Mattos moved that the privileges of the floor be granted to ex-Senator John L. Beard.

So ordered.

RESOLUTION.

By Mr. Black:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby directed to keep a daily roll call of all attachés and employés under his control, and make immediate reports to the Committee on Attachés and Employés of the names of those not appearing and answering at said roll calls.

Resolution read.

Mr. Black moved the adoption of the resolution.

Resolution adopted.

MOTION.

Mr. Siskron moved that Assembly Bill No. 884 be recalled from Committee on Claims and re-referred to Committee on Ways and Means.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 845—An Act to amend Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 842—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalties, and for the districting, government, and municipal control of annexed territory—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Municipal Corporations.

STANSELL, Chairman

Assembly Bill No. 842 referred to Committee on Municipal Corporations.

INTRODUCTION AND REFERENCE OF BILL.

By Mr. Johnson: Assembly Concurrent Resolution No. 11—*Resolved by the Assembly, the Senate concurring*, That the Legislature adjourn sine die at midnight on Friday, March 6, 1903.

Referred to Committee on Ways and Means.

MOTION.

Mr. Dunlap moved that the Assembly do now consider Assembly Bill No. 659.

So ordered.

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Carter, Covert, Cromwell, Dorsey, Dunbar, Dunlap, Ellis, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stanton, Susman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—53.

NOES—Messrs. Drew, King, and Steadman—3.

Title read and approved.

MOTION FOR PERMISSION TO INTRODUCE BILL.

Mr. McNeil moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "An Act to amend Section 168 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and an amendment thereto, entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Referred to Committee on Introduction of Bills.

MOTION.

Mr. Drew moved that the select committee on investigation of Jessup Fund be permitted to present their report out of order.

So ordered.

Report ordered printed in the Journal.

REPORT OF COMMITTEE ON INVESTIGATION OF JESSUP FUND.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

*To the Assembly of the State of California:*

We, your committee appointed to investigate the alleged misappropriation of the Jessup Fund, and any other matters in connection with the State Home for the Care and Training of Feeble-Minded Children at Eldridge, California, pursuant to the resolution adopted by this Assembly February 6, 1903, page 17 of Journal, would report as follows:

We have held five meetings, examined nine witnesses, and taken six hundred and fifty folios of testimony; and, from the evidence adduced, both oral and documentary, we find as follows:

First—That Lewis B. Jessup, a person of feeble mind, is, and for many years last past has been, an inmate of said State Home for the Care and Training of Feeble-Minded Children.

That on or about the year 1892 a bequest amounting to $3,000 came into the hands of the trustees of said home from the estate of Hannah Jessup, mother of said Lewis B. Jessup.

Under the provisions of the will making the bequest, the principal sum of $3,000 was directed to be placed at interest, and the income thereof be used for the support and maintenance of the said Lewis B. Jessup, and, at his death, the said principal sum to revert to said home.

That on or about the 24th day of March, 1902, the said fund had increased, by reason of the accumulation of interest, until it amounted to $3,676.80, and the same was on deposit with the Savings Bank of Santa Rosa, and was evidenced by a certificate of deposit, which was and is in the words and figures as follows, to wit:

No. 13,296. SAVINGS BANK OF SANTA ROSA,
$3,676.80. SANTA ROSA, CAL., March 26, 1902.

Trustees, Home Feeble-Minded Children, have deposited in this bank thirty-six hundred and seventy-six and eighty one-hundredths dollars, payable to president and secretary, or order, one year after January 1, 1902, with interest until due at the rate of 3 per cent. per annum on the return of this certificate properly indorsed.

No interest allowed after maturity.

Jessup Fund.

J. P. OVERTON, President-Cashier.

(Indorsed.) Trustees Home Feeble-Minded Children.

HERBERT F. DUGAN, President.

WM. M. LAWLOR, Secretary.

Certificate of deposit, Savings Bank of Santa Rosa.

That said certificate of deposit was in the possession of John P Overton, treasurer of the Board of Trustees of said State Home for the Care and Training of Feeble-Minded Children.

That on or about the —— day of September, 1902, Herbert F. Dugan, C. W. Gould, and H. E. Leland, unlawfully and without authority, obtained and took the said certificate from the said treasurer of the Board of Trustees of said State Home for the Care and Training of Feeble-Minded Children, and drew the money from the said Savings Bank of Santa Rosa, to wit, the sum of $3,676.80, so held in trust by the said trustees; and the said Herbert F. Dugan, C. W. Gould, and H. E. Leland, unlawfully and without authority misappropriated and misapplied the said sum

Second—That on or about the first day of September, 1901, Dr. William M. Lawlor was elected and became the superintendent of said home, and continued as such superintendent from the foregoing date until on or about the 14th day of October, 1902.

That at the time the said Dr. Lawlor assumed the management of the said Home, and during his administration, the State of California was contributing for the support and maintenance of said Home the following sums of money monthly, to wit:

| | |
|---|---|
| For salary fund | $3,250 00 |
| For maintenance fund | 4,250 00 |
| Total | $7,500 00 |

That there was on the said first day of September, 1901, on deposit with the State Treasurer for the benefit of the Home and as a contingent fund for said institution the sum of $19,000.

That during the incumbency of the said Dr. Lawlor there was received by him as superintendent and for the benefit of said Home and for the contingent fund thereof the sum of $6,580—making a total of $25,580

That during the incumbency of the said Dr. Lawlor there was drawn from the contingent fund the sum of $25,134.03

That a certain portion of the said sum of $25,134.03 drawn from the contingent fund was illegally expended, but the exact amount thereof your committee has been unable to determine.

That a portion of the said sum of $25,134.03 was expended for repairs and permanent improvements, but your committee has been unable to ascertain the amount so expended or to segregate or separate the same from the amounts expended from said contingent fund for the maintenance of said Home.

That the following table shows the number of inmates, the amounts received, and the amounts due from the State for maintenance under the provisions of Section 2 of the Act of 1897, during the incumbency of the said Dr. Lawlor as superintendent:

| Month. | No. of Patients. | Appropriation for Support. | Contingent Fund | Total. |
|---|---|---|---|---|
| September | 460 | $4,249 80 | $1,611 00 | $5,860 20 |
| October | 467 | 4,250 49 | 46 56 | 4,297 00 |
| November | 469 | 4,166 61 | 124 00 | 4,290 61 |
| December | 473 | 4,249 14 | 454 86 | 4,704 00 |
| January, 1902 | 469 | 4,249 04 | 553 62 | 4,802 66 |
| February | 481 | 4,332 84 | 686 75 | 5,019 59 |
| March | 489 | 4,226 73 | 1,444 30 | 5,671 03 |
| April | 489 | 4,250 79 | 1,585 06 | 5,835 85 |
| May | 492 | 4,249 34 | 2,403 22 | 6,652 56 |
| June | 480 | 4,241 82 | 3,013 46 | 7,255 28 |
| July | 477 | 4,236 71 | ---------- | 4,236 71 |
| August | 470 | 4,248 71 | 1,065 00 | 5,313 71 |
| September | 478 | 4,209 03 | ---------- | 4,209 03 |
| October | 483 | 4,247 83 | 11,367 66 | 15,615 49 |

Third—That at present the monthly expense account exceeds the allowance to said Home and bills are incurred and carried over from month to month, redated and drawn from the funds of the following month or months, thereby materially hindering and injuring the business management of the said Home.

Fourth—That the condition of the Home shows it to have been grossly mismanaged in the past. Some of the buildings are in advanced stages of decay and ruin. The toilets and lavatories are crude and inadequate, and difficult to cleanse; they are a menace to health, notwithstanding the efforts of the management to keep them clean. The plumbing is leaky and otherwise defective, and pails are suspended to catch the

dripping water. The floors are worn and splintered, and, in the laundry, oilcloth and tin are used to cover the holes where the boards have rotted away. The machines in the laundry are falling to pieces.

The heating system is very unsatisfactory; where the steam is used the building is comfortably heated, but the hot water system is inefficient, and stoves are used to supplement it.

The fire protection is inadequate; there are virtually no fire-escapes. It would be almost impossible to save the inmates of the upper wards in case of fire.

There are no elevators in the building, and the food must be conveyed in buckets from the kitchen to the upper wards, a distance of several hundred feet, and up three flights of stairs.

The drains from the premises are not in good condition, and during storms the basement is flooded.

These few examples of neglect and decay indicate the generally dilapidated condition of the institution.

There is a very small showing here for the $29,000 used from the contingent fund and trust funds from 1901 to 1902

In marked contrast is the Manor House. It seems to be the home for the trustees during their visits to the institution, and the air of comfort and plenty suggests that too much money has been expended here.

Fifth—That there are now outstanding bills or claims against said Home alleged to have been incurred by the said superintendent, Dr Lawlor, during his incumbency as such, amounting to $2,418.48; but what amount of these claims or bills are just and legal claims against the institution your committee has been unable to determine.

Sixth—That C. W. Gould, the present chairman of the Board of Trustees of said Home, has taken from said Home and now detains illegally and without authority two inmates, namely, Rose King and Maggie Stillman.

That Rose King is now residing in the Home, with the family, and under the management and direct control of the said C. W Gould in San Francisco, California.

That said Maggie Stillman is residing with a family by the name of Carson, on Van Ness avenue, San Francisco, California.

Seventh—That the business management of said Home during the administration of Herbert F. Dugan, C. W Gould, H. E. Leland, J. T. Harrington, and Thomas H. Rooney, as a board of trustees, with Dr. Lawlor as superintendent, was careless, lax, and unbusiness-like.

Eighth—That at present there is insubordination among the employés, and the amount paid for salaries is in excess of the amount allowed by law.

Wherefore, your committee, in view of the foregoing findings, recommends:

1. That the Attorney-General proceed forthwith to institute and prosecute to final judgment any and all suits necessary for the recovery of the said sum of $3,676 80 found to have been misappropriated by the said Herbert F. Dugan, C. W. Gould, and H. E Leland.

2 That Rose King and Maggie Stillman, inmates of said State Home for the Care and Training of Feeble-Minded Children, be returned forthwith thereto.

3. That all unnecessary and all insubordinate employés be dismissed from said Home forthwith.

Your committee would further suggest that the Governor of the State of California, through the State Board of Examiners, proceed at his earliest convenience to ascertain by investigation, what amount, if any, of the contingent fund used by said Board of Trustees was illegally expended.

That the Attorney-General proceed to institute and to prosecute to final judgment a suit for the recovery of any and all sums illegally expended out of the contingent fund during the administration of Herbert F. Dugan, C. W. Gould, H. E. Leland, J. T. Harrington, and J. F. Rooney, as trustees.

We further recommend that the said institution be placed under the control and management of the State Lunacy Commission.

Respectfully submitted.

A. M. DREW, Chairman,
N. K. FOSTER,
FRANK D. LEWIS,
Committee.

We sign the above report excepting the fourth finding.

AUBREY M. LUMLEY.
WM. H. GLEESON.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your committee appointed to investigate the alleged misappropriation of the Jessup Fund, and any other funds in connection with the State Home for the Care and Training of Feeble-Minded Children, situate at Eldridge, California, having had under consideration the bills in said matter, beg leave to submit the following:

*Expenses of J. T. Stafford, Sergeant-at-Arms.*

| | |
|---|---|
| Mileage to San Francisco and return, serving summonses | $16 80 |
| Carriage hire for special messenger | 10 00 |
| Total | $26 80 |

*Expenses of H. F. Dugan:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as witness | 4 00 |
| Total | $20 80 |

*Expenses of H. E. Leland·*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of C. W. Gould:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of John T. Harrington·*

| | |
|---|---|
| Mileage from Colusa to Sacramento and return | $15 40 |
| One day attending as a witness | 2 00 |
| Total | $17 40 |

*Expenses of Wm. M. Lawlor:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of Wm. J. G. Dawson·*

| | |
|---|---|
| Mileage from Glen Ellen to Sacramento and return | $15 40 |
| Two days' attendance as a witness | 4 00 |
| Total | $19 40 |

*Expenses of E. T. Wolcott·*

| | |
|---|---|
| Transcribing 650 folios testimony | $130 00 |
| Two copies of same | 65 00 |
| Total | $195 00 |

*Expenses of W. T. Suttenfield·*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as witness | 4 00 |
| Total | $20 80 |

*Expenses of John P. Overton*

| | |
|---|---|
| Mileage from Santa Rosa to Sacramento and return, via Napa Junction | $18 00 |
| One day's attendance as witness | 2 00 |
| Total | $20 00 |

And we offer herewith the following resolution:

*Resolved*, That the Controller be and he is herewith authorized to draw his warrants, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly in favor of the following-named persons, for the amount set opposite their respective names, to be distributed in accordance with the bills allowed:

| | |
|---|---|
| J. T. Stafford | $26 80 |
| H. F. Dugan | 20 80 |
| H. E. Leland | 20 80 |
| C. W. Gould | 20 80 |
| John T. Harrington | 17 40 |
| Wm. M. Lawlor | 20 80 |
| Wm J. G. Dawson | 19 40 |
| E. T. Wolcott | 195 00 |
| W. T. Suttenfield | 20 80 |
| John P. Overton | 20 00 |

DREW, Chairman.

SPECIAL FILE.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Foster, Gleeson, Goodrich, Hart, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Snyder, Steadman, Susman, Walker, Walsh, Waste, Weger, and Mr. Speaker—56.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following has been correctly enrolled: Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people—and was presented to the Governor, February 27, 1903, at eleven o'clock and five minutes A. M.

Also: Report that the following bill has been correctly engrossed:

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to terms of office.

AMERIGE, Chairman.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 524.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 524 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 583 passed on file.

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Read third time, and passed on file.

Assembly Bill No. 489—An Act making an appropriation of $22,000 for improvement and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Bliss, Brown, Carter, Covert, Cromwell, Drew, Dunbar, Dunlap, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Waste, and Mr. Speaker—52.

NOES—Messrs. Amerige and Weger—2.

Title read and approved.

Mr. Snyder moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 29.

So ordered.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Foster, Gleeson, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Mr. Carter moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 578.

So ordered.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, at eleven o'clock and fifty minutes A. M., Mr. Carter moved a call of the House.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Bliss, Boisson, Brown, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—55.

NOES—None.

Title read and approved

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Heretofore read third time.

Mr. Bliss moved that a select committee of one be appointed to amend Assembly Bill No. 570, as follows:

Amend by inserting the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:" after the title and before Section 1.

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind—with instructions, does now report that the instructions of the Assembly have been carried out.

BLISS, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Black, Bliss, Brown, Carter, Covert, Drew, Dunlap, Ellis, Foster, Gleeson, Goodrich, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Stansell, Steadman, Susman, Walker, Walsh, Waste, Weger, and Mr. Speaker—49.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Also: Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Assembly Bill No. 667—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

AMERIGE, Chairman.

MOTION.

At eleven o'clock and fifty-nine minutes A. M., Mr. King moved that the time for recess be extended for fifteen minutes.

Motion lost.

RECESS.

At twelve o'clock M., the Speaker declared the Assembly at recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Fisk in the chair.

MOTION.

Mr. Barber moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 25 was on yesterday refused passage.

So ordered.

Mr. Barber moved that further consideration of the motion be continued until Tuesday, March 3, at eleven o'clock A. M.

So ordered.

Mr. Dorsey moved that the Assembly do now consider Assembly Bill No. 188.

So ordered.

Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend Assembly Bill No. 188, as follows:

Amend section one by adding after line thirteen, first page, printed bill, the following: "Several writs may be issued at the same time to the sheriffs or constables of different counties; *provided*, that where a writ of attachment issued by a justice of the peace is to be served out of the county in which it was issued, the writ of attachment shall have attached to it a certificate, under seal by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace of said county at the date of the writ."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report adopted.

Ordered to print and re-engrossment.

Mr. Brown moved that the Assembly do now consider Assembly Bill No. 288.

So ordered.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Heretofore read third time.

Mr. Brown moved that a select committee of one be appointed to amend Assembly Bill No. 288, as follows:

Amend section one by inserting after the word "that," in line forty-six, page two, printed bill, the following: "the trustees of school districts and boards of education."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California,

relating to the duties and powers of boards of school trustees and city boards of education—with instructions, does now report that the instructions of the Assembly have been carried out.

BROWN, Committee.

Report adopted.

Ordered to print and re-engrossment.

Mr. McCartney moved that the Assembly do now consider Senate Bill No. 887.

So ordered.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval.

Read second time.

Mr. McCartney submitted the following amendment:

Amend by striking out the words "or disease contracted in" after the word "received," in line six, second page, printed bill.

Amendment adopted.

On motion of Mr. McCartney, Senate Bill No. 887 made a rush order to printer, and then to third reading.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Houser until Monday, March 2, 1903.

BILL RECALLED FROM SENATE.

Mr. Waste moved to recall Senate Bill No. 13 from the Senate for the purpose of amendment.

So ordered.

Mr. Olmsted moved that the Assembly do now consider Assembly Bill No. 876 for the purpose of amending the bill.

So ordered.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read second time.

The following committee amendments were submitted:

AMENDMENT No 1.

Amend by inserting after the enacting clause the following: "Section one hundred and eighty-six of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, is hereby amended as follows:"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out division fifteen, lines thirty-two to thirty-eight inclusive of printed bill, and inserting in lieu thereof the following:

"15. Each supervisor, fifty dollars per month and mileage, at the rate of ten cents per mile, for traveling to and from his residence to the county seat at each session."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding thereto the following:

"SEC. 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of the title, line two of title of printed bill, the words "one hundred and eighty-six (186) of." Also, strike out all words in the title after the figures "1901," in line five of printed bill, and insert the following: "by amending section one hundred and eighty-six thereof, relating to the compensation of officers of the twenty-ninth class."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting the following after the title of the printed bill: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Ordered to print, engrossment, and third reading.

SECOND-READING FILE.

Assembly Bills Nos. 114, 32, 439, 442, 438, 440, 83, 47, 50, 116, 826, 550, 447, 204, and 177 passed on file.

Mr. Houser moved to substitute on the file Assembly Bill No. 885, number 407 on the file, for Assembly Bill No. 358, number 276 on the file.

So ordered.

Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 435, 414, and 7 passed on file.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Read second time.

MOTION.

Mr. Houser moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 166.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 166 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

AMERIGE, Chairman.

SECOND-READING FILE—(RESUMED).

Mr. McCartney moved to substitute on the file Assembly Bill No. 709, number 368 on the file, for Assembly Bill No. 528, number 281 on the file.

So ordered.

Assembly Bill No. 709—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 59, 384, and 533 passed on file.

Mr. McCartney moved to substitute on the file Assembly Bill No. 710, number 369 on the file, for Assembly Bill No. 526, number 285 on the file.

So ordered.

Assembly Bill No. 710—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays, and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 309—An Act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, hotel-keepers, boarding and lodging-house keepers, for personal property of their guests intrusted to their care.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 340—An Act to protect employés and guarantee their right to belong to labor organizations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 741—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen with the powers of peace officers to serve upon the premises, cars or boats of railroad and steamship companies," approved March 23, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 53 and 51 passed on file.

Mr. Walsh moved to substitute on the file Assembly Bill No. 901, number 385 on the file, for Assembly Bill No. 213, number 291 on the file.

So ordered.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 266, 267, 260, and 657 passed on file.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises and property of corporations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital, to appropriate money therefor, and provide for the expenditure of the same.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "thirty-five thousand dollars," on line one of title, first page, printed bill, and insert in lieu thereof the following: "thirty thousand dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "thirty-five thousand dollars," in line three, section one, first page, printed bill, and inserting in lieu thereof the following: "thirty thousand dollars."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "and be in force from and after its passage, in lines one and two, section six, second page, printed bill, and inserting in lieu thereof the following: "on and after July first, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 155.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 155 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 155—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital, to appropriate money therefor, and provide for the expenditure of the same—and do now report the same back, and recommend that the same do pass as amended in the Assembly.

FISK, Chairman.

Ordered to print, engrossment, and third reading.

Mr. Walker asked leave to withdraw Assembly Bill No. 486, number 302 on the file, and substitute Assembly Bill No. 726, number 404 on the file.

So ordered.

Assembly Bill No. 726—An Act defining the time within which employés are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Read second time.

The following committee amendment was submitted:

Strike out sections two and three of printed bill and insert in lieu thereof the following:

"SEC. 2. Any person, firm or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor.

"SEC. 3 All Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act, are hereby repealed.

"SEC. 4. This Act shall take effect and be in force from and after the date of its passage."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishment in State prisons and reformatory institutions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 73—An Act to amend Section 22 of an Act entitled "An Act to define, regulate, and govern the State prisons of California."

Read second time, and ordered to engrossment and third reading.

Mr. Mattos moved, with consent of author, to substitute on the file Assembly Bill No. 740, number 406 on the file, for Assembly Bill No. 240, number 301 on the file.

So ordered.

Assembly Bill No. 740—An Act to regulate the letting of contracts for the erection, improvement, or repair of public school buildings.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 784—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 243—An Act relating to crimes and punishments.

Read second time.

The following committee amendment was submitted:

Strike out all after the enacting clause and insert as follows:

"SECTION 1. In cities of class one, class one and a half, class three, and class four, it shall be unlawful for any firm, association, corporation, or person, to permit or allow or to compel any of its, their, or his employés to lodge or sleep in any stable, corral, or inclosure under their, its, or his control, where any horses or cattle are penned, corralled, or housed, or in any place where any hay or straw for the bedding or feeding of stock is kept, unless the room in which such employé sleeps has at least one of its walls, the exterior wall of the structure in which said room is situated and has a window or door opening into a street, alley, court, or other open passageway; and a violation of this Act shall be a misdemeanor."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 693—An Act regulating the hours of employment in underground mines, in smelting and ore reduction works, and of hoisting in and about mines.

Read second time.

On motion of Mr. McKenney, passed on file, pending amendment.

Assembly Bill No. 730—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read second time, and ordered to engrossment and third reading.

Mr. Dougherty moved to substitute on the file Assembly Bill No. 795, number 344 on the file, for Assembly Bill No. 847, number 307 on the file.

So ordered.

Assembly Bill No. 795—An Act to amend an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Read second time.

The following amendment was submitted by Mr. Dougherty:

Amend by striking out of title, line two of printed bill, the words "An Act to amend," and inserting the following after the figures "1897," line four of title of printed

bill, "and amended March 23, 1901"; also, insert a comma in lieu of period after word "thereof" in line five of printed title, and add the words "relating to the compensation of officers of the forty-third class."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 487—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 581—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read second time.

Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words and figures "seven thousand five hundred ($7,500)," in lines one and two, section one, first page, printed bill, and inserting in lieu thereof the following: "five thousand ($5,000)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words and figures "seven thousand five hundred ($7,500)," in line three, section two, first page, printed bill, and inserting in lieu thereof the following: "five thousand ($5,000)."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the figure "4" in line two, section four, first page, printed bill, and inserting in lieu thereof the figure "5."

Amendment adopted.

Assembly Bill No. 76—An Act to pay the claim of John M. Bird, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "from and after its passage" in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "January first, 1904"

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 581, 488, and 76.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 581, 488, and 76 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 581—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Also: Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 76—An Act to pay the claim of John M. Bird, and making an appropriation therefor.

And do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 581 ordered to engrossment and third reading.

Assembly Bill No. 488 ordered to print, engrossment, and third reading.

Assembly Bill No. 76 ordered to print, engrossment, and third reading.

Assembly Bills No. 654, 832, and 767 passed on file.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Brown, the privileges of the floor were extended to the Hon. Robert M. Clark, an ex-member of the Assembly.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 391—An Act to repeal Section Number 644 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 392—An Act to repeal Section Number 645 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 393—An Act to repeal Section Number 646 of Chapter II of Title XV, Part I of "An Act to establish a Penal Code," approved February 14, 1872.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 772—An Act to add a new section to the Political Code of the State of California, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California, by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Read second time.

Mr. Waste submitted the following amendment:

Amend by striking out of section one, line ten, printed bill, the words: "can not, and has not, been" and inserting the following: "can not be, and has not been."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 827—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray

burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the Army and Navy of the United States, approved March 23, 1901.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend the title by striking out the period after the figures "1901" in the last line of the title and inserting a comma, and the following words: "and for the payment for the erecting of headstones."

Amendment adopted.

AMENDMENT No. 2.

On page three, line twenty-eight of printed bill, after the word "paid," insert the words "in the same manner."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 848—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 19—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California in reference to the speed of street cars, and regulating the number of trucks and kinds of brakes to be used on those cars operated at a speed of more than eight miles per hour.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting the enacting clause: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

AMENDMENT No. 2.

In line nine, page one of the printed bill, strike out the words "all of."

Amendment adopted.

AMENDMENT No. 3.

In line nine, page one of the printed bill, insert the word "wheel" after the word "said."

Amendment adopted.

AMENDMENT No. 4.

In line six, page one of the printed bill, after the word "hour," insert the words "in incorporated cities and towns."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 534 passed on file.

Assembly Bill No. 888—An Act to amend Sections 771 and 777 of the Political Code, relating to reporting and publishing decisions of the Supreme Court.

Read second time, and ordered to engrossment and third reading.

Assembly Joint Resolution No. 13—Relative to admission of Chinese into the Philippines.

Read.

The following committee amendment was submitted:

Amend by striking out the word "instruct," in line two, second page of the printed bill, and inserting in lieu thereof the word "request."

Amendment adopted.

Ordered to print and engrossment.

Assembly Joint Resolution No. 12 read and passed on file.

Mr. Drew moved, with consent of the author, to substitute on the file Assembly Bill No. 294, number 388 on the file, for Assembly Bill No. 39, number 330 on the file.

So ordered.

Assembly Bill No. 294—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

On page one, section one, line one, insert between the word "prisons" and the word "not," the words "resident of the State of California, and owning insurable property therein."

Amendment adopted.

AMENDMENT No. 2.

On page one, section one, line one, after the word "than," strike out the word "fifty," and insert the word "twenty-five"

Amendment adopted.

AMENDMENT No. 3.

On page one, section one, line nine, insert after the word "corporation" the following: "Such persons shall file with the insurance commissioner a declaration of their intention to incorporate for the purposes expressed in Section 1 of this Act, which declaration shall be signed by all the incorporators and shall contain a copy of the articles of incorporation proposed to be adopted The insurance commissioner shall examine the proposed articles of incorporation, and if they conform to this Act he shall deliver to such persons a certificate permitting them to incorporate as such insurance corporation; the insurance commissioner's fee therefor shall be ten dollars Such certificate shall be directed to the Clerk of the county in which such corporation is proposed to be organized, and shall contain a copy of the proposed articles of incorporation. Upon filing with the Secretary of State the certified copies of the duly executed articles of incorporation, as required by Section 290 of the Civil Code of the State of California, and of the certificate above provided for, the Secretary of State shall thereupon issue a certificate of incorporation; such corporation may engage in fire insurance business as in this Act provided. The by-laws and all amendments thereto shall be filed with the insurance commissioner within sixty days after their adoption. For filing and recording such articles of incorporation, the Secretary of State shall be entitled to such fees as are now provided by law."

Amendment adopted.

AMENDMENT No. 4.

On page two, section two, line eleven, insert between the words "any" and "risk" the word "one"; also, on page two, section two, line eleven, insert between the words "risk" and "upon" the word "whether."

Amendment adopted.

AMENDMENT No. 5.

On page two, section three, line eleven, after the word "upon," strike out the words "for each separate risk that he holds."

Amendment adopted.

AMENDMENT No. 6.

On page two, section six, line three, after the word "giving," strike out the word "five" and insert in lieu thereof the word "thirty"; also, on page two, section five, line eleven, insert between the words "days" and "notice" the word "written."

Amendment adopted.

AMENDMENT No. 7.

On page three, section five, line four, insert between the words "paying" and "all," the words "his share of all losses which shall have occurred at the end of the time specified in the notice and"; also on page three, section five, line four, insert after the word "due" the word "accrued."

Amendment adopted.

AMENDMENT No. 8.

On page three, section five, line eleven, after the word "written," add the following: "members of such corporation shall be liable on obligations of the corporation as provided in Section 322 of the Civil Code."

Amendment adopted.

AMENDMENT No. 9.

On page four, section eight, line twenty, insert between the words "paid" and "officers," the words "in detail to"; also, strike out the word "and" between the words "officer" and "directors"; also, insert the word "agent" between the words "directors" and "and"; also, strike out the words "office help" between the words "and" and "during," and insert in lieu thereof the word "employés"

Amendment adopted.

AMENDMENT No. 10.

On page four, section eight, after line twenty-six, insert the following:
"Sixth—The number of new members obtained during the year and the total membership."

Amendment adopted.

AMENDMENT No. 11.

On page four, section nine, line twenty-one, strike out the word "enjoin," and insert in lieu thereof the word "revoke"; also, in line twenty-two, section nine, page four, strike out the word "enjoin" and insert the words "revoke the authority of" in lieu thereof; also, in lines twenty-two and twenty-three of section nine, page four, strike out the words "from making any further contracts of insurance" and insert in lieu thereof the words "to do business and shall not restore such authority."

Amendment adopted.

Mr. Goodrich submitted the following amendment:

On page two, section two, line fifteen, after the word "dollars" insert the words "provided that property located upon premises separated by less than one hundred feet of space shall be deemed to be one risk"

Amendment adopted.

Ordered to print and engrossment.

Mr. Houser moved that the Assembly do now consider Assembly Bill No. 513 for the purpose of amending the bill.

So ordered.

Assembly Bill No. 513—An Act creating the office of Public Defender, in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable

person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Heretofore read third time.

Mr. Houser moved that a select committee of one be appointed to amend Assembly Bill No. 513, as follows:

AMENDMENT No. 1.

In section one, lines five and six, strike out the words "of the county in which this Act shall become operative."

AMENDMENT No. 2.

In section two, line twenty-one, after the word "offense," insert the words "with whose defense he has been charged, and."

AMENDMENT No. 3

In section five, lines two and three, strike out the words "in which it shall become operative."

AMENDMENT No. 4.

In section five, line twelve, strike out the words "where this Act shall take effect," and insert in lieu thereof the words "of the first, second, and third class."

AMENDMENT No. 5.

In the title, after the word "in" in the first line, strike out the words "counties of the first, second, and third class in," and insert in lieu thereof the words "each of the counties of."

AMENDMENT No. 6.

In section one, lines one and two, strike out the words "counties of the first, second, and third class in," and insert in lieu thereof the words "each of the counties."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 513—An Act creating the office of Public Defender in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof—with instructions, does now report that the instructions of the Assembly have been carried out.

HOUSER, Committee.

Report adopted.

Ordered to print and re-engrossment.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Bliss for the day.

SPECIAL FILE—SENATE BILLS.

Senate Bills Nos. 310, 118, 95, and 68 passed on file.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Read third time.

Passed on file, pending amendment.

Committee Substitute for Senate Bills Nos. 261, 307, 317 passed on file.

Senate Bill No. 369 passed on file.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read second time, and ordered to third reading.

Senate Concurrent Resolution No. 12 passed on file.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Read second time, and ordered to third reading.

Senate Bill No. 41—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read second time.

MOTION.

Mr. Waste moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 41.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 41 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 41—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 792—An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act.

Read second time, and ordered to third reading.

Assembly Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Read second time, and ordered to third reading.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 382.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 382 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 34 passed on file.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interferences with public fire alarms.

Read second time, and ordered to third reading.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Read second time, and ordered to third reading.

SECOND-READING FILE—(RESUMED).

Mr. Dunlap moved that the Assembly return to the consideration of the second-reading file.

So ordered.

Assembly Bill No. 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expense of said commissioner and secretary.

Read second time.

Assembly Bill No. 833—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read second time.

Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez, for money due and owing the said R. P.

Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read second time.

Assembly Bill No. 298—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred at the request of the State Board of Examiners in certain suits against the Board of Examiners of the State of California.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "from and after its passage" in line one, section four, fifth page, printed bill, and inserting in lieu thereof the following: "January second, 1904."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 719, 833, 872, and 298.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 719, 833, 872, and 298 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Also: Assembly Bill No. 833—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez, for money due and owing the said R P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 298—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred at the request of the State Board of Examiners in certain suits against the Board of Examiners of the State of California.

And do now report the same back, and recommend that the same do pass, except that Assembly Bill No. 298 do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 719, 833, and 872 ordered to engrossment and third reading.

Assembly Bill No. 298 ordered to print, engrossment, and third reading.

Assembly Bills Nos. 665 and 567 passed on file.

Mr. Lewis moved to withdraw Assembly Bill No. 328, number 337 on file, and substitute therefor Assembly Bill No. 849, number 409 on file.

So ordered.

Assembly Bill No. 849—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 852—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 785—An Act to provide special quarters in county jails, city and county jails, city jails, or police stations, for juvenile prisoners.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 796—An Act to amend and re-enact Section 4161 of the Political Code, in relation to the duties of County Treasurers in respect to public moneys.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 632—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 5 thereof, relating to the general permanent powers of Board of Supervisors.

The following amendment was submitted by Mr. Lumley:

Amend by inserting in the title of the Act of printed bill, line three, after the figures "1897," the words "and amended March 23, 1901."

Amendment adopted.

Mr. Mattos submitted the following amendments:

Amend by striking out the words after the word "advertise" in line thirty-three, second page, printed bill, and inserting in lieu thereof the following: "the newspaper of general circulation within the county, published nearest to the place where the work is to be performed."

Amendment lost.

Also:

Amend by striking out the words "some newspaper of general circulation published in the county" in lines eighty-eight and eighty-nine, third page, printed bill, and inserting in lieu thereof the following: "the newspaper of general circulation published in the county and nearest to the place where the work is to be performed.

Amendment adopted.

Mr. Johnstone submitted the following amendment:

Amend section thirty-eight, page fourteen, lines five hundred and two and five hundred and three of printed bill, by striking out the words "outside of any incorporated city or town."

Amendment adopted.

Mr. Drew submitted the following amendment:

Amend section twenty-five, line four hundred and seven of printed bill, page twelve, by inserting the following after the word "license": "outside of incorporated cities and towns."

Amendment adopted.

Mr. Prescott moved that the further consideration of the bill be continued for one day, for the purpose of further amending the bill.

So ordered.

At three o'clock and twenty-seven minutes P. M., the Speaker called Mr. Knight to the chair.

## LEAVE OF ABSENCE.

Mr. Moore was granted leave of absence until Saturday, February 28, 1903.

## REPORTS OF STANDING COMMITTEES.

### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed:

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

AMERIGE, Chairman.

### ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

"An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor."

Also: "An Act to amend Section 168 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and an amendment thereto entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereto, repealing certain other sections and adding certain sections thereto,' approved March 23, 1901."

Also: Assembly Constitutional Amendment No. — "To propose to the people of the State of California an amendment to the Constitution of the State, amending Article VI, by adding a new section thereto, to be known as Section 14½, relating to the appointment and compensation of the official reporters of the Superior Court."

CARTER, Chairman.

The adoption of the report made a special order for Monday, March 2, 1903, at eleven o'clock A. M.

## SECOND-READING FILE—(RESUMED).

Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Knight in the chair, for the purpose of considering Assembly Bill No. 847.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 847 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares—and do now report the same back, and recommend that the same do not pass.

FISK, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 878—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Mr. Barnes submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out the title of said Act as contained in printed bill, and inserting the following title in lieu thereof:

"An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, by amending Section 166 thereof, relating to the compensation of officers of counties of the ninth class."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of section one hundred and sixty-six, line seventy-five of printed bill, all words commencing with the word "in" after the figures "16" and ending with the word "direct" in line eighty-nine, page four.

On page four, line ninety-two of printed bill, make the figures beginning the sentence "17" instead of "18."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 802—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Read second time.

Mr. Bangs submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of line two of title of printed bill the words "Section 201 of"; also strike out all words in title after the figures "1901," in line four of title, and inserting the following: "by amending Section 201 thereof, relating to the compensation of officers of counties of the forty-fourth class."

Amendment adopted.

AMENDMENT No. 2.

In line nine, section one, strike out the word "fifteen" after the word "clerk," and insert in lieu thereof the word "eighteen."

Amendment adopted.

AMENDMENT No. 3.

In line fourteen, section one, strike out the words "five hundred" after the word "auditor," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

AMENDMENT No. 4.

In line fifteen, section one, strike out the words "five hundred" after the word "auditor," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

AMENDMENT No. 5.

In line sixteen, section one, strike out the words "one thousand" after the word "treasurer," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

AMENDMENT No. 6.

In line seventeen, section one, strike out the words "five hundred" after the word "tax collector," and insert in lieu thereof the words "one thousand."

Amendment adopted.

AMENDMENT No. 7.

In line seventeen, section one, strike out the word "which" at the end of the line.

Amendment adopted.

AMENDMENT No. 8.

In line eighteen, section one, strike out all of line eighteen.

Amendment adopted.

AMENDMENT No. 9.

In line nineteen, section one, strike out the word "collector" at the beginning of the line.

Amendment adopted.

AMENDMENT No. 10.

In line twenty, section one, strike out the word "eighteen" after the word "assessor," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

AMENDMENT No. 11.

In line twenty-one, strike out the word "fifteen" after the word "attorney," and insert in lieu thereof the word "eighteen."

Amendment adopted.

AMENDMENT No. 12.

In line twenty-six, section one, strike out the word "twelve," after the word "schools," and insert in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 13.

In lines twenty-nine and thirty strike out all of subdivision twelve, beginning with the word "The," and insert in lieu thereof the following words: "The Surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field."

Amendment adopted.

AMENDMENT No. 14.

Strike out all of subdivision fifteen, after the number fifteen, including lines thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, and forty-two, and insert in lieu thereof, after the number fifteen, the following words: "Each member of

the Board of Supervisors, six hundred dollars per annum, and twenty-five cents per mile, while traveling from their respective residences to the county seat, not more than once each month."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read second time.

The following amendments were submitted by Mr. McKenney:

AMENDMENT No 1.

Amend by inserting in title, line four of printed bill, after the word "ninety-seven," the words "and amended March 23, 1901," and inserting the following after the words "relating to" in line five of title: "the compensation of officers of."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "three thousand" in line seventy-four, third page, printed bill, and inserting in lieu thereof the following: "twenty-seven hundred."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line eighty-seven, third page, printed bill, after the word "allowed," a comma.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line eighty-nine, third page, printed bill, after the word "township," a comma.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of section thirteen, line forty-nine of printed bill, the words "forty-five" and inserting the following: "fifty."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of section thirteen, line fifty of printed bill, the word "fifty-five," and inserting the following: "seventy."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the words "three thousand" in line seventy-four, third page, printed bill, and inserting in lieu thereof the following: "twenty-seven hundred."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out of section thirteen, line fifty-six of printed bill, the words "three thousand," and inserting the following: "twenty-seven hundred."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out of section thirteen, line fifty-eight of printed bill, the word "forty," and inserting the word "thirty-five."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out of section thirteen, line fifty-nine of printed bill, the word "fifty," and inserting the following: "forty-five."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out all of lines sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two.

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the words "Sec. 14," lines 100 to 105, inclusive, page four, printed bill, and inserting in lieu thereof the following: "Each supervisor, six hundred dollars, and twenty cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum.

"This Act shall take effect immediately."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Read second time.

The following amendments were submitted by Mr. McKenney:

AMENDMENT No. 1.

Amend by inserting in title, line four of printed bill, after the word "ninety-seven," the words "and amended March 23, 1901;" and inserting the following after the words "relative to," in title, line five of printed bill: "the compensation of officers of."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line eighty-one, page three, printed bill, after the word "allowed," a comma.

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line eighty-three, page three, printed bill, after the word "township," a comma.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line eighty-five, page three, printed bill, after the word "law," a comma.

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting in line eighty-six, page three, printed bill, after the word "jail," a comma.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 879—An Act to amend Section 46 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to compensation of county officers and court reporters or official reporters of the Superior Court in counties of the forty-second class.

Read second time.

The following amendment was submitted by Mr. Howard:

Amend by striking out of printed bill, the title of said Act, and inserting the following title:

"An Act to amend an Act entitled 'An Act to establish a uniform system of county

and township governments, approved April 1, 1897,' and amended March 23, 1901, by amending Section 46 thereof, relating to the compensation of officers of the forty-second class."

Amendment adopted.

Ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

Mr. Howard was granted a leave of absence for the day.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 793—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of $100.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 628—An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 627—An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 625—An Act to amend Section 456 of the Political Code of the State of California, defining the duties of District Attorney.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 624—An Act to amend Section 90 of the Civil Code of the State of California, relating to the dissolution of marriage.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 817—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 276—An Act to amend Chapter III, Title III, Part II of the Political Code of California, relating to magistrates, by changing the title thereof to "magistrates," and substituting new sections for Sections 806 and 809 thereof.

Read second time, and ordered to engrossment and third reading.

HOUR OF RECESS EXTENDED.

Mr. Stanton moved that the hour of recess be extended until five o'clock P. M.

So ordered.

MOTION.

Mr. Mott moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 632.

The question being, "Shall the rules be suspended?"

The ayes and noes were demanded by Messrs. King, Stanton, and Lewis of Riverside.

The roll was called, and the motion to suspend the rules lost by the following vote:

AYES—Messrs. Barber, Boisson, Covert, Cromwell, Drew, Dunlap, Ells, Foster, Greer, Hart, Houser, Johnstone, Kelso, Killingsworth, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, Mott, Prescott, Walker, Walsh, and Wright—27.

NOES—Messrs. Amerige, Bangs, Barnes, Black, Brown, Dorsey, Dougherty, Dunbar, Goodrich, Higgins, Johnson, King, Knight, Lewis of Riverside, Mahany, McLaughlin, McNeil, Olmsted, Pyle, Stanton, Steadman, Transue, Waste, and Weger—24.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Assembly Bill No. 138—An Act providing for an appropriation of five thousand dollars ($5,000.00) for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Assembly Joint Resolution No. 14—Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities, transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California

And were presented to the Governor February 27, 1903, at three o'clock and forty minutes P. M.

AMERIGE, Chairman.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 277—An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819, and 827 of Chapter IV, Title III, Part II of the Penal Code of California, relating to warrants of arrest.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 278—An Act to amend Sections 858, 861, 870, 871, 877, and 878, repealing Section 864, and adding 884 and 885, in Chapter VII, Title III, Part II of the Penal Code of California, relating to preliminary examinations before magistrates.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 279—An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II of the Penal Code of California, relating to pleadings in criminal actions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 280—An Act to amend Section 1258 of the Penal Code of California, and to add thereto a new section, to be known as Section 1256, both relating to appeals.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 281—An Act to amend Section 1404 of the Penal Code of California, relating to errors in pleadings and proceedings.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 282—An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution of a public offense.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 283—An Act to add a new section to the Penal Code of California, to be known as Section 1400, relating to estoppel in criminal actions.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 284—An Act to add two new sections to the Penal Code of California, namely, Sections 1132 and 1133, relating to variance.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 285—An Act to amend Section 1326 of the Penal Code of California, relating to subpœnas.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 810 passed on file.

Assembly Bill No. 711—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 34—An Act to amend the Civil Code by adding a new section thereto, to be numbered 133, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 854—An Act to amend an Act entitled "An Act to amend Section 61 of the Civil Code, relating to granting of divorces," as approved February 25, 1897.

Read second time.

Mr. McCartney submitted the following amendment:

Amend by striking out the following words: "in this State, or elsewhere," after the word "contracted" in line nine, printed bill, page one.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 797—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish and improve, and maintain public boulevards.

Read second time.

Mr. Carter submitted the following amendments:

AMENDMENT No. 1.

Amend by adding after the word "boulevard" in the last line of the title the following: "to incur a bonded indebtedness for such purposes and to call a special election for the submission to the electors of the question of incurring such indebtedness."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of section one, line eight of printed bill, the words: "to lay out, establish" and all of lines nine, ten, eleven, twelve, and thirteen, and inserting the following: "to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election

called for that purpose, and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by Subdivision 13 of Section 25 of this Act. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this Act, and to make and enforce rules and regulations for the protection, management, control, and use of such boulevards."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 150—An Act to repeal Section 1565 of the Political Code.

Mr. Dunlap moved to strike out the enacting clause.

So ordered.

Assembly Bills Nos. 151, 152, 153, 324, 325, and 326 withdrawn by author.

At four o'clock and thirty minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 850—An Act to amend Section 10 of an Act to provide for the organization and management of county fire insurance companies.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 470—An Act to require all persons and corporations engaged in supplying gas and electricity for domestic lighting and heating, and water for domestic purposes, to provide and maintain without cost to consumers the most improved and effective meters and appliances for measuring, regulating, and controlling the delivery of gas and electricity for domestic lighting and heating, and water for domestic purposes; and providing a penalty for any violation of this Act.

Read second time.

The following committee amendment was submitted:

Amend by striking out lines six to twelve, inclusive, of section two of printed bill and inserting in lieu thereof the following: "Meters and appliances or any of them, when demanded and required as above provided, such consumer shall be entitled to have his service continued notwithstanding, and he shall not be liable to pay for any water, gas, or electricity, as the case may be, furnished him by the person or corporation so failing and refusing during the period covered by any such failure and refusal."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 846—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance incorporations.

Read second time.

The following committee amendment was submitted:

Amend by adding the following: "except in so far as they are made subject to such provisions in the Acts under which they are organized"

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 898—An Act to regulate the collection of premiums on accident and casualty reinsurance.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 355—An Act to amend the Civil Code, by adding a new section, to be numbered 379, relating to the publication of the financial conditions of corporations (except banking and insurance companies, and building and loan societies).

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 824—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 683—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1895, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and to provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 823—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 880 passed on file.

Assembly Bill No. 881—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 894 passed on file.

Assembly Bill No. 813—An Act to add a new section to the Penal Code, to be known as Section 626*n*, relating to the preservation of game.

Withdrawn by author.

Assembly Bills Nos. 804 and 781 passed on file.

Assembly Bill No. 805—An Act to add a new section to the Penal Code, to be known as 626*n*, making it a misdemeanor to hunt, pursue, kill, or destroy certain birds by the aid of artificial light.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 841—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging houses, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made, or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 875 passed on file.

Assembly Bill No. 734—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883,' approved February 8, 1889."

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 853 passed on file.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 904—An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 778—An Act to amend Section 2955 of the Civil Code of California, relating to the mortgaging of personal property.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 502—An Act relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Read second time.

The following amendment was submitted by Mr. Dorsey:

Amend by striking out all after the enacting clause and inserting the following:

"SECTION 1. Two new sections are hereby added to the Civil Code, to be known as and numbered *three thousand and sixty-one* and *three thousand and sixty-two*, to read as follows:

Section 3061. Every livery, boarding, or feed stable proprietor and every person pasturing horses or stock has a lien on the same for his compensation for caring for, boarding, feeding, or pasturing such horses or stock. Said compensation is made payable every six (6) months, unless otherwise agreed upon, and if not paid as herein provided, then said livery, or boarding, or feed stable proprietor or person pasturing such horses or stock may make affidavit before a justice of the peace of the township in which said stable or pasture is located, or if there be no justice in said township, then before the nearest justice; which said affidavit shall state the terms upon which he cared for, boarded, fed, or pastured such horses or stock, and the amount due therefor; that he has not been paid his compensation as herein provided, and that he does not know the address or whereabouts of the owner of such horses or stock. Such affidavit shall be filed in the office of said justice, entered upon his docket, and become a part of his records, and such justice shall receive a fee for such filing in the sum of one (1) dollar. Such livery, or boarding, or feed stable proprietor or person pasturing such horses or stock shall then in writing notify the constable of the township in which said affidavit is on file, or, if there be no constable of the township in such township, then the nearest constable, which said notice shall state that he had complied with the requirements of this section; that he has not been paid since the making of the affidavit aforesaid, and that such horses or stock are held by him, subject to sale.

Said constable shall immediately proceed to sell and shall sell such horses or stock at public sale in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution.

Section 3062. Out of the money realized from the sale of such horses or stock, as provided in the preceding section, the constable shall first retain his fees. He shall then pay to such livery, boarding, or feed stable proprietor or person pasturing such horses or stock, the justice's fee, as herein provided, and also the compensation for caring for, boarding, feeding, or pasturing such horses or stock, or so much thereof as the funds in his hands will permit; and the surplus, if any, he shall pay to the county treasurer, to be held by him for the owner of such horses or stock, for which it was received in payment.

If any person or persons shall within one (1) year after the sale of said horses or stock prove, to the satisfaction of the board of supervisors in the county in which the same were sold, that he, or, they, are entitled to the sum so held by the county treasurer, or any part thereof, said board of supervisors shall order said sum to be paid over to such person or persons, and if not so proven within one (1) year, then the same shall become a part of the common school fund of said county.

All sales made by any constable under the provisions of this Act shall convey a good and valid title to the purchaser or purchasers, and the owner of said horse or stock so sold shall be forever barred from all right to recover the same.

SEC. 2. This Act shall take effect immediately from and after its passage.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bill No. 834—An Act to add a new section to the Civil Code of the State of Californa, to be known and numbered as Section 328, relating to lost or destroyed certificates of stock of a corporation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trust by such corporation," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 737—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I thereof, a new section, numbered 496½, relating to the punishment of attempts to commit grand or petit larceny.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 855—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 166 passed on file.

Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relative to the compensation of the officers of counties of the fiftieth class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 916—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 892—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Read second time.

The following amendment was submitted by Mr. Dorsey:

Amend by inserting in section one, line thirty-one of printed bill, after the word "alfalfa," a comma.

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 568 and 406 passed on file.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 389—An Act to amend Section, 401 of the Civil Code, relating to the extension of the corporate existence of corpo-

rations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor, in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

F. J. BRANDON, Secretary of the Senate.

Assembly Bills Nos. 389, 476, 477, and 181 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

F. J. BRANDON, Secretary of the Senate.

Assembly Bills Nos. 514, 103, 420, and 318 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges

Senate Bill No. 589—An Act to amend an Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco"

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and

market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relating to the appointment of officers of election to constitute election boards.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 675 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

Mr. Lewis of Riverside moved to take up the Governor's message.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 26, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly.

Also: Assembly Bill No. 24—An Act to amend Section 1885 of the Political Code, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 25—An Act to amend Section 1882, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep,

Also: Assembly Bill No. 123—An Act to amend Section 680 of the Political Code, relating to investing school funds.

Also: Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election and their final destruction

GEO C. PARDEE,
Governor of the State of California.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 74—An Act to add a new section to the Political Code of the State of California, to be numbered ———, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance

Also: Assembly Bill No 887—An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process

Report the same back, and a majority recommend that they do pass.

Also: Assembly Bill No. 783—An Act to amend Section 2756 of the Civil Code, relating to insurance—report the same back, with the recommendation that it do pass.

JOHNSON, Chairman.

RECESS.

At five o'clock P. M., the Speaker declared the Assembly at recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

MOTION.

Mr. Brown moved that during this evening's session debate on any bill at any stage be restricted to five minutes to any member participating in the debate.

So ordered.

THIRD-READING FILE.

Assembly Bill No. 684—An Act to prevent the propagation by seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Read third time.

Mr. Foster moved that a select committee of one be appointed to amend Assembly Bill No. 684, as follows:

Amend by adding after the word "to" in line three, section one of the printed bill, the word "knowingly."

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 684—An Act to prevent the propagation by seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass—with instructions, does now report that the instructions of the Assembly have been carried out.

FOSTER, Committee.

Report adopted.

Ordered to print and re-engrossment.

Mr. Mott moved that the Assembly do now consider Assembly Bill No. 613.

So ordered.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Title read and approved.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, at seven o'clock and forty-two minutes P. M., Mr. Goodrich moved a call of House.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES — Messrs. Allen, Bangs, Barnes, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Steadman, Transue, Walker, Waste, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Mr. Knight moved to substitute on the file Assembly Bill No. 379, number 104 on the file, in place of Assembly Bill No. 523, number 85 on the file.

So ordered.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stanton, Transue, Walker, Waste, Wright, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Black, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Steadman, Transue, Walker, Waste, Wright, and Mr. Speaker—44.
NOES—None

Title read and approved.

Assembly Bills Nos. 687 and 210 passed on file.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs. Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Waste, Wright, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Assembly Bill No. 691—An Act to prohibit the sale of spirituous or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Steadman, Walker, Waste, Wright, and Mr. Speaker—45.
NOES—Messrs Boisson and Hart—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Knight gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 691 was on this day passed.

Assembly Bill No. 343—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker.
NOES—None.

Title read and approved.

Assembly Bill No. 604 passed on file.

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKen-

ney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—49.
NOES—Mr. Mattos—1.

Title read and approved.

Mr. Johnson moved to substitute on the file Assembly Bill No. 758, number 213 on file, for Assembly Bill No. 520, number 116 on file.

So ordered.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Mr. Knight moved to substitute on file Assembly Bill No. 194, number 253 on file, for Assembly Bill No. 496, number 118 on file.

So ordered.

Assembly Bill No. 194—An Act to appropriate $1,000 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Boisson, Brown, Covert, Dorsey, Drew, Ells, Foster, Greer, Hart, Higgins, Howard, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Murphy, Pann, Prescott, Pyle, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—43.
NOES—Messrs. Amerige, Black, Burgess, Carter, Cromwell, Dougherty, Dunbar, Dunlap, Goodrich, John, Johnstone, Olmsted, and Weger—13.

Title read and approved.

Assembly Bill No. 605 passed on file.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Boisson, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—49.

NOES—Messrs. Bangs, Covert, Howard, Killingsworth, and Mattos—5.

Title read and approved.

PRIVILEGES OF THE HOUSE.

On motion of Mr. Johnson, the privileges of the floor were extended to the Hon. Charles A. Swisler, an ex-member of the Assembly.

MOTION.

Mr. Allen moved that the Assembly do now consider Assembly Bill No. 389.

So ordered.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

The following Senate amendment was submitted:

SENATE AMENDMENT.

Amend by adding after the word "accordingly" in line sixteen, page two, the words: "upon the filing of such certified copy in the office of the Secretary of State there shall be paid the same fees required by law to be paid upon filing articles of incorporation with the same capitalization."

The question being, "Shall the Assembly concur in the Senate amendment?"

The roll was called, and the Assembly concurred in the Senate amendment by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Ellis, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—47.

NOES—Messrs. Dunlap and Mahany—2.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township government," approved April 1, 1897, relating to the duties of Public Administrator.

Read third time.

Mr. McCartney moved that a select committee of one be appointed to amend Assembly Bill No. 527, as follows:

Amend by striking out after title and before section one the following words: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 527—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township government," approved April 1, 1897, relating to the duties of Public Administrator—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Prescott, Stansell, Stanton, Steadman, Transue, Walsh, Waste, Weger, and Mr. Speaker—44.

NOES—Messrs. McCartney, Walker, and Wright—3.

Title read and approved.

RESOLUTION.

By Mr. Waste:

WHEREAS, According to the published accounts contained in the local papers, the stork has visited the home of Assemblyman Stansell, and has left in his keeping a fair Native Daughter; and

WHEREAS, This accounts for the unusually broad smile that illumines the countenance of our genial fellow-member;

*Resolved*, That the Assembly hereby extends to Mr. and Mrs. Stansell, sincere congratulations.

Mr. Waste moved the adoption of the resolution.

Resolution adopted.

THIRD-READING FILE—(RESUMED).

Mr. Stanton moved to substitute on the file Assembly Bill No. 775, number 228 on the file, for Assembly Bill No. 667, number 124 on file.

So ordered.

Assembly Bill No. 775—An Act to provide for the laying out, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement.

Read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McNeil, Olmsted, Prescott, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Assembly Bill No. 421 passed on file.

Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years and females in mines and smelters.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Black, Brown, Burgess, Covert, Dorsey, Dougherty, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, Murphy, Olmsted, Pann, Prescott, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Assembly Bills Nos. 551, 72, and 142 passed on file.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at nine o'clock and thirty-two minutes P. M., Mr. Dougherty moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barnes, Black, Boisson, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—49.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and thirty-eight minutes P. M., Mr. Mattos moved that further proceedings under call of the House be dispensed with.

So ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Boisson, Brown, Burgess, Carter, Covert, Dorsey, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Pann, Prescott, Stansell, Steadman, Transue, Walker, Walsh, Waste, and Mr. Speaker—43.

NOES—Messrs. Allen, Black, Dunbar, King, Mahany, Stanton, and Wright—7.

Title read and approved.

Mr. Knight moved that Senate Bill No. 589 be recalled from Committee on Municipal Corporations and placed on the Senate special file.

So ordered.

MESSAGES FROM THE SENATE.

Mr. McCartney moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Concurrent Resolution No. 16—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 18th day of February, 1903.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities and counties, or towns.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ——, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Assembly Bill No. 38—An Act to pay the claim of C. W. King, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Senate Concurrent Resolution No. 16—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 18th day of February, 1903.

Referred to Committee on Municipal Corporations.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Read first time.

Mr. Dunbar moved that Senate Bill No. 567 be placed on Senate special file, without reference to committee.

So ordered.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered——, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read first time, and referred to Committee on Mines and Mining Interests.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Read first time.

Mr. Carter moved that Senate Bill No. 606 be placed on Senate special file without reference to committee.

So ordered.

Assembly Bill No. 38 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate herewith returns to your honorable body Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—as per your request.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Returned from the Senate for amendment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making an appropriation therefor.

Also: Assembly Bill No 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No 803—An Act to provide for the payment of the claim of M. F. Cochrane—have had the same under consideration, and respectfully report the same back without recommendation.

DORSEY, Chairman.

ADJOURNMENT.

At ten o'clock P. M., on motion of Mr. Brown, the Assembly adjourned until ten o'clock A. M. of Saturday, February 28, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 28, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson,

Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—66.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Knight, Bliss, Kelso, and Snyder for the day; to Messrs. Allen, Prescott, and McConnell until Monday, March 2, 1903, and to Mr. Copus until Tuesday, March 3, 1903.

READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, February 26, 1903, was read, corrected, and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 741—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen with the powers of peace officers to serve upon the premises, cars, or boats of railroad and steamship companies," approved March 23, 1901.

Assembly Bill No. 309—An Act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, hotel-keepers, boarding and lodging-house keepers, for personal property of their guests intrusted to their care.

Assembly Bill No. 709—An Act to amend an Act entitled "An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 710—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Assembly Bill No 340—An Act to protect employés and guarantee their right to belong to labor organizations.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Assembly Bill No 792—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered DCLXXIX, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Assembly Bill No. 73—An Act to amend Section 22 of an Act entitled "An Act to define, regulate, and govern the State prisons of California," approved April 15, 1888.

Assembly Bill No. 740—An Act to regulate the letting of contracts for the erection, improvement, or repair of public school buildings.

Assembly Bill No. 784—An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.

Assembly Bill No. 730—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Assembly Bill No. 487—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Assembly Bill No. 581—An Act for the protection of viticultural interests of the State and making an appropriation therefor.

Assembly Bill No. 391—An Act to repeal Section Number 644 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Assembly Bill No. 392—An Act to repeal Section Number 645 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Assembly Bill No. 393—An Act to repeal Section Number 646 of Chapter II of Title XV, Part I of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Assembly Bill No. 772—An Act to add a new section to the Political Code of the State of California, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office

Assembly Bill No. 848—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Assembly Bill No. 19—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Assembly Bill No 888—An Act to amend Sections 771 and 777 of the Political Code, relating to reporting and publishing decisions of the Supreme Court.

Assembly Bill No. 833—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor

Assembly Bill No 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps, approved March 31, 1891,' and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 719—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Assembly Bill No. 849—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Assembly Bill No. 852—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Assembly Bill No. 785—An Act to provide special quarters in county jails, city and county jails, city jails, or police stations, for juvenile prisoners.

Assembly Bill No. 796—An Act to amend and re-enact Section 4161 of the Political Code in relation to the duties of County Treasurers in respect to public moneys.

Assembly Bill No 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending subdivision twenty-two of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months; and providing for the publication of a fair statement of all the proceedings of the board.

Assembly Bill No 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, and jackrabbits or hares.

Assembly Bill No. 793—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of $100.

Assembly Bill No. 628—An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General.

Assembly Bill No. 627—An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions.

Assembly Bill No. 625—An Act to amend Section 4256 of the Political Code of the State of California, defining the duties of the District Attorney.

Assembly Bill No. 624—An Act to amend Section 90 of the Civil Code of the State of California, relating to dissolution of marriage.

Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions.

Assembly Bill No. 817—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Assembly Bill No. 276—An Act to amend Chapter III, Title III, Part II of the Penal Code of California, relating to magistrates, by changing the title thereof to "Magistrates," and substituting new sections for Sections 806 and 809 thereof.

Assembly Bill No. 277—An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819, and 827 of Chapter IV, Title III, Part II of the Penal Code of California, relating to warrants of arrest.

Assembly Bill No. 278—An Act to amend Sections 858, 861, 870, 871, 877, 878, repealing Section 864, and adding Sections 884 and 885 in Chapter VII, Title III, Part II of the Penal Code of California, relating to preliminary examinations before magistrates.

Assembly Bill No. 279—An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II of the Penal Code of California, relating to pleadings in criminal actions.

Assembly Bill No. 280—An Act to amend Section 1258 of the Penal Code of California, and to add thereto a new section, to be known as Section 1256, both relating to appeals.

Assembly Bill No. 281—An Act to amend Section 1404 of the Penal Code of California, relating to errors in pleadings and proceedings.

Assembly Bill No. 282—An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution for a public offense.

Assembly Bill No. 283—An Act to add a new section to the Penal Code of California, to be known as Section 1405, relating to estoppel in criminal action.

Assembly Bill No. 284—An Act to add two new sections to the Penal Code of California, namely, Sections 1132 and 1133, relating to variance.

Assembly Bill No 285—An Act to amend Section 1326 of the Penal Code of California, relating to subpœnas.

Assembly Bill No. 711—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Assembly Bill No. 34—An Act to amend the Civil Code by adding a new section thereto, to be numbered 133, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Assembly Bill No. 850—An Act to amend Section 10 of an Act to provide for the organization and management of county fire insurance companies.

Assembly Bill No. 898—An Act to regulate the collection of premiums on accident and casualty reinsurance.

Assembly Bill No. 355—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 379, relating to the publication of the financial conditions of corporations, except banking and insurance companies and building and loan societies.

Assembly Bill No. 824—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Assembly Bill No. 683—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Assembly Bill No. 823—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Assembly Bill No 881—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Assembly Bill No. 805—An Act to add a new section to the Penal Code, to be known as 626*n*, making it a misdemeanor to hunt, pursue, kill or destroy certain birds by the aid of artificial light.

Assembly Bill No 841—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Assembly Bill No. 734—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883,'" approved February 8, 1889.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Assembly Bill No. 904—An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons.

Assembly Bill No. 778—An Act to amend Section 2955 of the Civil Code of California, relating to the mortgaging of personal property.

Assembly Bill No. 834—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 328, relating to lost or destroyed certificates of stock of a corporation.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for

Assembly Bill No. 737—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Assembly Bill No 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII. Part I thereof a new section, numbered 496½, relating to the punishment of attempts to commit grand or petit larceny.

Assembly Bill No. 855—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of officers of the counties of the fiftieth class.

Assembly Bill No 916—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the salaries and fees of county and township officers in counties of the thirty-sixth class.

Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the salaries and fees of county and township officers in counties of the forty-fourth class.

AMERIGE, Chairman.

COMMUNICATION.

The Speaker presented the following communication from the Secretary of State of the State of Nevada, transmitting a concurrent resolution adopted by the Legislature of that State:

STATE OF NEVADA, DEPARTMENT OF STATE,
CARSON CITY, February 23, 1903.

*To the Speaker of the House, California Legislature:*

DEAR SIR: Enclosed herewith find a copy of Senate Concurrent Resolution No. 6, passed by the Nevada Legislature and forwarded to you as per instructions contained therein.

Yours respectfully,

W. G. DOUGLASS, Secretary of State.
By GEO. N. NOEL, Deputy.

Senate Concurrent Resolution No. 6—Relative to the appointment of a special committee to confer with a like committee from the California Legislature, regarding the pollution of the waters of the Truckee River, and such remedial legislation as will correct this evil on this interstate stream.

WHEREAS, Certain parties connected with manufacturing interests situated on the Truckee River in California, west of the boundary line between this State and California, have been discharging refuse and deleterious matter impregnated with acids and other poisonous chemicals into the waters of the Truckee River; and

WHEREAS, Such refuse and drainage from such manufactories must necessarily be and is a menace to the health of a large number of people who are compelled to use the waters of the Truckee River for domestic purposes; and

WHEREAS, The continuance of this custom on the part of said parties will eventually destroy the fish in this stream, thereby destroying an interest of great value to California as well as this State; therefore, be it

*Resolved*, That a committee of three members from the Senate, and four members from the Assembly, be appointed by the respective presiding officers of each body to confer with a similar committee from the California Legislature and urge such legislation as will correct this evil.

*Resolved further*, That if expedient and practical said committees meet at Truckee at some convenient time to investigate the conditions as above set forth and report to the Legislatures of the respective States.

*Resolved further*, That said committees be empowered to summon witnesses and secure analyses of the water and such other information and evidence as necessary for proper investigation.

*Resolved*, That a copy of this preamble and concurrent resolution be forwarded to the President of the Senate and Speaker of the Assembly, respectively, of the California Legislature.

L. ALLEN, President of the Senate
C. H. MCINTOSH, Secretary of the Senate.
MARION S. WILSON, Speaker of the Assembly.
J. A. CLARK, Chief Clerk of the Assembly.

Approved February 23, 1903. JOHN SPARKS, Governor.

Senate Concurrent Resolution No. 6. Introduced by Washoe Delegation February 5, 1903. Relative to the appointment of a special committee to confer with a like committee from the California Legislature regarding the pollution of the waters of the Truckee River, and such remedial legislation as will correct this evil on this interstate stream February 5, 1903, rules suspended, reading had, considered first reading of the resolution, rules further suspended, read second time by title and referred to Washoe County Delegation. February 6, 1903, reported back by delegation with the recommendation that it be adopted, rules suspended and resolution considered engrossed, placed on third reading and final passage, and passed by the following vote: Yeas, 13; nays, none; absent, 4. Transmitted to the Assembly February 6, 1903. E. F. George, Assistant Secretary of Senate. February 9, 1903, received in the Assembly, rules suspended, reading had, considered first reading, rules further suspended, read second time by title, and referred to Washoe County Delegation. February 16, 1903, reported back from Committee of Washoe Delegation, with recommendation that the Assembly do concur, placed upon third reading and final passage, and passed by the following vote: Yeas, 34; nays, none; absent, 3. Returned to Senate. F. C. Armstrong, Assistant Clerk of Assembly. February 17, 1903, received in Senate and sent to enrollment. E. F. George, Assistant Secretary of Senate.

Filed in office of the Secretary of State, February 23, 1903.

W. G. DOUGLASS, Secretary of State.
By GEO. N. NOEL, Deputy.

STATE OF NEVADA, } ss.
DEPARTMENT OF STATE, }

I, W. G. Douglass, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the original Senate Concurrent Resolution No. 6, passed by the twenty-first session of the Nevada Legislature, now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of State, at my office in Carson City, Nevada, this 23d day of February, A. D. 1903.

W. G. DOUGLASS, Secretary of State.
[SEAL] By GEO. N. NOEL, Deputy.

Ordered printed in the Journal.

Consideration of the resolution continued until Monday, March 2, 1903.

## REPORTS OF STANDING COMMITTEES.

### ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

### ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20,

1901, relating to the term of office of members of said board—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRANSUE, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901—have had the same under consideration, and respectfully report the same back with a recommendation that it do pass.

WALSH, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 873—An Act to amend Section 2199 of the Political Code, relating to restrictions upon admission of insane persons to asylums of this State—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

MOTIONS.

Mr. McCartney moved that Senate Bill No. 560 be recalled from Committee on Judiciary and placed on Senate special file, being identical with Assembly Bill No. 854, number 316 on file.

So ordered.

Mr. Mahany moved that the Assembly do now consider the motion to reconsider the vote whereby Assembly Bill No. 691 was on yesterday passed.

So ordered.

Mr. Mahany moved to lay the motion on the table.

So ordered.

Mr. Ells moved that Senate Bill No. 422 be placed on Senate special file without reference to committee, the same being identical with Assembly Bill No. 667.

Mr. Wright moved that the rules be suspended, and that the Assembly do now consider Senate Concurrent Resolution No. 16.

So ordered.

SENATE CONCURRENT RESOLUTION No. 16.

Approving an amendment to the Charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants, and

WHEREAS, At a special municipal election duly held in said city on Monday, November second, eighteen hundred and ninety six, in accordance with law and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, and

WHEREAS, The same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last-named day returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: the Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February twenty-third, eighteen hundred and ninety-seven; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February twenty-fourth, eighteen hundred and ninety-seven (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the Legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and

WHEREAS, On the fifth day of March, eighteen hundred and ninety-seven, by concurrent resolution of the Senate and Assembly of the said Legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the twenty-fourth day of March, eighteen hundred and ninety-seven, and was, after being so recorded deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved, has not been amended within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said city, by ordinance duly and regularly passed by said Common Council in accordance with law and with the provisions of said charter on the fifteenth day of December, nineteen hundred and two, and approved by the Mayor of said city on the fifteenth day of December, nineteen hundred and two, did, in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José, certain amendments to the said charter of said city, said amendments being two in number; and

WHEREAS, Said ordinance so passed and approved as aforesaid, called a special election to be held on Wednesday, the eighteenth day of February, nineteen hundred and three, for the purpose of submitting, and submitting to the qualified electors of said city said proposed amendments to said charter; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days, after its passage and approval, in the Evening News, a daily newspaper published and of general circulation in the said City of San José; and

WHEREAS, Said special election was held in the said City of San José on Wednesday, the eighteenth day of February, nineteen hundred and three, which day was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and

WHEREAS, On the twentieth day of February, nineteen hundred and three, at a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the eighteenth day of February, nineteen hundred and three, one of said proposed amendments was ratified by more than a majority of the votes of the qualified electors voting thereat, and one of said proposed amendments received less than a majority of the votes of said qualified electors; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that one of said proposed amendments had been ratified by a vote of more than a majority of the qualified electors voting at said election, and that one of said proposed amendments had received less than a majority vote of said qualified electors; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the Legislature of the State of California for approval

or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said amendment to said charter so ratified by more than a majority of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows, to wit:

AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSÉ, RATIFIED BY THE VOTES OF MORE THAN A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND THREE.

That section thirteen of chapter three of article five of said charter is hereby amended to read as follows:

Section 13. Out of the General Fund shall be paid all claims not provided to be paid out of any other specific fund, *provided however* that the Mayor and Common Council may apportion any surplus moneys in the General Fund to any other specific fund whenever in their judgment the public interests will be subserved by such apportionment.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, } ss.
CITY OF SAN JOSÉ. }

This is to certify that we, G. D. Worswick, Mayor of the City of San José, and Jos A. Belloli, Jr., City Clerk of the said City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on Wednesday, the eighteenth day of February, nineteen hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San José, this twenty-fourth day of February, nineteen hundred and three.

G. D. WORSWICK,
Mayor of the City of San José.
JOS. A. BELLOLI JR.,
[SEAL] City Clerk of the City of San José.

Now therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the said City of San José.

Resolution read.

Mr. Wright moved that the Assembly do now concur in Senate Concurrent Resolution No. 16.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Greer, Hart, Higgins, Howard, John, Johnson, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—None.

MOTION.

Mr. Higgins moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 895.

So ordered.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That Assembly Bill No. 895 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Higgins moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea; Foster, Gleeson, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—56.

NOES—None.

Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Read second time.

MOTION.

Mr. Higgins moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 895.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 895 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Read third time, and ordered considered engrossed.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—55.

NOES—None.

Title read and approved.

MOTION.

Mr. Dunbar moved that the rules be suspended, and that the Assembly do now consider Senate Concurrent Resolution No. 12.

So ordered.

SENATE CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

WHEREAS, The City of Santa Rosa, in Sonoma County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on December third, nineteen hundred and one, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eighth day of February, nineteen hundred and two, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was on the tenth day of February, nineteen hundred and two, returned, one copy thereof to the Mayor of said city, and the other copy thereof to the County Recorder of the County of Sonoma (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: in "The Press Democrat," for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Common Council thereof, to the qualified electors of said city, at a general election, previously duly called, and thereafter held in said city on April second, nineteen hundred and two; and

WHEREAS, The returns of said election were duly canvassed by said Common Council of the City of Santa Rosa, at its meeting held on April seventh, nineteen hundred and two, and said Common Council found as the result of said canvass, and did duly determine and declare, that there were cast at said election fourteen hundred and seventy-four votes, that there were cast in favor of said charter six hundred and eleven votes, that there were cast against said charter five hundred and thirty-two votes; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to wit:

*Article I—Name and Corporate Rights.*

SECTION 1. The municipal corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It may have and use a common seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within and without the city limits; may receive property of any kind by bequest, donations, or gifts, for the use of said city, or the inhabitants thereof, or for charitable, public, or other purposes and may do and perform any and all acts requisite for such bequests, donations, or gifts, and shall have power to sell, grant, donate, give, or dispose of any and all such property and fulfill or carry out any trust imposed upon it, and it is hereby declared to be the successor of the existing municipality.

*Boundaries.*

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets, in said city: thence running due east three fourths of a mile; thence due south one and one half miles; thence due west to the westerly line of the San Francisco and North Pacific Railway; thence along the westerly line of said railway to the north bank of Santa Rosa creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land of Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning. All situate in Sonoma County, California.

*Jurisdiction.*

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over the lands, rights of ways, easements, property and appurtenances of the sewer farm and the sewer outlets and rights, privileges appertaining thereto; to the land, water, property, property rights, privileges, easements and appurtenances, and all property, real, personal and

mixed, of the water works now owned, possessed or controlled, or that may hereafter be acquired by the city; and to all other property, real or personal, belonging to said city, within or without the limits of said city now owned, controlled or possessed by said city, or that may hereafter be acquired; and the jurisdiction of this city shall extend over the cemeteries situate within one mile from the exterior boundaries of said city.

*Article II—Elections.*

SECTION 1. An election shall be held in said city for the election of the elective officers provided for by this charter on the first Tuesday of June, A. D. nineteen hundred and three, and every two years thereafter, on the same day.

SEC. 2. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days next preceding any general or special election, and who are entitled to vote for members of the legislative assembly, shall be entitled to vote at all elections in said city.

SEC. 3. The conduct and carrying on of all city elections shall be under the control of the Common Council, and the Common Council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts, for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and county officers at the last general election preceding the city election.

SEC. 4. The provisions of the general laws of the State governing elections for State and county officers not inconsistent with the provisions of this charter shall govern city elections in matters for which no provision is made in this charter, or by ordinance or order passed in pursuance thereof.

SEC. 5. The Common Council shall have power, and it is hereby made their duty, by ordinance or by an order entered on their minutes, to designate their time and places of holding said elections; designate and appoint the officers not less than three for each precinct for conducting said election, canvassing the votes, and declaring the result; and to fix their compensation.

SEC. 6. The Common Council shall by ordinance, or by an order entered on their minutes, fix the place for holding all city elections. They shall by ordinance, or by an order entered on their minutes at least fifteen days before the election in each year, direct the City Clerk to post a notice of said election, and shall also direct a like notice to be published in some newspaper or newspapers published in said city, designated in said order, and shall by like ordinance or order appoint officers of election, and prescribe their duties. Such officers shall be qualified electors of said city. The City Clerk shall, after the passage of said ordinance, or the entry of said orders, and at least ten days before the day of election, post a notice of such election in three public places in said city; and shall be directed by said ordinance, or by said order, to publish said notice in the newspaper or newspapers designated in said order or ordinance. Said notice shall designate the time and places of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the officers appointed to conduct said election. At the time for opening the polls, said officers shall appear at the place of said election, but if either of them fail to appear and serve, the bystanders may elect some qualified elector to serve in the place of said absent officer or officers. The officers so appointed to conduct said election shall be sworn to the faithful performance of their duties, before entering upon the performance thereof. The ballot-box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared in the manner provided by ordinance duly passed by the Common Council. Returns from each precinct should be made to the City Clerk as provided by ordinance or order of the Common Council duly entered upon their minutes.

SEC. 7 The person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two elective city offices at one time. If two persons receive the same number of votes for any office, and an election be thereby prevented, the Common Council shall elect one of said persons to said office, and cause a certificate of election to be issued to him The Mayor shall issue the certificates of election to the persons elected, which certificate shall be attested by the clerk.

SEC 8 Any person who has, at any election, received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice in writing on the person declared by said officers to be elected to said office, notifying that he will contest said election before the Common Council, and shall file a copy of said notice with the City Clerk. Said Common Council are directed to set a time and place to hear testimony, examine witnesses and the ballots cast for said office at said election, and determine between the said contestants which decision shall be entered on the minutes, and shall be final and conclusive. If no certificate of election has been issued, they shall direct that a certificate issue to the person so found to be entitled to the office. If a certificate of election has been issued to the wrong person, they shall, by order on the minutes, declare such certificate null and void, and the person to whom the Common Council shall direct the certificate to be issued shall be deemed to be the person elected.

*Article III—Officers of the City.*

SECTION 1. The officers of the city shall be a—
Mayor,
Six Councilmen,
City Clerk,
City Assessor and Tax Collector,
City Attorney,
Superintendent of Streets and Public Works,
City Treasurer,
Chief of Police,
Judge of the Police Court,
City Engineer,
Five members Board of Education,
Five Library Trustees,
Board of Health, consisting of five members.

*Article IV—Legislative Department.*

SECTION 1. The legislative power of the city shall be vested in a Common Council, who shall be elected every four years, and shall consist of six members, to be nominated and elected by the city at large.

SEC. 2. At the first election provided in this Act, six Councilmen shall be elected, three of whom shall hold their offices for two years, and the other three for four years. The terms of office of those elected at the first election shall be determined by lot. At every election thereafter three Councilmen shall be elected.

*Article V—Powers of the Common Council.*

SECTION 1. The Common Council shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the Constitution of the United States or of this State.

One—To manage and care for the property, money, and finances of the city.

Two—To lay out, alter, establish, open, widen, or to reduce in width, vacate, construct, reconstruct, grade, pave, gravel, macadamize, curb, repair, improve, sweep, clean, sprinkle, and keep in order all streets, roads, lanes, alleys, sidewalks, crossings, gutters, bridges, public squares, public parks, and places; to acquire and erect statuary or works of art, to plant ornamental or shade trees; to establish, change, or alter grades of streets, alleys, sidewalks, crossings, and gutters; to lay out, construct, establish, and build gutters, culverts, sewers, and drains; to drain, sprinkle, light, ornament, and keep in order all public streets, alleys, sidewalks, courts, parks, streams, creeks, or watercourses, squares, or public places, to remove obstructions therefrom, and generally to manage, control, and care for all such bridges, streets, sidewalks, curbs, lanes, alleys, squares, highways, sewers, and public places, and do all other things for the care, improvement, and conduct of said city.

Three—To establish, maintain, and regulate a fire department, and to provide engines, apparatus, measures, or materials for the prevention or extinguishing of fires; to define and regulate fire limits

Four—To provide for lighting public buildings, streets, and grounds with artificial light.

Five—To provide for printing the charter and ordinances and other necessary printing for the city, and to provide the city or public buildings, grounds, streets and public places with water.

Six—To contract for the lighting of the streets and public buildings with gas, natural or artificial, electricity or artificial lights of any kind, no such contract to continue for a longer period than two years, unless as otherwise provided in this charter, and to be let only after public notice and to the lowest responsible bidder.

Seven—To authorize the letting of contracts for street work, street sprinkling, street repairs or building, construction or repairs of sewers, or grading, graveling, paving, macadamizing, curbing or laying sidewalks or any and all kinds of public works, to the lowest responsible bidder, after public notice thereof

Eight—To define nuisances; to prevent and remove nuisances within the city, or along or in any creek or watercourse or near the city limits.

Nine—To regulate or prohibit the storage or placing of gunpowder, hay, dynamite or other dangerous or destructive combustibles.

Ten—To prevent disturbances of the peace, to prohibit disorderly conduct; to license, regulate and prohibit junk dealers; to license or regulate taverns, billiard tables, saloons, theatrical shows, circus or performances of all kinds, concerts and all public entertainments and amusements; to regulate parades or processions, to license or regulate saloons, hawkers, peddlers, pawnbrokers, bill-posters, baggage or express wagons, hacks, cabs and carriages; to regulate or prohibit dance houses, houses of assignation, ill fame, and disorderly houses of all kinds.

Eleven—To prevent the running at large of horses, swine, sheep, goats, mules, and cattle, and regulate the driving of same through public streets; to impound the same and sell the same to cover costs and expenses in taking, caring for, or selling them; to compel the muzzling or killing of dogs; to provide for killing dogs for non-payment of taxes thereon.

Twelve—To establish and regulate markets, booths, and stands; to regulate or prohibit slaughter-houses within the city.

Thirteen—To establish and maintain a police department, and to regulate the same; to provide for a chain-gang, and to authorize persons committed for non-payment of fines to work out such fines and costs of their trial and imprisonment

Fourteen—To care for, build, or improve bridges over creeks or watercourses; to establish public reservoirs for water, and to provide and maintain a water works for the supply of the city and inhabitants with water; to own, control, manage, and conduct a system of water works; to regulate any water system, or water works, or water supply, whether owned by the city or not; to purchase or obtain water rights, water supplies, and any and all lands, rights of way, water easements and appurtenances for the same; to build dams or embankments in any creek or watercourse, to impound water in any such creek or watercourse for a public swimming lake or for public baths.

Fifteen—To impose fines, imprisonments, and punishments for violating ordinances of the city, and to impose penalties therefor; *provided*, that no ordinance shall fix a fine for one offense above two hundred and ninety-nine dollars, or imprisonment for more than one hundred and forty-nine days, and providing that alternative judgment may be entered imposing a fine, and on failure to pay the same imprisoning the offender one day for each two dollars of the fine, or to cause such persons to work out the same at the rate of two dollars for each day's work.

Sixteen—To provide for the removal of dirt, filth, weeds, and obstructions from the streets, alleys, sidewalks, or public places, and making it an offense punishable by fine for depositing or leaving boxes, stone, dirt, filth, slop, garbage, or any obstruction upon any public street, sidewalk, lane, alley or public place, or to obstruct any sewer, culvert, or other outlet.

Seventeen—To prevent and remove nuisances within the city or along the banks of or in any creek in the city or near the limits of the city.

Eighteen—To prevent the introduction into the city or spreading of infectious diseases; to provide hospitals, prisons, jails, workhouses; to suppress and punish vagrants, mendicants, thieves, pickpockets, bawds, and prostitutes; to punish by fine the owners of vicious or dangerous dogs; to kill such dogs; to provide for measurement, weight and sale of coal oil, wood and coal; to regulate the police; to provide for sanitary matters and preserve the public health.

Nineteen—To regulate the sanitary condition of public cemeteries in the city or within one mile from the exterior limits of the city.

Twenty—To provide for the burial of indigent dead.

Twenty-one—To purchase, lease, acquire by gift or donation any building for city purposes, or for the use of any of the departments; to purchase, lease or acquire by condemnation or otherwise land for public parks, streets or sidewalks thereof.

Twenty-two—To provide for carrying out the provisions of this charter, and the execution of all the powers herein granted.

Twenty-three—The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for a fund to be known as the relief fund for aged and disabled firemen and policemen. Said fund may be provided for by a tax levy, or in such other manner as the Common Council may deem best.

Twenty-four—The Common Council shall have the power and authority to grant the use of the streets for street fairs and all purposes which in their judgment seems proper.

Twenty-five—The Common Council shall, at the first meeting in each month, make and publish a statement showing the amount in the city treasury available for the fiscal year over and above the amount necessary to pay the salaries of city officials and employés for the balance of the fiscal year.

Twenty-six—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

SEC. 2. Whenever there shall be presented to the Common Council a petition signed by a number of qualified voters of the city equal to twenty-five per centum of the votes cast at the last preceding city election asking that an amendment to this charter (which shall be set forth in the petition) be submitted to a vote of the electors of the city, the Common Council must submit such proposed amendment to the vote of the qualified electors of the city at the next city election following such presentation, *provided* such petition shall be presented to the Common Council at least ninety days before the next city election. The signatures to the petition need not all be appended to one paper. All of the provisions of the Constitution of the State of California embracing the subject in this section provided for or hereby expressly made applicable to such proposed amendment. The tickets used at such election shall contain the words "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If more than one proposed amendment shall be petitioned for to be voted on at the same election the amendments may be numbered or otherwise designated. But the Common Council shall have power, without any petition therefor, to propose and submit amendments to this charter in the manner authorized by the Constitution of the state. If any amendment submitted at such election shall be ratified by at least three fifths of the qualified electors voting thereat it shall be submitted to the legislature for approval as provided by the Constitution of the State, and if approved by the legislature shall become a part of this charter.

SEC. 3. All ordinances shall be published in some newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Common Council shall prescribe a longer or shorter time in which they shall take effect.

SEC. 4. All ordinances shall be signed as near as may be, in the following form, viz.: In the Common Council, finally passed this ——— day of ———, A. D. ———, Attest: ———, City Clerk. Approved this ——— day of ———, A. D. ———, ———, Mayor of the City of Santa Rosa. Ordinances shall commence with the following enacting clause, viz.: "The Common Council of the City of Santa Rosa do hereby ordain as follows."

SEC. 5. Any four members of the Common Council shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and shall have power to compel the attendance of absent members But no ordinance, resolution, or order shall be passed except there be at least four votes in its favor.

SEC. 6. The Common Council shall be general agents of the city for the management of the affairs thereof, and shall have general supervision and control thereof. They shall have power to make contracts, and shall have power to provide the manner of signing and executing the same.

*Fiscal Year.*

SEC. 7. The fiscal year of the said city shall commence on the first day of July of each year, and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

SEC. 8 The Common Council shall not contract any liability, either by borrowing money, issuing bonds, loaning the credit of the city, or contracting debts, which, singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of five thousand dollars over and above the amount in the treasury.

SEC. 9. No city officer shall contract any debts or incur any indebtedness or liabilities against the city without authority from the Common Council.

SEC. 10. Whenever special meetings of the Common Council are called, notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 11. If the owner of any lot within the limits of the city shall allow the same to become offensive or unsightly, the Common Council shall have the power to declare the same as public nuisance, and upon notice being served upon the owner of said property to have the same cleared, and the order not being complied with, the Common Council shall order the superintendent of streets and public works to clear the same. Any expense incurred in the performance of this duty by the superintendent of streets and public works shall be charged against the property, and shall be collected by the tax collector the same as any other tax.

*Article VI—Executive Department.*

SECTION 1. There shall be a Mayor, who shall be the chief executive officer of the city, who shall be elected and hold office for two years. He shall have been a resident of the city for at least five years, and a qualified voter thereof.

SEC. 2. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests may be protected, and persons in default be proceeded against according to law.

One—He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest

Two—He shall see that the laws of the State, provisions of this charter, and the ordinances of the city are observed and enforced

Three—He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board, or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the Mayor, and may be removed as for malfeasance in office, and he shall submit the report to the Common Council at the next meeting.

Four—He shall have a general supervision over all departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

Five—He shall take all proper measures for the preservation of public order, and the suppression of all riots and tumults, for which purpose he is authorized and empowered

to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the citizens or the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

SEC. 3. The Mayor shall preside at all meetings of the Common Council, and shall be entitled to vote only on questions coming before said Common Council when the votes of the said Common Council are evenly divided.

SEC. 4. The Mayor shall sign all warrants ordered drawn by the Common Council; and shall sign all written contracts entered into by said city, on behalf of the city. All of said contracts shall be executed in duplicate, one copy thereof delivered to the party contracting with the city, and the other filed in the office of the City Clerk for future reference.

SEC. 5. The Mayor shall sign all conveyances made by the said city, and is authorized to acknowledge the execution of all instruments executed by the said city that require to be acknowledged.

SEC. 6. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all said officers elected or appointed; he shall have power to suspend any elective city officer (except a member of the Common Council) for a dereliction, neglect, or non-performance of duty, and shall report the same to the Common Council. During such suspension the officer shall not be allowed a salary. If the Common Council, after a hearing, by affirmative vote of at least five members, approve the suspension, they shall declare the office vacant or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Common Council.

SEC. 7 When and so long as the Mayor is temporarily unable to perform his official duties, the Common Council shall elect one of their number to act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Common Council, assembled for the purpose. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 8. Every ordinance after it has passed the Common Council, shall be signed by the Mayor The Mayor shall return such bill to the Common Council, or file the same with the City Clerk within ten days after receiving it. If he sign the same it shall then become an ordinance, but if he disapprove the bill he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same

SEC. 9. When an ordinance is returned without the approval of the Mayor, the Common Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill be again passed by an affirmative vote of not less than five members, it shall take effect as if the Mayor had approved the same. If the bill fail, on being reconsidered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Common Council.

SEC. 10. The Mayor and Common Council shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law.

*Article VII—Duties of Officers.*

*City Clerk.*

SECTION 1. The City Clerk shall be elected and hold office for two years. It shall be the duty of the City Clerk to keep a record of the proceedings of the Common Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "records of the Common Council" The proceedings of the Board of Equalization shall be kept in a separate book marked "records of the Board of Equalization." He shall keep a book marked "city accounts," in which shall be entered all moneys received by the city for licenses and all other moneys received from all sources, and upon the debtor side shall be entered all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Tax Collector's account," in which he shall charge the Tax Collector up with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned. He shall keep a correct account of all tax lists and assessments and all taxes of every kind to be collected by the Tax Collector. The dates and amounts shall be correctly kept. He shall also keep a book marked "city ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of the ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been published according to law. Said record shall be prima facie evidence of the contents of the ordinance, and of its passage, approval, and publication, and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "demands and warrants," in which he shall make an entry of every demand filed against the city, and the final disposition thereof, whether allowed

or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Tax Collector, taking his receipt therefor He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take the certified demands of the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City Clerk of the City of Santa Rosa." He shall make quarterly reports in writing, showing the receipts and expenditures during the quarter, and a full statement of the financial affairs of the city, at least once a year. He shall report oftener if the Common Council so require It shall also be his duty to collect all licenses imposed by any ordinance of this city. He shall keep a separate book showing all licenses issued, to whom issued and what for. All licenses shall be payable at the office of the City Clerk. He shall also perform all other duties required by law or the ordinances of the city.

*City Assessor and Tax Collector.*

SEC. 2. The City Assessor shall be elected and hold office for two years. It shall be the duty of the City Assessor, as soon after the first Monday in March of each year as practicable, to make a full, true, and correct statement of all of the taxable property within the city, owned or possessed by any person, board, or corporation, at twelve o'clock, noon, on the first Monday in March, of each year, and such additional taxable property as may be included within territory annexed to the city for school purposes; *provided*, that he may adopt the assessed valuation fixed by the county assessor for such property outside of the city limits and within the school district. He shall make out lists, giving the names of owners, and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by county assessors All of said lists shall be verified by his oath, and shall be returned to the Common Council on or before the first Monday of July of each year. But no information shall invalidate said assessment. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment, collect the taxes levied upon the personal property from all persons liable therefor, who shall not own or be assessed with real estate. He shall attend the sessions of the Board of Equalization, whenever requested by the board. It shall be his duty to collect all taxes in this charter provided He shall account for all moneys collected or received by him. He shall receipt to the City Clerk for all tax lists, tax receipts, tax books, and the total amount thereof. He shall diligently collect all taxes and properly account for all moneys belonging to the city received by him, and deposit the same with the City Treasurer, taking his receipt therefor. The Common Council may by ordinance further define the duties of Assessor and Tax Collector.

SEC 3. The City Assessor and Tax Collector shall turn over his receipts daily at the close of each day to the City Treasurer, taking his receipt therefor. When acting as Tax Collector he shall have his office open between the hours of nine A. M. and three P. M of each day, excepting Sundays and holidays, including the last day on which taxes shall become delinquent

*Judge of the Police Court.*

SEC 4. The Judge of the Police Court shall be elected and hold office for two years. He shall have the same jurisdiction in criminal cases which is conferred by the laws of the State on Justices of the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace of Justices' Courts are made applicable to the Judge of the Police Court. The Judge of the Police Court shall have jurisdiction over all cases for violation of the ordinances of the city, and shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or county jail of Sonoma County Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is provided by law for appeals from Justices' Courts. All provisions of the Code of Civil Procedure, relating to appeals from Justices' Courts are applicable to appeals from the judgment of the Judge of the Police Court. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Rosa." He shall have power to issue warrants, writs, summons, and they may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace. He shall keep a docket. All fines collected by him shall be paid into the city treasury. He shall make reports quarterly or oftener if required by the Common Council. The Common Council may by ordinance further define his duties. Any Justice of the Peace of Santa Rosa township shall possess the same powers herein conferred upon the Judge of the Police Court to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices

of the Peace shall not be construed as impairing, reducing, or taking from the Judge of the Police Court any right, power, or jurisdiction vested in him. All fines imposed shall be paid into the city treasury on or before the last day of each month.

*Chief of Police.*

SEC. 5. The Chief of Police shall be appointed and serve during the pleasure of the the Common Council. The department of the police shall be under the direction of the Chief of Police. He shall have all the powers given to peace officers under the laws of this State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on Sheriffs by the laws of the State. His orders shall be promptly executed by the police officers or other officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County or in the city prison of the city. He shall perform all duties imposed upon him by the ordinances of the Common Council, shall be subject to the control of the Common Council, and he may be removed by the Common Council for dereliction of duty. No officer appointed on the police force shall be removed except for cause.

*City Treasurer.*

SEC. 6. The City Treasurer shall be appointed by the Common Council, who shall fix his compensation. He shall do and perform all and every act and thing required of the City Treasurer by this charter or any law or ordinance of the city.

SEC. 7. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor, and countersigned by the City Clerk. He shall make monthly reports to the Common Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Common Council and filed with the City Clerk, and shall perform such other duties as may be imposed on him by ordinance.

*City Attorney.*

SEC. 8. The City Attorney shall be elected and hold office for two years. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute in all cases of violations of the city ordinances or non-compliance therewith, and shall represent the city in all suits in which the city may be a party, or in which the city may be interested. He shall have power in his official capacity to sign informations or charges against persons violating or non-complying with any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints; he may collect the delinquent taxes by suit in the manner provided by law, or as may be provided by ordinance, and shall perform all other duties imposed upon him by ordinances of the city.

*Superintendent of Streets and Public Works.*

SEC. 9. The Superintendent of Streets and Public Works shall be appointed by the Mayor and Common Council of the City of Santa Rosa, and shall be under the control of the Common Council. He shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings, and public grounds, and the improvements thereof. He shall have general supervision of the sewers' outlets, and sewer farm He shall have general supervision of the water works, water plant, and water supply of the city He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, and the sewers, and water of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall have the custody and care of all tools and implements and all property belonging to the city, and he shall care for and be responsible for the safe keeping of the same. He shall attend the meetings of the Common Council. He shall be provided by the Common Council with an office in the City Hall. He shall be required to make a written monthly report and recommendations to the Common Council.

SEC. 10. All property owners in the City of Santa Rosa shall keep their sidewalks free from weeds, growths, and obstructions. It shall be the duty of the Superintendent of Streets and Public Works to see that the sidewalks are kept uniformly clean from weeds and other obstructions. He shall notify property owners to clean sidewalks when, in his judgment, the same is necessary, and if the order is not complied with in one month's time, the Superintendent of Streets and Public Works shall cause the same

to be done. Any expense incurred by the city in the performance of this duty shall be a first lien upon the property, and shall be collected the same as any tax levied by the city.

*Policemen.*

SEC. 11. The Common Council may appoint policemen, who shall be subject to the orders of the Common Council and be under the control of the Chief of Police. They shall be conservators of the public peace, and they shall have the same powers in suppressing riots, tumults, affrays, and in making arrests as is conferred upon the Chief of Police. They shall vigilantly see that the ordinances of this city are enforced As deputies of the Chief of Police, the policemen shall have the authority to serve warrants and process of law issued by the Judge of the Police Court or other legal process authorized by ordinance. The Mayor and Chief of Police may provide extra police for special occasions, to serve from day to day, and who shall have like power as regular policemen. The Common Council shall fix their compensation.

*City Engineer.*

SEC 12. There shall be a City Engineer, who shall be appointed by the Mayor, subject to the approval of the Common Council, and shall hold office at the pleasure of the Mayor. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Common Council, and shall certify to the progress and completion of the same, and shall also make such maps, plats, plans, and specifications as the Common Council may direct. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings are constructed in a safe and substantial manner and according to the requirements of law and the city ordinances; and it shall also be his duty to cause the arrest of and prosecute all persons failing or refusing to comply with the law or ordinances in relation thereto.

SEC. 13. He shall act as inspector of plumbing and draining, and to him, as such, plans and specifications of all contemplated constructions, improvements, repairs, and alterations within the city shall be submitted for his examination and report; he shall number and file the same, and record the name of the owner and architect and location.

SEC. 14. He shall examine all plans and accompanying specifications, and, if in accordance with the rules of the Board of Health, he shall issue a permit for the work to go on. Any plan or specification that in his judgment does not conform to the rules shall not be approved, but shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

SEC 15. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

SEC. 16. He shall make a monthly report to the Common Council of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the Board of Health

SEC 17. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the Common Council and do such other work pertaining to his profession as he may be directed to do by the Common Council or by any general law of the State of California He shall keep a public office within the city, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference All such records, maps, plats, surveys and certificates, including monuments, shall be the property of the city, and shall be turned over to his successor in office.

*Article VIII—Bonds, Terms, and Salaries of Officers*

SECTION 1. Every officer provided for in this charter shall, within twenty days after receiving his certificate of election or appointment, qualify, by giving the bond required by this charter or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability"

SEC. 2. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not be considered unreasonable by the Common Council

SEC. 3. In case the premium should be considered extortionate, then a bond may be given with personal sureties All official bonds shall be approved or rejected by the Common Council by an order entered on the minutes.

SEC. 4. The Common Council may, at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of an officer to furnish a satisfactory bond, at the request of the Common Council, his

office shall be declared vacant, and as soon as such declaration is made the office becomes vacant.

SEC. 5. All premiums on official bonds shall be paid by the City of Santa Rosa.

SEC. 6. All bonds shall be payable to the City of Santa Rosa.

SEC. 7. The amount of the bonds required of any official by the Common Council shall be fixed by ordinance.

*Terms of Office.*

SEC. 8. The terms of all officers provided for in this charter shall begin on the first day of July next after the city election, and they shall hold office for two years, except members of the Common Council, who shall hold office for four years, and until their successors shall qualify. The Common Council shall fill any vacancy occurring in any city office for the remainder of the term.

*Salaries of Officers.*

SEC. 9. The Mayor of the City of Santa Rosa shall receive a salary of six hundred dollars per annum, payable monthly

Each member of the Common Council shall receive five dollars per meeting for each meeting of the Common Council, and five dollars per day for each day's actual attendance as member of the Board of Equalization The sum received by each shall not exceed two hundred dollars in any fiscal year. Any member attending a meeting of the Common Council or the Board of Equalization and leaving the same before the completion of the labors thereof, shall have to be excused by the Common Council to be entitled to his compensation. They shall not be paid for more than two meetings of the Common Council in any one month.

The City Clerk shall receive a salary of nine hundred dollars per annum, payable monthly

The City Assessor and Tax Collector shall receive a salary of six hundred dollars per annum, payable monthly.

The City Attorney shall receive a salary of six hundred dollars per annum, payable monthly.

The Superintendent of Streets and Public Works shall receive a salary of fifteen hundred dollars per annum, payable monthly.

The Chief of Police shall receive a salary of twelve hundred dollars per annum, payable monthly, and policemen shall receive a salary of ten hundred dollars per annum, payable monthly.

The Judge of the Police Court shall receive a salary of six hundred dollars per annum, payable monthly

The salary of the City Treasurer and City Engineer shall be fixed by the Common Council.

When not herein otherwise provided the Common Council shall, by ordinance, fix the compensation of city officers and employés.

*Article IX—Bonds and Contracts.*

SECTION 1. The Common Council shall by ordinance or resolution prescribe the penalties and conditions of bonds required of contractors or other persons performing contracts or doing work for the city. No member of the Common Council, nor shall city officer, be a surety on any bonds to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done, or for materials furnished or used by the city in any work done under the direction of the city.

*Article X—Delinquent Taxes.*

SECTION 1. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The City Assessor and Tax Collector shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the same manner, as near as may be, except as to the time and place of sales, and officer making such sales, as is provided by the law of the State for the sale of property for delinquent State and county taxes by the Tax Collector of the county. Any person may be a purchaser at any such tax sales made by the City Assessor and Tax Collector. The manner of proceeding under said sale shall be as near as may be in conformity to the laws of the State governing tax sales or any ordinances of the city which are now in force or which may hereafter be passed. The City Assessor and Tax Collector shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or any ordinance of the city, he shall execute, acknowledge, and deliver a deed to the purchaser or his assigns, with such recitals as may be provided by law or any of the ordinances of the city. The Common Council may by ordinance provide for the sale of property for delinquent taxes, for issuing certificates of sale, providing for redemption, and the issuance of deeds thereunder. All deeds for taxes sold shall have the same force and effect as sheriff's deeds, and shall be received as evidence in all courts, and shall be prima facie evidence that all the provisions of the charter, laws and

ordinances in relation to the assessment and collection of taxes have been fully complied with. The City Assessor and Tax Collector shall have a credit for all taxes not collected by him on said delinquent list which he could not by the use of due diligence collect, or which shall not be realized on the sale The Common Council may by ordinance provide additional legislation for the collection of taxes or sale of property for delinquent, or may provide a different procedure or manner for the collection of delinquent taxes than is herein provided. The Common Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in the court having jurisdiction, and obtain a judgment and decree and collect the same in the manner required by law. The assessment list is authority to the City Assessor and Tax Collector to collect all taxes and to seize upon personal property for the collection of the personal property tax not otherwise collected, and to levy upon or seize and sell the property for such taxes or any taxes unpaid, and realize the money due therefor.

SEC 2. All taxes, penalties, and fines shall be payable in lawful money of the United States.

*Article XI—Acquisition of Public Utilities.*

SECTION 1. It is hereby declared to be the purpose and intention of the people of the City of Santa Rosa that such of its public utilities as shall be deemed to be for the best interest of the people shall be acquired and owned by the city.

*Article XII—Water.*

SECTION 1. The Common Council shall have jurisdiction and control of the public water works and water system, and all lands and appurtenances belonging to the city, or which may hereafter be acquired. The Superintendent of Streets and Public Works shall perform all duties that may be required of him by this charter or any law or ordinance of the city in relation to the water system. It shall be his duty to report monthly to the Common Council, giving the items of expense of all kinds, including labor and materials, of the water works or water system. The municipal water plant shall be known as the city water works, and shall be controlled by the Common Council. The Common Council shall have the power and right to construct buildings, lay water pipes, and develop water supply, and do all other things in the management and conduct of said water works. They may, by ordinance or otherwise, establish water rates and provide for the collection of the same, except for water supplied for all domestic uses

SEC. 2 The Common Council is hereby empowered to lay water mains outside the city limits, and furnish water to outside parties at such prices as they may deem equitable.

*Article XIII—Sewers and Drainage.*

SECTION 1. The Common Council shall have power to prescribe the location, form, and materials to be used in the construction, building, making, or repairing of public sewers, manholes, sinks, drainage, cesspools, and appurtenances belonging to the drainage and sewerage systems and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof The Common Council shall have the power to construct, make, lay, and build sewers, manholes, sinks, drainage, cesspools, and outlets. Contracts for all said work, excepting for private sewers and private drains, shall be based upon plans and specifications prepared by the City Engineer and adopted by the Common Council, and shall be let to the lowest responsible bidder, unless the Common Council shall elect to do the work in the name of and for the city. The Common Council shall provide by ordinance for the manner of letting contracts, and the doing and completion of work under this section. The work mentioned in this section shall be under the supervision of the Superintendent of Streets and Public Works. The Common Council shall provide for the payment of the contract price for the work in this article in accordance with the contract and approval of the Superintendent of Streets and Public Works.

SEC 2 The Common Council shall have power to pass ordinances relative to sewers, sewerage system, drains, sewer plants, outlets, and to prescribe any and all rules and regulations relating thereto, and to authorize the employment of any person or persons to perform any duties or acts necessary under the provisions of this article. The city shall have the right to acquire other real estate for sewer purposes.

*Article XIV—Continuing in Force Laws, Ordinances, etc.*

SECTION 1. All ordinances, resolutions, orders, rules or regulations of the present City of Santa Rosa, in force at the time this charter takes its effect and inconsistent therewith, shall continue in force until amended, repealed, or revoked, and all officers of the city in office shall continue to hold and exercise their offices until the election, appointment, and qualification of the officers provided for or created by this charter, when they shall surrender up their respective offices to the officers provided for in this charter All contracts, obligations, or liabilities now existing, or that have been incurred or entered into by or with the present City of Santa Rosa before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof

SEC 2. This charter shall take effect and be in force from and after its approval by the Legislature of the State of California.

*Article XV—Health and Safety.*

SECTION 1. The Common Council shall have the power to pass ordinances:
First—To provide for a Board of Health and prescribe their duties and powers.
Second—To provide for removing human remains from the city.
Third—To regulate the dispensaries, hospitals, markets, and other institutions.
Fourth—To establish a city hospital, and provide for its maintenance.
Fifth—Every member of the Board of Health, the Health Officer and Health Inspector may administer oaths on matters connected with the health department
SEC. 2. The Common Council shall have power to create the office of City Physician.

*Article XVI—Revenues and Taxation.*

SECTION 1. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the city treasury. Taxes shall be due and payable the first Monday in October. The taxes shall be:

First—A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for schools and library purposes, shall not exceed the sum of one dollar on each one hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for school purposes not to exceed the sum of thirty cents on each one hundred dollars thereof. A tax shall be levied on all property assessable for library purposes not to exceed the sum of ten cents on each one hundred dollars of said assessable property. Also a tax sufficient to meet the interest and principal of a bonded indebtedness against the city and school district falling due or required to be paid. The general tax, and the tax for the interest and principal of the bonded indebtedness shall be on all property subject to taxation for the purpose herein named at noon on the first Monday of March in each year.

Second—A tax not exceeding five dollars on each dog owned or kept in the city.

Third—The tax for the public library shall be kept separate for purposes of the public library

Fourth—The tax for the interest and principal of the bonded indebtedness shall be kept separately for the payment of the interest or principal thereon.

Fifth—All taxes, of every kind, shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

Sixth—The Common Council shall have power to apportion the revenues of the city into separate and distinct funds, to be used for the purpose of such funds alone. They shall have full power over the revenues and funds of the city.

SEC. 2. The Common Council shall fix the rate of taxes, designating the number of cents on each one hundred dollars of the valuation They shall fix the amount to be assessed on each dog; they shall fix the rate of tax for general purposes; they shall fix the rate of tax for the public library; they shall fix the rate of tax for school purposes; they shall fix the rate for interest and principal of all bonded indebtedness to be paid. As soon after the Board of Equalization shall have completed their labors as can conveniently be done, the Common Council shall fix the tax rate herein provided for.

*Board of Equalization.*

SEC. 3. The Common Council shall meet at their usual place of holding meetings on the second Monday of July of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessments made by the assessor, and may, of their motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list for each tax shall be the assessment roll or list for the taxes for said year.

*The General Law for Taxes May be Accepted*

SEC. 4. Authority is hereby conferred upon the Common Council, in lieu of the provisions of this charter, or any law or ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the State entitled "An Act to provide for levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution," approved March second, eighteen hundred and ninety-four, and amendments thereto. The Common Council shall have power by ordinance to adopt, accept, or come under the said general law and amendments thereto, or any similar law or provision which may be passed by the Legislature for the assessment or collection of taxes; and when so adopted it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Common Council shall pass all ordinances to carry out all of the provisions of such laws, and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation of any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

*Incurring of Bonded Indebtedness.*

SEC. 5. If at any time the Common Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided Such notice shall be published for at least two weeks in some newspaper published and circulated in such city If upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance providing for the creating of such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same It shall be the duty of the Common Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied. Such tax, when collected shall be kept in the treasury as a separate fund, to be inviolately appropriated to the payment of the principal and interest of such indebtedness. The Common Council shall have power to pass any and all ordinances that may appear to be necessary to carry out the provisions of this section.

SEC. 6. The city shall be limited in the matter of bonded indebtedness to twenty-five per cent of the assessed value of all property within the city limits.

*Article XVII—Santa Rosa Free Library.*

SECTION 1. The free library shall be under the control and management of five library trustees, who shall be known as the "Board of Free Library Trustees"; they shall be appointed by the Mayor, by and with the consent of the Common Council; the office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation Such trustees shall severally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointments shall be made and take effect on the first Tuesday in July, or as soon thereafter as possible. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States, and of this State, and a resident of the city for five years, shall be eligible to become a library trustee. The term of office of library trustee shall be for three years, and until their successors are appointed and qualified.

SEC. 2. The Common Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the board of library trustees, at a rate of not more than ten cents on the one hundred dollars, for the purpose of maintaining a free public library and reading-rooms and purchasing such books, journals, and other publications, and leasing such real and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in August of each year.

SEC. 3 All money and revenue paid, collected, or received by authority of, anything herein contained, whether by taxation, and designated as the "library fund," and shall be paid into the city treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

SEC. 4. All property, real and personal, acquired by gift, devise, bequest, or otherwise, shall vest, be, and remain in the city, and may be protected, defended and sued for by action at law, or otherwise, in the name of the city, as in other cases.

SEC. 5 The Board of Free Library Trustees shall take charge of all property belonging to such library and reading-rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise The trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business They shall elect one of their number to act as president of their board, and one of their number to act as secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their proceedings.

SEC. 6 Such trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading-rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To exercise and administer any trust declared or created for such library or reading-room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

Third—To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To order the drawing and payment upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the library fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

Sixth—To fix the salaries of the librarian and assistants, to furnish and equip said rooms and buildings as may be necessary for such library and reading-room.

SEC. 7. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the treasurer of the city out of the Library Fund.

SEC. 8 The trustees of such library and reading-rooms, on or before the first Monday of July of each year, shall make an annual report to the Common Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used, and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the secretary of the Board of Library Trustees, duly verified.

SEC. 9. The proper municipal authorities shall pass ordinances for the protection of the library and reading-rooms, and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading-rooms, or the property or books thereof, or for failure to return any book or other property belonging thereto.

*Article XVIII—Education.*

SECTION 1. The jurisdiction of the school department of the said city shall extend to all the territory which is now included in the City of Santa Rosa or "Court-house School District," or which may hereafter be annexed thereto for school purposes. The school department shall be known as the Santa Rosa City School Department.

SEC 2. The government of the public schools of said city or district is hereby vested in a Board of Education composed of five members to be elected by the voters of the city or district, and they shall hold office for a term of six years; *provided*, that at the first regular election of members of the Board of Education held under the provisions of this charter, five members shall be elected who shall so classify themselves by lot that the term of two of them shall expire in two years, two of them in four years, and one of them in six years. Elections for members of the Board of Education shall be held on the first Saturday of June every two years; the first election under the provisions of this section shall be held on the first Saturday of June, nineteen hundred four In all other matters the elections for members of the Board of Education shall be governed by the general law of the State regulating elections for trustees in school districts. Any vacancy that may occur in the board shall be filled by the remaining members of the board, to hold until the next regular election. The members of the board shall enter upon their duties on the first Monday of July following their election, on which day, and annually thereafter, the board shall meet and organize by electing one of their number president to serve one year. They shall also elect a secretary of the board. They shall meet for the transaction of business at stated times. Special meetings may be called by the president or three members of the board The Board of Education of "Court-house School District" in office at the time of the approval and adoption of this charter shall remain in full control of the schools until the new board has been elected and organized.

SEC. 3. The Board of Education shall have power:

One—To establish and maintain public schools, including high schools, technical schools, evening schools, and kindergartens, and to change, consolidate, or discontinue the same; *provided*, that all public schools, including high schools now in operation in said city, are hereby declared legally established

Two—To employ and dismiss teachers, janitors, school census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold for good and sufficient cause, all or part of any of said salaries or compensation

Three—To make all necessary rules and regulations for their own government and for the regulation of the schools, to establish and regulate the grade of schools, to prescribe the course of study, which may be changed or amended at any time, to purchase all necessary library and supplementary books, and to fix the time for the opening and closing of schools.

Four—To provide for the schools all necessary supplies, and to incur such incidental expenses as may be necessary for the welfare of the department.

Five—To build, alter, repair, rent, and provide school-houses, and furnish them with proper furniture, apparatus, and proper school appliances, to insure any and all such

school property, and to make such improvements to school buildings and grounds as they may deem best.

SIX—To receive, purchase, lease, and hold in fee, in trust for said schools, any and all real estate and any personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of said schools; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new schoolhouses, without the consent of four fifths of the members of the board.

Seven—To sue for any and all lots, lands, and property belonging to or claimed by the said school department or district, and to prosecute and defend all actions at all or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and further, to do any and all acts necessary thereto The city attorney shall serve as attorney for the board.

Eight—To determine annually the amount of school funds, in addition to the amounts received from the State and county, necessary for the maintenance of the public schools of the said city, and for carrying into effect all the provisions regarding the public schools during the ensuing year; and this amount, exclusive of sums required for the payment of outstanding bonds and the interest thereon, so determined by the Board of Education, not exceeding thirty cents on the one hundred dollars valuation, on the assessment roll, shall be reported in writing to the Common Council on or before the second Tuesday of August of each year. The Common Council is hereby authorized and required to levy, and cause to be collected for school purposes, at the time and manner of levying and collecting other city taxes, the amount of taxation so determined and reported by the Board of Education, after making proper allowance for delinquencies.

Nine—To prohibit any child under six years of age from attending public school, except where kindergartens may be established as part of the public school system, in which case children over four may be admitted.

Ten—To admit non-resident children to any department of the schools, at the discretion of the board, upon the payment of such tuition fees that they may determine.

Eleven—To elect a City Superintendent of Schools, who shall be qualified by special training and education to assume expert supervision over the educational matters of the schools, for a term not to exceed four years, and to fix his compensation.

SEC. 4. It shall be the duty of the superintendent to report to the board all matters pertaining to the interests of the schools, with such recommendations as he may deem proper; to visit the various schools, to supervise the instruction and grading of pupils and such other matters as may need his attention, to attend the meetings of the board, advise them regarding the course of study, text, library, and supplementary books, teachers' qualifications, assignment of teachers, and to perform such other duties as the board may prescribe. He may suspend or expel any pupil for misconduct or violation of rules, reporting such act to the board at their next regular meeting for their approval or disapproval.

SEC. 5. The school funds of the city shall consist of all moneys received from the State and county school funds, of all moneys arising from taxes which shall be levied as provided in this charter, of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may be paid into the school funds, which funds shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone; and if at the end of any school year any surplus remains in the school funds, such surplus shall be carried forward to the school funds of the next school year, and shall be used for no other than school purposes. All moneys collected in accordance with the provisions of this charter shall be paid into the city treasury to the credit of the proper school fund.

SEC 6. All claims, payable out of the school fund of the city, shall be filed with the secretary of the board. The board shall examine and allow, in whole or in part, every demand payable out of the school funds, or shall reject all or part of any such demands for good cause, of which the board shall be the sole judge; *provided*, that demands for salaries of superintendent, secretary, teachers, and janitors shall be paid monthly without presentation of claims therefor. Each demand allowed by the board shall be paid by a warrant drawn by the secretary upon the proper school fund, which warrant shall be countersigned by the president.

SEC 7. Every member of the Board of Education and the Superintendent of Schools may administer oaths on all matters connected with the school department.

SEC 8 An Act to re-establish "Court-house School District," in the County of Sonoma, approved March thirty, eighteen hundred and seventy-eight, is hereby repealed.

### *Article XIX—Franchises.*

SECTION 1. Except as otherwise provided in the Constitution of the State, or as otherwise provided in this charter, every ordinance involving the granting by the city of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than five thousand dollars in value, or any contract for supplying the city with any commodity running for a period longer than two years, must be submitted to the vote of the electors of the city at the election next ensuing after the adoption of such ordinance. A special election may be called by the Common Council, provided the parties applying for the franchise deposit in the city treasury the estimated cost of said election.

SEC. 2. The ticket used at such election shall contain the words "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Common Council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Common Council and approved by the Mayor.

SEC. 3. No such franchise, or lease, or sale of any public utility, or purchase of land shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

*Article XX—Claims Against the City.*

SECTION 1. All bills, claims, and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim shall be filed by the City Clerk, who shall present it to the Common Council, and they shall allow or reject the same in whole or in part. No bill, claim, or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until two months after such filing. Upon the expiration of said two months, if such claim, bill, or demand, shall not have been allowed, or allowed only in part, and suit shall thereafter be commenced, and no more is recovered against said city, than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said two months, the bill, claim, or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

SEC. 2. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims, or demands allowed by the Common Council, which shall be signed by the Mayor, countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

*Article XXI—Miscellaneous Provisions.*

SECTION 1. Whenever the word "city" occurs in this charter it means the City of Santa Rosa, and wherever any department, board, or officer is mentioned in this charter it means such department, board, or officer, as the case may be, of the City of Santa Rosa.

SEC. 2. The Common Council of the City of Santa Rosa, in office at the time this charter is provided by the Legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

SEC. 3. The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first day in July, nineteen hundred and three, or until their successors are duly qualified

SEC. 4 This charter shall go into effect for all election purposes on the day of its adoption by the Legislature, and for all other purposes, unless otherwise here provided, on the first day of July, nineteen hundred and three.

SEC. 5. The Chief of Police and Superintendent of Streets and Public Works shall devote their entire time and services to the duties of their respective offices.

SEC. 6. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within one month after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

*Miscellaneous Departments.*

SEC. 7. All departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the Common Council, and the Common Council may organize the same, and charge such organizations from time to time as to the Common Council shall seem best The Common Council shall have power to appoint, promote, suspend, reduce, or dismiss all officers or employés of such departments, fix the powers, duties, and compensation of such officers and employés, prescribe rules and regulations for the government, discipline, and equipment of such departments, and to enforce penalties for the violation of any such rules and regulations; and shall have the power to do anything that may be necessary to maintain said departments in a high state of efficiency

SEC. 8. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of the Common Council, is hereby fixed at two dollars per day for eight hours' labor.

SEC. 9. In addition to the officers mentioned elsewhere in this charter as appointive officers the following shall be appointed, viz: Chief of Police, City Treasurer, Superintendent of Streets and Public Works, and five Library Trustees.

*Proposal of the Charter.*

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the third day of December, in the year of our Lord one thousand nine hundred and one, at a general election held under and in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, did elect the undersigned a board of freeholders to prepare and propose a charter for said city;

*Now, therefore, be it known* · That, in pursuance of the Constitution, and within a period of ninety days after such election, the said board of fifteen freeholders has prepared and does propose the above and foregoing charter for said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this eighth day of February, A. D. nineteen hundred and two.

THOS. RUTLEDGE, Chairman.
W. D. REYNOLDS.
J. C. MAILER.
NEWTON V. V. SMYTH.
E. E. MORROW.
J. W. JESSE.
D. P. ANDERSON.
W. S DAVIS.
W. H. LEE.
CHAS. B. KOBES.
J. W. KEEGAN.
J. F. SMITH.

Mr. Dunbar moved the Assembly do now concur in Senate Concurrent Resolution No. 12.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Hart, Higgins, Howard, John, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

MOTION.

Mr. Drew moved that the Assembly do now consider the report of the Select Committee on Jessup Fund.

So ordered.

Mr. Higgins moved to dispense with the reading of the report.

So ordered.

Mr. Drew moved the adoption of the report.

Report adopted.

Mr. Drew moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Bates, Baxter, Burgess, Camp, Covert, Cromwell, Dunlap, Foster, Higgins, Howard, Johnstone, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Lux, Mahany, McKenney, McLaughlin, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Transue, Wanzer, Waste, and Wright—34.

NOES—Messrs. Amerige, Black, Brown, Carter, Dorsey, Dougherty, Drew, Greer, Hart, John, Johnson, Leininger, Mattos, McCartney, Olmsted, Stanton, Walker, Walsh, Weger, and Mr Speaker—20.

NOTICE OF MOTION TO RECONSIDER.

Mr. Drew gave notice that he would on next legislative day move for a reconsideration of the vote whereby the resolution presented by the Select Committee on Jessup Fund was this day refused adoption.

MOTIONS FOR PERMISSION TO INTRODUCE BILLS.

Mr. Johnstone moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "Assembly Joint Resolution No.—, relative to the powers of the Interstate Commerce Commission."

Referred to Committee on Introduction of Bills.

Mr. Siskron moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "An Act to amend Section 1 of an Act entitled 'An Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations,' approved March 26, 1895, which became a law March 4, 1899."

Referred to Committee on Introduction of Bills.

Mr. Dorsey moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows, viz.: "An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor."

Referred to Committee on Introduction of Bills.

Mr. Barber moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows: "An Act to repeal an Act entitled 'An Act to regulate fees in the City and County of San Francisco,' approved February 9, 1866."

Referred to Committee on Introduction of Bills.

Mr. Greer moved that permission be granted by the Assembly to introduce the accompanying bill, the title of which reads as follows, viz.: "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901."

Referred to Committee on Introduction of Bills.

UNFINISHED BUSINESS.

Assembly Bills Nos. 476 and 477 passed on file.

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Senate amendment pending.

Heretofore read.

The following Senate amendment was submitted:

SENATE AMENDMENT.

Amend by inserting the word and figure "Section 1," in line one, section one, printed bill.

Mr. McCartney moved that the Assembly do now concur in the Senate amendment.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunlap, Duryea, Foster, Greer, Higgins, Howard,

John, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—52.
Noes—None.

Assembly Bill No. 181 ordered to enrollment.

SPECIAL FILE.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Siskron, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Assembly Bills Nos. 583 and 570 passed on file.

Assembly Bill No. 361—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for use of the said school.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—54.
NOES—None.

Title read and approved.

At eleven o'clock and ten minutes A. M., the Speaker called Mr. Johnson to the chair.

Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 558.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 558 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

Assembly Bill No. 621 passed on file.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Black, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McKenney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—52.

NOES—None.

Title read and approved.

Mr. Carter moved that the rules be suspended and that the Assembly consider the report of Committee on Introduction of Bills.

So ordered.

REPORT OF COMMITTEE ON INTRODUCTION OF BILLS—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901."

CARTER, Chairman.

Report read.

Mr. Carter moved the adoption of the report.

The question being on the adoption of the report.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walsh, Wanzer, Waste, and Weger—57.

NOES—None.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Mr. Greer: Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read first time, and ordered on file without reference to committee.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Foster, Greer, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Wright—52.

NOES—Mr. Burgess—1.

Title read and approved.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Foster, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Stansell, Steadman, Walker, Walsh, Waste, Weger, and Wright—50.

NOES—None.

Title read and approved.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Foster, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Traber, Walker, Walsh, Waste, Weger, and Wright—48.

NOES—None.

Title read and approved.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger,

Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—50.
NOES—None.

Title read and approved.

Mr. Barber moved to suspend the rules, and that the Assembly do now consider Assembly Bill No. 689.

So ordered.

Assembly Bill No. 689—An Act to amend Section 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Greer, Hart, Higgins, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McKenney, McLaughlin, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—53.
NOES—None.

Title read and approved.

Assembly Bill No. 204 passed on file.

Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Read third time.

HOUR OF RECESS EXTENDED.

At eleven o'clock and fifty-nine minutes A. M., on motion of Mr. Stanton, the hour of recess was extended until twelve o'clock and thirty minutes P. M.

Mr. Fisk moved that when the Assembly adjourns this day it be until Monday, March 2, 1903, at ten o'clock A. M.

So ordered.

The question being on the final passage of the bill.

The roll call was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Covert, Dorsey, Dougherty, Dunlap, Ells, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, Mott, Olmsted, Pyle, Rolley, Soward, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—43.
NOES—Messrs. Carter, Drew, Duryea, Lewis of Riverside, Stansell, and Traber—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 397 was on this day passed.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed: Assembly Bill No. 141—An

Act to amend Sections 2, 3, and 4 of an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

AMERIGE, Chairman.

SPECIAL FILE—(RESUMED).

Mr. Fisk moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 886.

So ordered.

Assembly Bill No. 886—An Act to provide for the issuance and the sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "first" in line twenty-one, section one, second page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "first" in line twenty-two, section one, second page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "first" in line twenty-five, section one, second page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "thirtieth" in line twenty-six, section one, second page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "June" in line twenty-six, section one, second page, printed bill, and inserting in lieu thereof the word "July."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "first" in line twenty-eight, section one, second page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting after the word "California" in line sixteen, section five, fourth page, printed bill, the following: "or of the several counties or municipalities of the State of California."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the figures "1909" in line fifty-three, section five, fifth page, printed bill, and inserting in lieu thereof the figures "1914."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the word "first" in line forty-eight, section five, fifth page, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

Ordered to print, engrossment, and third reading.

Mr. Fisk moved that the Assembly do now reconsider the vote whereby the resolution presented by the Select Committee on Jessup Fund was refused adoption.

So ordered.

Mr. Fisk moved that the consideration of the resolution be made a special order for Monday, March 2, 1903, after the reading of the Journal.

So ordered.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Stanton until Tuesday, March 3, 1903.

MESSAGE FROM THE GOVERNOR.

Mr. Wanzer moved that the Assembly do now consider the Governor's message.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 28, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 47—An Act to appropriate $8,000 for the extension of the laundry building, for the purchase and erection of new boilers, and for the construction of a reservoir for the Southern California State Hospital.

Also: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure, relating to testamentary guardians.

Also: Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108."

Also: Assembly Bill No. 232—An Act to appropriate the sum of $2,000 to pay for stationery, fuel, lighting and other necessary supplies for the Legislature and State officers.

Also: Assembly Bill No. 484—An Act to amend an Act to establish a tax on collateral inheritances, and to provide for its collection.

GEO. C. PARDEE,
Governor of the State of California.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 648—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Also: Assembly Bill No. 932—An Act to amend Sections 3, 4, and 6, of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 918—An Act to validate bonds for street work issued under an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, and to declare the meaning and effect of said Act as to such bonds.

Also: Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March thirtieth, eighteen hundred and seventy-two," approved March 11th, 1874.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McLAUGHLIN, Chairman.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improve-

ments for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read second time.

MOTION.

Mr. Higgins moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 821.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 821 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Ordered to engrossment and third reading.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. McKenney and Ells until Tuesday, March 3, 1903.

Assembly Constitutional Amendments Nos. 2, 3, 19, 29, 15, and 18 passed on file.

SUBSTITUTION OF BILLS ON FILE.

Mr. Black asked leave to withdraw Assembly Bill No. 837, number 27 on file, and to substitute on the file Assembly Bill No. 258, number 219 on the file.

So ordered.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Black, Burgess, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Pyle, Rolley, Soward, Stansell, Steadman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—42.

NOES—None

Title read and approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Brown, the Assembly adjourned until eleven o'clock A. M. of Monday, March 2, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 2, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Hon. Arthur G. Fisk, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—67.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal of Saturday, February 28, 1903, was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Friday, February 27, 1903, was read, corrected, and approved.

## REPORTS OF STANDING COMMITTEES.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 925—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895,' approved March 23, 1901," conferring further powers on said Board of Harbor Commissioners.

Also: Assembly Bill No 937—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

A majority report the same back, and recommend their passage

Also: Assembly Bill No. 897—An Act to legalize marriages heretofore solemnized by Judges of the Police Courts and by City Recorders—report the same back, with the recommendation that it do pass.

Also: Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage, or in anywise to advertise the word divorce or any word affecting domestic relations

Also: Assembly Bill No. 933—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

A majority report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children—report the same back, with the recommendation that it do pass.

JOHNSON, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor by any furnisher of water for said purposes in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water—have had the same under consideration, and respectfully report the same back, and the majority of your committee recommend that it do pass.

WALKER, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 819—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States or the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

MATTOS, Chairman.

CONSIDERATION OF REPORT OF COMMITTEE ON CONTESTED ELECTIONS.

Mr. Wright moved the adoption of the report of the Committee on Contested Elections *in re* Leavy vs. Lewis, printed in the Journal of Thursday, February 26, 1903.

Report of committee read and adopted.

On motion of Mr. Wright, the consideration of the resolution accompanying the report was continued until two o'clock P. M. of this day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following proposed measures: An Act to amend Section 168 of an Act entitled an Act to establish a uniform system of county and township governments, approved April 1, 1897, and an amendment thereto entitled "An Act to amend an Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Also: An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor.

Also: The resolution proposing to amend Article VI of the Constitution of the State of California, by adding a new section thereto, to be known as Section 14½, relating to the appointment and compensation of official reporters of the Superior Court

Herewith return the same with the recommendation that their introduction be permitted.

CARTER, Chairman.

Mr. Carter moved the adoption of the report.

The roll was called, and the report adopted and the introduction of the bills permitted by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. McNeil: Assembly Bill No. 956—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an amendment thereto entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

By Ways and Means Committee: Assembly Bill No. 957—An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor.

Read first time, and ordered on file.

By Mr. Walsh: Assembly Constitutional Amendment No. 32—Proposing to the people of the State of California an amendment to the Constitution of the State, amending Article VI by adding a new section thereto, to be known as Section 14½, relating to the appointment and compensation of official reporters of the Superior Court.

Referred to Committee on Constitutional Amendments.

SPECIAL ORDER.

The consideration of the report of special committee appointed to investigate the alleged misappropriation of the "Jessup Fund," printed in the Journal of Friday, February 27, 1903, heretofore set for consideration this day, was taken up.

Report of committee read.

Mr. Drew moved the adoption of the resolution set forth in report.

The roll was called, and the resolution contained in report of committee refused adoption by the following vote:

AYES—Messrs. Bangs, Bates, Brown, Camp, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, McLaughlin, McMahon, McMartin, Mott, Murphy, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walsh, Wanzer, Waste, Wright, and Mr Speaker—42

NOES—Messrs. Allen, Barber, Barnes, Black, Burgess, Carter, Covert, Dorsey, Dougherty, Greer, Houser, John, Johnson, Kelso, Mahany, Mattos, McCartney, McNeil, Moore, Olmsted, Rolley, Transue, Walker, and Weger—24.

Mr. Mott, in compliance with notice given on a previous day, moved a reconsideration of the vote whereby Assembly Bill No. 397 was passed.

Motion seconded.

Mr. Mott moved that the further consideration of Assembly Bill No. 397 be continued until Tuesday, March 3, 1903.

Motion carried.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Prescott asked that permission be granted him to introduce the accompanying joint resolution, relating to alleviating distress in the Philippines.

Referred to Committee on Introduction of Bills.

Mr. Traber asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and

township governments,' approved April first, one thousand eight hundred and ninety-seven, as amended, and approved as amended, March twenty-third, one thousand nine hundred and one, relating to the compensation of county officers in counties of the seventh class, by adding to section one hundred and sixty-four (164) of said Act a provision creating the office of Chief Jailer, and fixing his compensation."

Referred to Committee on Introduction of Bills.

RESOLUTIONS.

By Mr. McMartin:

WHEREAS, Senate Concurrent Resolution No. 6 of the Legislature of the State of Nevada, relative to the appointment of a special committee by the Legislature of the State of California to confer with a like committee from the State of Nevada, regarding the water of the Truckee River, has been received; therefore, be it

*Resolved*, That a special committee, to consist of four Assemblymen and three Senators, be appointed by the presiding officers of the Assembly and Senate, to inquire into the subject-matter of said resolution, with instructions to report back to this Legislature as to whether, in their opinion, the matters referred to justify the appointment of a committee in conformity with the request of said resolution.

Resolution read and adopted.

Mr. Soward moved that the Assembly proceed to consider Assembly Bill No. 915.

Motion carried.

By Mr. Soward:

*Resolved*, That Assembly Bill No 915 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The roll was called, and the provisions of the Constitution, Section 15, Article IV, suspended, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Read second time, and considered engrossed.

Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Assembly Bill No. 558—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: That the following bills have been correctly enrolled:

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Assembly Bill No. 420—An Act to appropriate the sum of $1,315 to pay the claim of Robert R Potter for money due and owing the said Robert R Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature, entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Assembly Bill No. 38—An Act to pay the claim of C. W. King, and making an appropriation therefor.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

And were presented to the Governor March 2, 1903, at eleven o'clock and fifteen minutes A M.

AMERIGE, Chairman.

RECESS.

At twelve o'clock M., the Speaker declared the Assembly at recess until two o'clock P. M. of this day.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Fisk in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the Speaker announced that the consideration of the report of the Committee on Contested Elections, heretofore set for this hour, was in order.

Mr. Wright moved the adoption of the resolution, a part of the report.

Whereupon the Speaker ruled that the Assembly could not consider the resolution, as the amount allowed for attorney's fees in the report, in each case, exceeded the sum of $200 fixed by the rules.

Mr. Wright moved that the Standing Rules of the Assembly be temporarily suspended, for the purpose of considering the resolution.

The roll was called, and the motion to suspend the rules lost by the following vote:

AYES—Messrs. Barber, Boisson, Burgess, Dunbar, Ells, Greer, Hart, Higgins, Johnson, Leininger, Lewis of San Francisco, Lumley, Mahany, McMartin, Prescott, Susman, Transue, Wanzer, and Wright—19.

NOES—Messrs. Amerige, Bangs, Barnes, Bates, Black, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunlap, Finn, Goodrich, Houser, Howard, Kelso, Killingsworth, King, Lux, Mattos, McCartney, McConnell, McLaughlin, McNeil, Olmsted, Pann, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Traber, Walker, Waste, Weger, and Mr. Speaker—28.

Report of committee and resolution re-referred to Committee on Contested Elections.

MESSAGE FROM THE SENATE.

The following message was received from the Senate, and, on motion of Mr. Higgins, was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency):

Assembly Bill No 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifty session.

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Bill ordered to enrollment.

MOTION.

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 955.

Motion carried.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read second time, and ordered to engrossment.

Mr. King moved that the Assembly do now take up for consideration Assembly Concurrent Resolution No. 9.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 9.

Approving twelve amendments to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said City, at a special election held therein for that purpose, on the 16th day of February, 1903.

WHEREAS, The City of Napa, in the County of Napa, State of California, contains a population of over 3500 and less than 30,000 inhabitants and has been ever since the year 1893 and is now, organized and acting under a freeholders' charter adopted under and

by virtue of Section 8 of Article 11 of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 9th day of March, 1893 and approved by the Legislature of the State of California on the 13th day of March, 1893, (Statutes of 1893, page 641,) which charter has never been amended;

AND WHEREAS, The Legislative authority of the said City of Napa did by Ordinance No. 328 of the Ordinance of said City adopted by the City Council of the said City on the first day of December, A. D. 1902 and approved by the Mayor of said City on the said first day of December, A. D. 1902 and pursuant to Section 8 of Article 11 of the Constitution of the State of California duly proposed to the qualified electors of the said City eighteen certain amendments to the charter of the said City of Napa;

AND WHEREAS, Said Ordinance contained said proposed amendments to the said charter was duly published for twenty days after its passage and approval in the Napa Daily Journal and in the Napa Daily Register, daily newspapers of general circulation in the City of Napa;

AND WHEREAS, Said special election was held in the said City of Napa on Monday the 16th day of February, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid,

AND WHEREAS, On the 17th day of February, 1903 at a meeting of the said Council, duly convened in accordance with law and with the provisions of said charter, and Mayor and Council of the said City of Napa duly and regularly canvassed the returns of said special election so held on the 16th day of February, 1903; twelve of said proposed amendments were ratified by a majority of the electors voting thereon, and six of said proposed amendments were not ratified having received less than a majority of the electors voting thereon;

AND WHEREAS, Said Mayor and said Council after canvassing said returns duly found and declared that twelve of said proposed amendments had been ratified by a majority of the electors voting thereon, and six of said proposed amendments had received less than a majority of the electors voting thereon;

AND WHEREAS, The said twelve proposed amendments so ratified by the electors of said City at said election are now submitted to the Legislature of the State of California for approval, or rejection without power of alteration, in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California;

AND WHEREAS, The said twelve amendments to said charter so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to-wit:

SECTION 1. That Section 1 of said charter be amended so as to read as follows.

Section 1. The corporation now existing and known as the City of Napa, shall continue and be a body politic and corporate and by that name shall be known and have perpetual succession to sue and defend in all matters, suits and proceedings, in all Courts and places and in all matters and proceedings whatever; to make contracts; and may purchase, take, receive, hold and lease real and personal property within and without its corporate limits, for the use of said corporation; and may lease, sell, convey, mortgage and dispose of the same; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor and what are the lands it is necessary to condemn; and may receive bequests, gifts and donations of all kinds of property within and without the City, in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the gift, bequest, donation or trust, and may adopt and use a corporate seal and alter the same at pleasure.

The City of Napa shall continue to have, hold and enjoy all public buildings belonging to the City of Napa, all lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and in action, of every nature and description.

SEC. 2 That Section Five of the said Charter be amended so as to read as follows:

Section 5. The officers of said City shall be a Mayor, who shall hold office for four years and until his successor is elected and qualified; a City Council, composed of five members who shall hold office for four years and until their successors are elected and qualified; a City Marshal; a City Treasurer, a City Assessor; a City Tax Collector; a City Clerk, a City Attorney; a City Auditor; a City Engineer, and a City Superintendent of Streets, all of whom shall hold office for four years and until their successors are elected or appointed and qualified. An election shall be held every two years, by the qualified electors of the City, on the first Monday in May, for the election of two or three members of the City Council, and every four years by the qualified electors of the City, on the first Monday in May, for the election of a Mayor, an Engineer, who shall be ex-officio Superintendent of Streets; a City Clerk, who shall be ex-officio Treasurer and Tax Collector; a Marshal, who shall be ex-officio Assessor and License Tax Collector, and a City Attorney who shall be ex-officio City Auditor.

SEC. 3. That Section Six of the said Charter be amended so as to read as follows:

Section 6. The first election under this Charter shall be held on the first Monday in May, 1893, at which time a full Council shall be elected, two of whom shall hold office until the first Monday in June, 1895, and until their successors are elected and qualified, and three of whom shall hold office until the first Monday in June, 1897, and until their successors are elected and qualified; and the Council so elected at said first election shall decide by lot the two members that shall hold office until the first Monday in

June, 1895, and they shall also decide by lot the three that shall hold office until the first Monday in June, 1897. All officers shall take office at 12 o'clock noon, on the first Monday in June next after their election or appointment except where an officer is elected or appointed to fill a vacancy, in which event he shall take office immediately upon qualifying.

SEC. 4. That Section Seven of the said Charter be amended so as to read as follows:

Section 7. The provisions of the general law of the State of California now in force or hereafter adopted, governing municipal elections, where the same are held separate from the general State and County elections are hereby adopted as the law governing City elections; and the provisions of the general laws of the State of California governing the elections for State and County officers, not inconsistent with the provisions of this Charter or said law governing municipal elections, shall govern City elections in matters for which no provision is made in this Charter or said Municipal Elections Law, and the City Council and City Clerk respectively shall exercise the powers conferred or imposed by such laws on Boards of Supervisors and County Clerks, concerning elections.

The Mayor shall give such notice of election as may be prescribed by ordinance.

The City Council shall appoint Boards of Election, fix their compensation and establish and change polling places.

The City Council, by ordinance, shall establish and may change Election Precincts providing no part of any ward shall be attached to any other ward, or part thereof, in establishing or changing election precincts.

Every person who was a qualified elector at the general State election immediately preceding the holding of any municipal election, and who was registered upon the Great Register of the County of Napa as a qualified elector of any one of the precincts which compose a municipal election precinct, and who continues to reside within the exterior boundaries of such municipal election precinct, until the time of the holding of said municipal election, shall be entitled to vote at said municipal election without other or additional registration. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Napa as an elector of and within one of the election precincts comprising the municipal election precinct wherein he claims the right to vote, at least ten days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding such municipal election and for thirty days immediately prior thereto.

At all municipal elections the legal evidence of the right to vote prescribed by law for use at State and County or such municipal elections, shall be used, and any elector legally entitled to vote at any such municipal election, whose name does not appear therein, or in case no other legal evidence is provided therefor, shall be entitled to vote upon producing and filing with the Board of Election a certificate under the hand and seal of the County Clerk of the County of Napa, showing that his name was registered upon the Great Register of the County of Napa at least ten days prior to such election, as a qualified elector of any of the precincts comprising any municipal election precinct, and remains uncanceled thereon, providing he is otherwise entitled to vote.

The election returns from each municipal election precinct shall be filed with the City Clerk At the next regular meeting succeeding any municipal election the Mayor and City Council shall canvass the returns and declare the result of such election, and direct the City Clerk to issue certificates of election accordingly.

SEC. 5. That Section Eight of the said Charter be amended so as to read as follows:

Section 8. No person shall be eligible to hold any office in the City of Napa, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in such City for one year next preceding the date of such election or appointment. And no person shall be eligible to the office of Councilman, who has not resided in such City for one year and in the ward from which he is selected at least six months next preceding his election, and he must continue a resident of such ward during the term of his office, and if he fail to so continue a resident of such ward his office shall, by reason thereof, immediately become vacant.

Any vacancy occurring in any of the offices provided for in this Charter shall be filled by appointment by the City Council, but if such office be elective, such appointee shall hold office only until the next regular municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term

Each and every officer of the City of Napa shall have power to administer oaths and affirmations relating to any business brought before the City Council, Board of Equalization, Board of Library Trustees, Board of Health, or under consideration by their respective departments.

Every officer collecting or receiving any money belonging to or for the use of the City of Napa, shall settle for the same with the City Auditor on or before the first Monday in each month, and shall immediately thereafter pay the same into the Treasury on the order of the City Auditor for the benefit of the funds to which such moneys respectively belong.

SEC 6. That Section Nine of the said Charter be amended so as to read as follows:

Section 9. The Mayor and City Council may for cause remove any officer of the City. In any case of removal for cause of any officer, charges and specifications in writing shall be filed with the City Clerk, and a true and correct copy of such charges and specifications shall be forthwith served on the accused, who shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all such cases the charges and specifications must

have been served upon the accused at least five days prior to the hearing thereof. When a judgment either sustaining the charges or dismissing them shall be rendered by the City Council, and approved by the Mayor, it shall be final and conclusive.

Any elective officer, except members of the City Council, may be suspended by the Mayor, and removed for cause by the Mayor and City Council for neglect of duty or malfeasance in office. The procedure for removal shall be taken as herein above prescribed, and the charges, specifications, proceedings and final judgment, together with the ayes and nays, shall be entered on the minutes. In the event of removal, the judgment in the case shall be final, and the vacancy thus created shall be filled as in this Charter provided.

SEC. 7. That Section Twelve of the said Charter be amended so as to read as follows:

Section 12. At all meetings of the Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council previously, by ordinance, may have prescribed. The Mayor shall preside at all meetings of the Council, but shall be entitled to no vote, except in case of a tie. In the absence of the Mayor at any meeting of the Council, if three members be present, they may choose one of their number as presiding officer of such meeting, who shall retain the right to vote upon all questions under consideration. No ordinance shall be legal or valid unless passed by the votes of at least three members of the Council and approved by the Mayor; *provided*, if the Mayor shall for any cause fail or refuse to approve such ordinance, before the next regular meeting of the Council, such ordinance may be put upon its final passage, and if it receives four votes of the Council in favor of its adoption, it shall become a valid and legal ordinance without such approval. The Council may establish rules for their own proceedings; provide for the punishment of disorderly conduct in their presence, on the part of a member, or other person; shall keep a journal of their proceedings, in which shall be entered the ayes and nays taken on every question acted upon by them, and their proceedings shall be public.

In case of a vacancy, or if by reason of absence from the City, or sickness, or from any other cause, the Mayor is unable to perform the duties of the office, the City Council shall appoint one of their number Mayor pro tem., who shall have all the powers and authority which the Mayor would have possessed, if personally present and attending to such duties, but such Mayor pro tem. shall not lose his vote as Councilman

The Mayor shall, together with the Chairman of the Finance Committee and the City Auditor, at least once a month, count the cash in the Treasury, and see that it corresponds with the books of the Treasurer, and thereupon make a report in writing of the result of such count to the City Council.

SEC. 8 That Section Thirteen of the said Charter be amended so as to read as follows:

Section 13 All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the City Marshal, City Assessor, City Treasurer, City Tax Collector, City Auditor, City Engineer and Superintendent of Streets, shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Council, in such penal sum as shall have been prescribed by ordinance; *provided*, that the City Treasurer shall give one bond only, which shall cover all his duties as both City Treasurer and City Tax Collector; and the City Engineer shall give but one bond only, which shall cover all his duties as both Engineer and Superintendent of Streets; and the City Marshal shall give but one bond only, which shall cover all his duties as both City Marshal and City Assessor. From any cause such bonds shall at any time become insufficient, in the opinion of the Council, they may require any officer to furnish such new or additional bonds as they may deem necessary.

SEC. 9. That Section Sixteen of the said Charter be amended so as to read as follows:

Section 16. The City Treasurer shall, in the months of March and September in each year, cause to be made out a full and correct statement of all moneys received and to whom and for what purpose expended, during the preceding six months, which statement shall be examined and approved by the City Auditor and filed with the City Clerk.

The Mayor may appoint some competent person, expert in matters of bookkeeping and accounts, to examine the books, records, condition and affairs in every department, board or officer, at least once in every four years, and shall enforce such examination.

Any officer refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed, upon charges, as provided by Section 9 hereof. The compensation of such expert must be fixed before the appointment by the City Council.

SEC. 10. That Section Seventeen of the said Charter be amended so as to read as follows:

Section 17 The City Council shall have power:

First—To pass ordinances not in conflict with the Constitution of this State or of the United States or any of the provisions of this Charter.

Second—To manage and take care of the property and finances of the City; to sell, use, lease, control, improve and take care of the real estate and personal property of this City; to make contracts; to purchase, take, receive, hold and lease real and personal property within and without the corporate limits of the City.

Third—To establish, build and repair bridges; to establish, lay out, alter, keep open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the City, and to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereof and enforce conformity thereto;

to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof, and generally to manage and control all such bridges, streets, lanes, alleys, squares, highways and places; to establish, construct and maintain drains and sewers; to provide for the opening and closing and for the repair of drawbridges.

Fourth—To establish and regulate a Fire Department, and provide such means, engines, apparatus, measures or materials for the prevention or extinguishment of fires as they may deem necessary to protect the City from fire; to regulate or prevent the keeping or storing of gunpowder, hay or other dangerous or inflammable substances within the City, or loading or transportation of the same through the streets of the City; to establish fire limits with proper regulations, and to determine the character and height of buildings and structures that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or structures, or in the repair or alteration of existing buildings within said fire limits: to require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against and extinguishment of fires; to prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prevent the depositing of ashes, or the accumulation of shavings, rubbish, or any combustible material; and to make provisions to guard against fires; to regulate or prohibit the placing of poles and suspending of telephone, telegraph, electric light or power or other wires, along or across any of the streets, alleys or public places of the City; to regulate the entrances to and exits from theatres, lecture rooms, public halls, hotels and churches, and the number and construction of such entrances and exits, and to regulate the placing of chairs, stools or benches in such buildings, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles thereof.

Fifth—To provide the streets and City buildings with artificial light and water necessary for their proper use; or to contract for the lighting the street and public buildings of the City with gas, electricity or other artificial lights, and for sprinkling or oiling the improved streets of the City—any street that has been graded, curbed and graveled, macadamized or paved, being an improved street within the meaning of this clause—no such contract to be for a longer period than one year, and the same shall be let to the lowest bidder, only after notice calling for bids for such lighting, sprinkling or oiling has been given for at least five days in some daily newspaper published in the City of Napa, or posted for five days on or near the Council Chamber door; to construct, purchase, lease, own, control, maintain and operate, gas and electric or other works, within or without the corporate limits, for supplying the city and its inhabitants with light, heat and power; to construct, purchase, lease, own, control, maintain or operate water works, pipes, pipe lines, aqueducts, reservoirs and hydrant for supplying the City and its inhabitants with water, and for supplying water to such persons who live without the city limits, but along or adjacent to any pipe, pipe line or aqueduct used in supplying the City or its inhabitants with water; to construct, maintain and operate works for supplying the City and its inhabitants with telephonic and telegraph service; to construct maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary or proper in the operation, management and control of the same.

Sixth—To improve the rivers and streams flowing through the City of Napa; to widen, straighten and deepen the channels thereof and remove obstruction therefrom; to build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, and to fix the rates of wharfage and transit, levy dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other water crafts, and to fix the rate of speed at which steamboats may run along the water front of the city.

Seventh—To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars, drawn by horses, steam, electricity or other power thereon, and the laying of gas or water pipes in the public streets, and to permit the construction and maintenance of telegraph, telephone and electric light and power lines therein and they shall impose such restrictions and conditions upon the location and construction of gas, electric light and water works and pipes, wires and poles as shall secure the least possible public or private inconvenience; and they shall provide for the enforcement of such restrictions and conditions; and to regulate the use and fix and determine the charges for telephone and telephone service and connection within the city, and the use and sale of gas, electric and other lights in the city; to fix and determine the price thereof as well as the rental price of all gas and electric light meters within the city, and to provide for the inspection of such meters; to regulate the use and sale and distribution of water, and to fix and determine annually, in the month of February, the rates that shall be charged by any person, company, association or corporation for water furnished to the City of Napa, or its inhabitants, or the rent of water meters within the City of Napa, and to provide for the regulation or inspection of such meters.

Eighth—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railroads, telephone, telegraph and electric light or power lines, and water or gas pipes, pipe lines and mains, with the necessary connections for the construction and operation of gas, electric light and power and water

works, *provided* that no exclusive franchise or privilege and no special privilege shall be granted for any purpose.

Ninth—To license for purposes of regulation and revenue all and every kind of business transacted or carried on in said city, and all circuses, shows, exhibitions and lawful games carried on therein, to fix the rates of license upon the same, and to provide for the collection thereof, by suit or otherwise; to regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys or public places in the city.

Tenth—To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, games, exhibitions and practices which are against good morals or contrary to public order and decency, or dangerous to the public safety.

Eleventh—To levy and collect annually a tax upon all property, real and personal, in said city, which shall be apportioned as follows: A tax for "General Fund," not to exceed forty cents on each one hundred dollars of taxable property, and a tax for a "Street Fund" not to exceed thirty-five cents on each one hundred dollars of taxable property, said "Street Fund" to be used exclusively for repairing, oiling and sprinkling improved streets, and a tax for a "Sewer Fund" not to exceed ten cents upon each one hundred dollars of taxable property, said "Sewer Fund" to be used exclusively for the constructing, repairing and flushing sewers, and a tax for a "Library Fund" not to exceed fifteen cents on each one hundred dollars of taxable property, and to prescribe the manner of making assessments and collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and County taxes. The Council may assess, levy and collect any other taxes that may be authorized by the laws of the State of California. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property in the City, except a levy for the payment of the bonded indebtedness of the city, and interest thereon or other special taxes voted by the people.

Twelfth—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal; to prevent or regulate the running at large within the city limits of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a Pound Master, or to confer the duties of Pound Master upon the City Marshal and to fix his compensation as such.

Thirteenth—To establish a Board of Health and prescribe their duties; to prescribe rules and regulations therefor, and to make such sanitary regulations as may be requisite to promote public health and comfort; to require all rubbish, slush, brush, débris, decayed animal, vegetable or other offensive matter, standing pools of water, and everything injurious to health to be removed from all lands and premises and from the street in front thereof, by and at the expense of the owners or occupants of such lands or premises, and upon his or their default in causing such removal, after notice to such owner or occupant, to cause the same to be removed, and the expense of such removal shall become a lien upon such land and premises, and a notice of such lien may be recorded in the office of the Recorder of Napa county; said lien may be enforced in the same manner as provided for the enforcement of liens of mechanics and others upon real property by Chapter II of Title IV, Part III, of the Code of Civil Procedure of this State; to define nuisances, and to prevent, remove and abate the same; to make all regulations which may be necessary and expedient for the preservation of health, and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, to make quarantine laws and regulations, and to enforce them within the city.

Fourteenth—To establish and regulate a Police Department; to appoint one or more policemen, regulate their duties and terms of office, fix their compensation; to establish, maintain and regulate a city prison; *provided*, that until otherwise ordered by the Council, the county jail of the County of Napa shall be the city prison, and the Sheriff of said County shall be the City jailer, with like duties and powers as are imposed upon and vested in him in relation to the prisoners committed to his custody under the Statute, and for the boarding and keeping of said city prisoners he shall be allowed a reasonable compensation, to be determined by the City Council and paid out of the City Treasury, which compensation shall in no case exceed the sum paid by the county for the boarding of prisoners confined in jail under the Statute; to provide for the formation of a chain-gang for persons convicted of breaches or violations of city ordinances, and for their proper employment for the benefit of the city.

Fifteenth—To provide for the punishment by fine or imprisonment or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the People of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors are prosecuted under the Statute, and said Justice's Court shall have jurisdiction over breaches and violations of city ordinances and noncompliance therewith, and the proceeding in such cases shall be in like form as proceedings in criminal cases under the Statute; *provided*, that no fine for any one offense shall exceed one hundred dollars and no judgment of imprisonment for any one offense shall exceed one hundred days; an alternate judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each dollar of such fine; such

imprisonment shall be in the city prison; and all fines and penalties imposed and collected in proceedings for the breach of, violation of, or noncompliance with a city ordinance, shall be paid into the City Treasury.

Sixteenth—To regulate the speed of railway engines, cars, and trains passing through the city, and the speed of cars of street railway companies using the public streets of the city, and to require railway companies either to station flagman or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders or other appliances for the protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, along or upon any of the streets or highways of the city.

Seventeenth—To fix, establish and change, by ordinance, the boundaries of the several Wards of the City, whenever it may deem it expedient, making the same as nearly equal in population and as geographically compact as possible, and by no such ordinance shall be passed within ninety days previous to any municipal election.

Eighteenth—In addition to the powers herein given, the Council shall have power to do and perform any and all other acts and things necessary and proper to carry out the provisions of this Charter, and to enact and enforce within the limits of the City of Napa all other local, police, sanitary and other regulations as do not conflict with the general laws of the State of California.

SEC. 11. That Section Twenty-two of the said Charter be amended so as to read as follows:

Section 22. The City Council shall prescribe by ordinance the office hours and duties of the City Marshal, City Assessor, City Treasurer, City Engineer and Superintendent of Streets, City Attorney and City Auditor.

SEC. 12. That Section Twenty-four of the said Charter be amended so as to read as follows:

Section 24. The Free Public Library, heretofore established and now maintained by the city, shall be known as the "Goodman Library," and shall be managed by a Board of Library Trustees, consisting of five members, to be appointed by the Mayor, by and with the consent of the City Council. Such Trustees shall hold office for a term of three years, providing that the members of the present Board of Library Trustees shall hold office until the expiration of their present terms of office.

The Board of Library Trustees shall meet at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by three Trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall appoint one of their number President, who shall serve for one year and until his successor is appointed, and in his absence shall select a President pro tem. The Board shall cause a proper record of their proceedings to be kept

The Board of Library Trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Goodman Public Library, and all property belonging thereto.

Second—To administer any trust declared or created for such Library, and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such Library.

Third—To prescribe the duties and powers of the Librarian, Secretary and other officers and employés of such Library; to determine the number of and appoint all such officers and employés, and fix their compensation, which said officers and employés shall hold their offices or positions at the pleasure of the Board.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building or portion thereof has not been provided by the legislative body of the municipality for such Library.

Sixth—To require the Secretary of State and other State official to furnish such Library with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other Libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

The Board of Library Trustees shall, on or before the first Monday in March in each year, make a report to the legislative body of their municipality, giving the condition of the Library on the first Monday in March, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the State Library at Sacramento.

The City Council shall, in making the annual tax levy and as a part thereof, if the maintenance of the Library has not been otherwise provided for, levy a tax for the purpose of maintaining such Library and purchasing property necessary therefor

The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the Library, shall be apportioned to a fund

to be designated the "Library Fund," and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the Library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be ordered by the Board of Library Trustees in the manner provided for the payment of other demands against the municipality.

The Goodman Public Library shall be forever free to the inhabitants and non-resident tax-payers of the city, subject always to such rules, regulations and by-laws as may be established by the Board of Library Trustees.

The Board of Library Trustees may contract for lending the books of such Library to residents of such counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.

The title of all property acquired for the purposes of such Library, when not inconsistent with the terms of its acquisition or otherwise designated shall vest in the municipality in which the Library is, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

STATE OF CALIFORNIA, } ss.
COUNTY OF NAPA. }

This is to certify that we, J. A. Fuller, Mayor of the City of Napa, and H. H. Thompson, City Clerk of the said City of Napa, have compared the foregoing proposed and ratified amendments to the Charter of the said City of Napa, with the original ordinance proposing such amendments and submitting them to the qualified electors of said City at a special election called for that purpose on Monday, the 16th day of February, 1903 and find that the foregoing is a full, exact, true and correct copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to the City Charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City of Napa this 20th day of February, 1903.

J. A. FULLER
Mayor of the City of Napa.

Attest:

[SEAL] H. H. THOMPSON
City Clerk of the City of Napa.

*Now therefore be it resolved by the Assembly of the State of California, the Senate thereof concurring*, a majority of all the members elected voting for and concurring herein, that said amendments to the Charter of the City of Napa, as proposed to and adopted and ratified by the qualified electors of said City, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said City of Napa, aforesaid.

Assembly Concurrent Resolution No. 9 read.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—None.

SPECIAL FILE.

Assembly Bills Nos. 583, 570, 558, 621, and 204 passed on file temporarily.

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Kelso, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin,

McMahon, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Assembly Constitutional Amendments Nos. 2 and 3 passed on file temporarily.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 19.

A resolution proposing to the people of the State of California an amendment to Section 17 of Article XI of the Constitution of the State, in relation to depositing public funds of any county, city and county, city or town.

The Legislature of the State of California, at its thirty-fourth session, commencing on the seventh day of January, Anno Domini one thousand nine hundred and one, two thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, propose that section seventeen of article eleven of the Constitution of the State of California be amended so as to read as follows:

Section 17. It shall be the duty of the Treasurer or other custodian of public money of any county, city and county, city or town, to divide the money in his possession equally among all the incorporated banks within the city and county, county, city or town of which he is treasurer or custodian of public money, that will pay, semi-annually, to such county, city and county, city or town, interest at the rate of two (2) per cent per annum on the daily balances of public money so deposited, and that will give as security for the return of such public money, bonds of the United States or of the State of California, or of any county, city and county, city or town of California, approved by the District Attorney of the city and county, or county in which said money is to be deposited not in arrearages for interest or principal of its public debt, the market value of which shall be at least twenty-five (25) per cent greater than the highest amount of such deposit.

No treasurer or other official having control of public money shall make any profit out of the use or distribution of such money.

Any public official violating any of the provisions of this Act shall be guilty of a felony, and shall be prosecuted and punished as prescribed by law.

Assembly Constitutional Amendment No. 19 read.

The roll was called, and Assembly Constitutional Amendment No. 19 adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ellis, Foster, Goodrich, Hart, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—61.

NOES—Messrs. King, Snyder, and Weger—3.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 921—An Act providing that, in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and a majority thereof respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 922—An Act providing that in any city, or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform

of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor and to provide for the payment of the same," approved March 9, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 899—An Act amending Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of municipal corporations of the sixth class—have had the same under consideration, and respectfully report the same back without recommendation.

McLAUGHLIN, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McNEIL, Chairman.

MOTIONS.

Mr. Mott moved that the Committee on Judiciary be instructed to report back at two o'clock P. M. on to-morrow, to the Assembly, Senate Bill No. 199.

Motion carried, and such was the order.

Mr. Bliss moved to take up for consideration Assembly Bill No. 570.

Motion carried.

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Bill heretofore read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lumley, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walker, Wanzer, Waste, Weger, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Mr. Soward moved to take up for amendment Assembly Bill No. 829.

Motion lost.

Assembly Constitutional Amendment No. 15—Relative to proposed amendment to Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

Amendment read.

Mr. Knight moved to amend as follows:

By striking out of printed bill the figures "15" in line forty-eight of page two and inserting in lieu thereof the figures "25."

Motion lost.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Camp moved a call of the House.

Motion carried.

Time, three o'clock and eight minutes P. M.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—69.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and fifteen minutes P. M., Mr. Camp moved that further proceedings under call of the House be dispensed with.

Motion carried.

Whereupon the Speaker declared that Assembly Constitutional Amendment No. 15 was refused adoption by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Black, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Houser, John, Johnstone, Kelso, Kerrigan, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—50.

NOES—Messrs. Allen, Bangs, Bates, Baxter, Bliss, Brown, Camp, Greer, Hart, Higgins, Howard, Johnson, Killingsworth, McConnell, Soward, Stansell, and Mr. Speaker—17.

NOTICE OF MOTION TO RECONSIDER.

Mr. Camp gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 15 was this day refused adoption.

SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Bill read third time.

Mr. Stansell moved that a select committee of one be appointed to amend Senate Bill No. 396, as follows:

AMENDMENT No. 1.

Amend by inserting after the word "prescribe," line twenty-four, page two of printed bill, the words "and enforce."

AMENDMENT No. 2.

Amend by inserting after the word "prescribe," line twenty-eight, page two of printed bill, the words "and enforce."

AMENDMENT No. 3.

Amend by inserting after the word "schools," line thirty-one, page three of printed bill, the following: "and for transfer of pupils from one normal school to another; *provided*, that a student for good cause may, upon recommendation of the president of the school from which he seeks to be transferred, enter any other normal school and without examination be admitted to classes corresponding to those in the school which he has left."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees—with instructions, does now report that the instructions of the Assembly have been carried out.

STANSELL, Committee.

Report of select committee, and amendments, adopted.

Bill ordered to print.

On motion of Mr. Traber, made a rush order to printer.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Bill read third time.

Mr. Murphy moved that a select committee of one be appointed to amend Senate Bill No. 594, as follows:

Amend by striking out the words "bristle bur," in section one, line four, first page, printed bill.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—57.

NOES—Messrs. Mahany and McMahon—2.

Title read and approved.

Senate Bill No. 41—An Act appropriating the sum of $2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Black, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Foster, Greer, Higgins, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Senate Bills Nos. 792 and 793 passed on file temporarily.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels &

Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Greer, Higgins, Houser, Howard, John, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Pyle, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—51.

NOES—Messrs. Murphy and Weger—2.

Title read and approved.

Mr. Mattos moved that Senate Bill No. 34 be passed on file.

Motion lost.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read second time.

Mr. McCartney submitted the following amendment:

Amend by striking out all after Section 718, and inserting in lieu thereof the following words: "No lease or grant of any town or city lot for a longer period than fifty years, in which shall be reserved any rent or a service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person shall not be leased for a longer period than ten years.

"SEC. 2 This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Mr. Mattos moved to amend as follows:

Strike out of line five of printed bill the word "ninety-nine," and insert the following: "twenty-five."

Amendment adopted.

Bill ordered to print and on file for third reading.

## LEAVE OF ABSENCE.

Leave of absence for the day was granted to Messrs. Mattos and Howard.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval.

Bill read third time.

Passed on file.

## REPORT OF STANDING COMMITTEE.

### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend that the order of business at the session this evening be, first, the consideration of the bills a list of the number and titles of which is hereto attached. Five minutes only shall be given for debate upon said bills, one half of which time shall be given to those favoring said bills and the remainder to those opposing the same. After the consideration of said bills, the third-reading file shall be taken up. The number and titles of said bills are as follows:

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled

"A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Assembly Bill No 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California, upon a judgment recovered in an action entitled "M. A. Forster vs The State of California," in the Superior Court of the County of Orange

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs. The State of Callfornia," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book 1, at page 570, in the Superior Court of the County of Placer.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said Court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 93—An Act to appropriate $1,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California" numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California"

Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Assembly Bill No 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the 6th day of January, 1903, and making an appropriation therefor.

Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

BROWN, Chairman.

The question being on the adoption of the report and rule.

The same was lost.

Mr. Brown moved a reconsideration of the vote whereby the above report and rule were lost.

Motion seconded.

Mr. Dunbar moved to lay the motion to reconsider on the table.

Motion lost.

The question recurring on the motion to reconsider.

The same was put and carried.

Whereupon Mr. Brown moved the adoption of the committee report and proposed rule.

The ayes and noes were demanded by Messrs. John, Mahany, and Murphy.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Camp, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, Howard, John, Johnson, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—49.

NOES—Messrs. Black, Carter, Cromwell, Dunbar, Finn, Gleeson, Greer, Houser, Johnstone, Kelso, Kerrigan, King, Mahany, McCartney, McMahon, McMartin, Murphy, Pann, Susman, Walker, Weger, and Wright—22.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 568—An Act to provide for the amount and manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Bill read third time.

Mr. Prescott moved that a select committee of one be appointed to amend Senate Bill No. 568, as follows:

AMENDMENT No. 1.

Amend the title by inserting after the words "of this Act" the words: "and to provide a cashier in the office of the Tax Collector."

AMENDMENT No. 2.

Amend by adding after line two, section three, the following: "SEC. 4. In the office of the County Tax Collector of counties of the tenth class there shall be a cashier, to be appointed by and hold office at the pleasure of the County Tax Collector, whose compensation shall be nine hundred dollars per annum."

Also: Strike out of section four of the printed bill the figure "4," and insert in lieu thereof the figure "5."

Motion carried.

Mr. Prescott was appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith—with instructions, does now report that the instructions of the Assembly have been carried out.

PRESCOTT, Committee.

Report of select committee, and amendments, adopted.

Bill ordered to print.

At four o'clock and five minutes P. M., the Speaker called Mr. Brown to the chair.

Mr. Waste moved that the Assembly do now take up and read Senate messages.

Motion carried.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following: Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California Sequoia gigantea, in Calaveras County.

Also: Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Mr. Waste moved that the Assembly proceed to consider Senate Joint Resolution No. 11.

Motion carried.

SENATE JOINT RESOLUTION NO. 11.

Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California Sequoia gigantea, in Calaveras County.

WHEREAS, The California Sequoia gigantea are the amazement and admiration of the world, their prototypes in grandeur, size or beauty not existing elsewhere; and

WHEREAS, There is now pending in Congress House Bill No. 11,538, designed to set aside and preserve as a National Park, one of the most notable of these groves in Calaveras County; therefore be it

*Resolved*, That the people of California, represented in Senate and Assembly, do hereby memorialize and petition the Congress of the United States, before the expiration of the present session, to consider this bill of so very considerable importance to the people of this State; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of this resolution by telegraph to the Speaker of the House of Representatives.

Resolution read.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

Mr. McLaughlin moved that the Assembly take up, for the purpose of amending, Assembly Bill No. 669.

Motion carried.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the thirty-seventh class.

Bill read third time.

Mr. McLaughlin moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 669, as follows:

Amend by striking out the word "thirty-sixth" in first line of title, printed bill, and inserting in lieu thereof the word "thirty-seventh."

Motion carried.

Mr. McLaughlin was appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the thirty-seventh class—with instructions, does now report that the instructions of the Assembly have been carried out.

McLAUGHLIN, Committee.

Report of select committee, and amendment, adopted.

Bill ordered to print and re-engrossment.

Mr. John moved to take up for second reading Assembly Bill No. 940.

Motion carried.

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read second time, and ordered to engrossment and third reading.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625*a*, relating to unlawful interferences with public fire-alarms.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Senate Bill No. 443 passed on file.

Senate Bill No. 85—An Act to amend Section 595 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating

to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Bill finally passed on a previous day.

Title, as amended, read and approved.

BILL RECALLED FROM COMMITTEE.

Mr. Dunlap moved that Committee Substitute for Senate Bills Nos. 261, 307, and 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress, approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes"—be recalled from Committee on Military Affairs, and placed on file.

Motion carried, and such was the order.

BILL RE-REFERRED TO COMMITTEE.

Mr. Ells moved that Assembly Bill No. 893 be re-referred to Committee on Municipal Corporations.

Motion carried.

Bill re-referred.

At four o'clock and twenty-nine minutes P. M., Mr. Carter moved that the time for recess be extended until the completion of the consideration of the Senate special file.

Motion lost.

RECESS.

At four o'clock and thirty minutes P. M., Mr. Brown declared the Assembly at recess until seven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Assembly reconvened. Speaker pro tem. Carter in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

"An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor."

"An Act to repeal an Act entitled 'An Act to regulate fees in the City and County of San Francisco,' approved February 9, 1868."

"An Act to amend Section 1 of 'An Act entitled an amendment to Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895,' which became a law March 4, 1899."

"An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, as amended and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer and fixing his compensation"

And further recommend that the authors of the joint resolutions hereinafter stated be not permitted to introduce them. The titles of said resolutions are as follows:

"Assembly joint resolution relating to the powers of the Interstate Commerce Commission."

"Assembly joint resolution relative to alleviating distress in the Philippines."

CARTER, Chairman.

On motion of Mr. Brown, the consideration of the report was made a special order for Tuesday, March 3, 1903, immediately after the reading of the Journal.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Dunbar asked that permission be granted him to introduce the accompanying concurrent resolution, relative to the charter of Santa Rosa, Sonoma County.

Referred to Committee on Introduction of Bills.

LEAVE OF ABSENCE.

Mr. Mattos was granted leave of absence for the remainder of the day.

MOTION.

Mr. McCartney moved that Senate Bill No. 887 be taken up for the purpose of amendment.

Motion carried.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution without the Governor's approval.

Bill read third time.

Mr. McCartney moved that a select committee of one be appointed by the Speaker to amend the bill, as follows:

AMENDMENT No. 1.

Amend by striking out the words "or disease contracted in" after the word "received," in line six, second page, printed bill.

AMENDMENT No. 2.

Amend by striking out the following words: "or disease contracted in" from line seven, after the word "received," printed bill, page three, section six.

Motion carried.

Mr. McCartney was appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution without the Governor's approval—with instructions, does now report that the instructions of the Assembly have been carried out.

McCARTNEY, Committee.

Report and amendments adopted.

Bill ordered to print.

On motion of Mr. McCartney, sent to printer with rush order.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Howard for the remainder of the day.

SPECIAL ORDERS.

Assembly Bill No. 86—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, and at eight o'clock P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Weger—58.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and five minutes P. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

Motion carried, and such was the order.

The Speaker thereupon declared Assembly Bill No. 86 passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunlap, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lumley, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Boisson, Cromwell, Dunbar, Finn, Hart, Houser, King, Mahany, McCartney, McMahon, McMartin, Mott, Rolley, Siskron, Susman, Walker, and Weger—18.

Title read and approved.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Traber, Transue, Walsh, Wanzer, and Waste—42.

NOES—Messrs. Black, Boisson, Cromwell, Dunbar, Finn, Houser, Kerrigan, Mahany, McMahon, Mott, Rolley, Siskron, Walker, Weger, and Wright—15.

Title read and approved.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—42.

NOES—Messrs. Black, Cromwell, Dunbar, Finn, Houser, Kerrigan, Mahany, McMahon, Mott, Siskron, Snyder, Walker, and Weger—13.

Title read and approved.

Assembly Bill No. 89—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Burgess, Carter, Covert, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—42.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Kerrigan, King, Mahany, McMahon, Mott, Siskron, and Walker—11.

Title read and approved.

At eight o'clock and twenty minutes P. M., Speaker pro tem. Carter called Mr. Dunlap to the chair.

## LEAVE OF ABSENCE.

Mr. Carter was granted leave of absence for the remainder of the day.

Assembly Bill No. 90—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called.

## CALL OF THE HOUSE.

Pending the announcement of the result, and at eight o'clock and twenty-five minutes P. M., Mr. Johnson moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Carter, Covert, Cromwell, Drew, Dunlap, Foster, Goodrich, Hart, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Weger—47.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and thirty minutes P. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

Motion carried, and such was the order.

Whereupon the Speaker declared Assembly Bill No. 90 passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Covert, Dorsey, Drew, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, and Waste—45.

NOES—Messrs. Black, Cromwell, Dunbar, King, Mahany, McMahon, Rolley, Siskron, Walker, and Weger—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 90 was on this day passed.

Assembly Bill No. 91—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, and at eight o'clock and forty minutes P. M., Mr. Johnson moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Covert, Cromwell, Dorsey, Drew, Dunlap, Ells, Foster, Goodrich, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Weger—48.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and fifty minutes P. M., Mr. Johnson moved that further proceedings under call of the House be dispensed with.

Motion carried, and such was the order.

Whereupon the Speaker declared Assembly Bill No. 91 passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walsh, and Waste—42.

NOES—Messrs. Black, Cromwell, Kerrigan, King, Mahany, McMahon, Siskron, Walker, Weger, and Wright—10.

Title read and approved.

LEAVE OF ABSENCE.

Mr. Wright asked for leave of absence for the Committee on Contested Elections for the remainder of the day.

Request granted.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 91 was on this day passed.

Assembly Bills Nos. 199, 344, 405, and 306 passed on file.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed and re-engrossed:

Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Assembly Bill No. 827—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States, approved March 23, 1901, and for the payment for the erecting of headstones.

Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 190 thereof, relating to the compensation of officers of counties of the thirty-third class

Assembly Bill No. 892—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms

Assembly Bill No. 879—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 46 thereof, relating to the compensation of officers of the forty-second class.

Assembly Bill No. 632—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 25 thereof, relating to the general permanent powers of Boards of Supervisors.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 201 thereof, relating to the compensation of officers of counties of the forty-fourth class.

Assemby Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Assembly Bill No 527—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 47 thereof, relating to the compensation of officers of the forty-third class.

Assembly Bill No. 795—An Act to amend Section 152 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to the duties of Public Administrator.

Also: That the following has been correctly enrolled:

Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session—and was presented to the Governor March 2, 1903, at four o'clock and forty minutes P. M.

MOTT, Acting Chairman

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—46.
NOES—Messrs. Black, Cromwell, Houser, Kerrigan, King, Mahany, Rolley, and Weger—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 688 was on this day passed.

Assembly Bill No. 607—An Act to appropriate the sum of $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—45.
NOES—Messrs. Black, Cromwell, Houser, Kerrigan, King, Mahany, Rolley, and Weger—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 607 was on this day passed.

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, and Waste—44.
NOES—Messrs. Black, Cromwell, Houser, Kerrigan, King, Mahany, and Weger—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 660 was on this day passed.

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment

recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book No. 1, at page 570, in the Superior Court of the County of Placer.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—45.

NOES—Messrs. Black, Boisson, Cromwell, Houser, Kerrigan, King, Mahany, and Weger—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 473 was on this day passed.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Bates, Black, Cromwell, Houser, Kerrigan, King, Snyder, and Weger—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 597 was on this day passed.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment for $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, John-

son, Johnstone, Kelso, Killingsworth, Knight, Leininger, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, and Wanzer—44.

NOES—Messrs. Black, Houser, King, Mahany, and Weger—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 142 was on this day passed.

Assembly Bill No. 96—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Houser, Kerrigan, King, Mahany, Walker, and Weger—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 96 was on this day passed.

Assembly Bill No. 95—An Act to appropriate $490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Houser, King, Mahany, and Walker—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 95 was on this day passed.

Assembly Bill No. 94—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment

recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—46.

NOES—Messrs. Black, Cromwell, Kerrigan, King, Mahany, Walker, and Weger—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 94 was on this day passed.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—44.

NOES—Messrs. Black, Cromwell, Houser, King, Mahany, Pann, and Walker—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 92 was on this day passed.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—44.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, King, Mahany, Pann, Walker, and Weger—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 93 was on this day passed.

Assembly Bill No. 84—An Act to appropriate $49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—44.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Kerrigan, Mahany, Pann, Walker, and Weger—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 84 was on this day passed.

Assembly Bills Nos. 611, 406, and 407 passed on file.

Assembly Bill No. 346—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—44.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Walker, and Weger—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 346 was on this day passed.

Assembly Bills Nos. 87, 88, 189, 90, 91, 199, 344, 405, 306, 688, 607, 660, 473, 611, 406, 407, 340, 596, 610, 69, 227, 647, 557, 751, 752, 388, 401, 217, 429, 172, 369, 629, 154, 241, 408, 531, 399, 559, 561, 563, 617, and 543 passed on file.

Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State

of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Mahany, McMahon, Siskron, Walker, and Weger—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 600 was on this day passed.

Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—41.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Kerrigan, King, McMahon, Siskron, Walker, and Weger—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 601 was on this day passed.

At nine o'clock and fifty-nine minutes P. M., Mr. Houser moved that the time for adjournment be extended to ten o'clock and ten minutes P. M.

Motion carried.

Assembly Bills Nos. 549, 704, 188, 220, 490, 106, 598, 757, 16, 17, 108, 509, 728, 639, 743, 753, 368, 828, 658, 669, 670, 664, 631, 723, 718, 620, 809, 801, 520, 459, 351, 337, and 176 passed on file.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Dunbar, Houser, Kerrigan, King, Mahany, McMahon, Walker, and Weger—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 770 was on this day passed.

Assembly Bills Nos. 327, 759, 149, 634, 495, 656, 695, 640, 714, 637, 458, 779, 760, 742, 745, 455, 296, 238, 229, 497, 829, 203, 454, 721, 843, 891, 265, 773, 788, 547, 500, 794, 148, 496, 707, 677, 626, 744, 807, 782, 885, 166, 709, 710, 309, 340, 741, 901, 868, 155, 792, 73, 740, 784, 243, 726, 730, 795, 487, 716, 581, 488, 76, 391, 392, 393, 772, 764, 827, 848, 19, 762, 638, 888, 294, 719, and 833 passed on file.

Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Covert, Dorsey, Drew, Dunlap, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Black, Cromwell, Houser, King, Mahany, McMahon, Siskron, Walker, and Weger—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 872 was on this day passed.

REPORT OF STANDING COMMITTEE.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following concurrent resolution, herewith return the same, with the recommendation that the author be permitted to introduce it. The title of said resolution is as follows: "Approving the charter of the City of Santa Rosa, in Sonoma County, California, which

was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the 2d day of April, 1902"

CARTER, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Dunbar, report made a special order for Tuesday, March 3, 1903, immediately after the reading of the Journal.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Tuesday, March 3, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 3, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment, Hon. Arthur G. Fisk, Speaker of the Assembly, in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal of Monday, March 2, 1903, was dispensed with.

READING OF JOURNAL.

The Journal of Saturday, February 28, 1903, was read, and its further consideration continued until Wednesday, March 4, 1903, on motion of Mr. Killingsworth.

APPROVAL OF JOURNAL RECONSIDERED.

Mr. Knight moved that the vote whereby the Journal of Friday, February 27, 1903 was approved be reconsidered.

Motion carried.

CORRECTION OF JOURNAL.

Mr. Knight moved to correct Journal of February 27, 1903, as follows:

Strike out lines eighteen to twenty-one, both inclusive, of page forty-six of Journal of Friday, February 27, 1903, and insert in lieu thereof the following:

Mr. Knight moved to transpose on Assembly file Assembly Bill No. 523 (85 on file) and Assembly Bill No. 379 (104 on file).

So ordered.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Motion carried, and correction ordered.

APPROVAL OF JOURNAL.

The Journal of Friday, February 27, 1903, as corrected, was approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 699—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1434, relating to change of venue in cases of estates and guardianships—report the same back without recommendation.

Also: Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine and providing for the disposal of the fine paid—have had the same under consideration, and report the same back, with two amendments, and recommend its passage as amended.

Also: Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California—have had the same under consideration, and report the same back, with one amendment, and recommend its passage as amended

JOHNSON, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 726—An Act defining the time within which employés are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Assembly Bill No 488—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Assembly Bill No. 243—An Act relating to crimes and punishments.

Assembly Bill No 155—An Act to appropriate $30,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

And that the following bill has been correctly re-re-engrossed: Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

AMERIGE, Chairman.

SPECIAL ORDERS.

The following reports of the Committee on Introduction of Bills, heretofore set as a special order for this hour, were taken up for consideration.

REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following concurrent resolution, herewith return the same, with the recommendation that the author be permitted to introduce it. The title of said resolution is as follows: "Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the 2d day of April, 1902."

Also: To whom were referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

"An Act to establish a California dairy school and experiment farm, and to appropriate money therefor."

"An Act to repeal an Act entitled 'An Act to regulate fees in the City and County of San Francisco,' approved February 9, 1868."

"An Act to amend Section 1 of an Act entitled 'An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895,' which became a law March 4, 1899."

"An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, as amended and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class by adding to Section 164 of said Act a provision creating the office of chief jailer and fixing his compensation."

And further recommend that the authors of the joint resolutions hereinafter stated be not permitted to introduce them. The titles of said resolutions are as follows:

"Assembly joint resolution relating to the powers of the Interstate Commerce Commission."

"Assembly joint resolution relative to alleviating distress in the Philippines."

CARTER, Chairman.

Mr. Carter moved the adoption of the reports.

DIVISION OF REPORT.

The Speaker announced that in putting the question he would divide the last report so as to require a separate vote on the proposed joint resolution last referred to in the report of committee.

The question being put, "Shall the report of the committee so far as it relates to the introduction of the joint resolution relative to alleviating distress in the Philippines be adopted?"

The roll was called, and that portion of the report of committee refused adoption by the following vote:

AYES—Messrs. Brown, Burgess, Houser, Lewis of Riverside, McKenney, McMartin, Olmsted, Pann, Pyle, Stansell, Stanton, Steadman, Transue, and Wanzer—14.

NOES—Messrs. Bangs, Barber, Bates, Black, Bliss, Boisson, Camp, Covert, Cromwell, Drew, Dunbar, Duryea, Ellis, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Mott, Murphy, Prescott, Rolley, Siskron, Soward, Susman, Traber, Walker, Waste, Weger, Wright, and Mr. Speaker—47.

The question recurring:

"Shall the Assembly permit the introduction of the above-referred-to joint resolution?"

The same was put, the roll called, and permission granted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Lemmger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McMahon, McNeil, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—Messrs. Brown, Burgess, Carter, Dougherty, Duryea, Houser, Lewis of Riverside, McMartin, Olmsted, Stansell, Stanton, and Steadman—12.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Prescott: Assembly Joint Resolution No. 16—Relative to alleviating distress in the Philippines.

Referred to Committee on Federal Relations.

The question being put: "Shall the first report and the remainder of the last report of the Committee on Introduction of Bills now under

consideration be adopted, and the Assembly permit the introduction of the proposed bills contained therein?"

The roll was called, the first report and partial second report adopted, and permission to introduce the bills granted by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—Mr. Dunlap—1.

By Mr. Siskron: Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Dorsey: Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Barber: Assembly Bill No. 960—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Traber: Assembly Bill No. 961—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer, and fixing his compensation.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Dunbar: Assembly Concurrent Resolution No. 12—Relative to the charter of Santa Rosa.

Concurrent resolution read.

## SPECIAL ORDERS SET.

On motion of Mr. Dunbar, the consideration of Assembly Concurrent Resolution No. 12 was made a special order for Wednesday, March 4, 1903, at ten o'clock A. M.

On motion of Mr. Dunlap, the consideration of Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years—was made a special order for this day after second recess.

## RUSH ORDER FOR BILL.

On motion of Mr. Traber, Assembly Bill No. 961, this day introduced, was sent to print, with rush order.

## REPORTS OF STANDING COMMITTEES.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor.

Also: Assembly Bill No. 550—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making appropriation therefor.

Also: Assembly Bill No. 941—An Act to provide for the purchase of the painting, "Departure of the First California Regiment from San Francisco, May 25, 1898." by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Also: Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation—have had the same under consideration, and respectfully report the same back without recommendation.

DUNLAP, Chairman.

### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 31—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article VII thereof, relating to corporations.

Also: Assembly Constitutional Amendment No. 32—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article VI, by adding a new section thereto, to be known as Section 14½, relating to the appointment and compensation of official reporters of the Superior Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

McCARTNEY, Chairman.

### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 951—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, etc.

Also: Assembly Bill No. 929—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relating to lotteries, and providing that any person who engages therein, either by his labor or capital, is guilty of a felony.

Have had the same under consideration, and respectfully report the same back, and a majority recommend that they do pass.

BARBER, Chairman.

### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 729—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city, on the Bay of Monterey."

Also: Assembly Bill No. 937—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Have had the same under consideration, and respectfully report the same back, and a majority recommend that they do pass.

BOISSON, Chairman.

ON CONTESTED ELECTIONS.

SACRAMENTO, CAL., March 3, 1903.

MR. SPEAKER: Your Committee on Contested Elections, to whom was re-referred its report on contest of Seavy vs. Lewis for a seat in this Assembly as Assemblyman from the Thirty-eighth Assembly District, beg leave to submit the following amended report:

*Statement of Expenses of Fred H. Seavy, Contestant.*

| | |
|---|---|
| Typewriting grounds of contest, notices and summons | $7 50 |
| Six witnesses, one day each at $2.00 | 12 00 |
| Filing grounds of contest with County Clerk of San Francisco County | 6 00 |
| Affidavit to grounds of contest | 50 |
| Expenses of Fred H. Seavy, contestant | 140 00 |
| Fees of Justices of the Peace, four days at $5.00 per day each | 40 00 |
| Daniel S. O'Brien, attorney for contestant | 500 00 |
| | $706 00 |

*Amounts Allowed by Your Committee.*

| | |
|---|---|
| Six witnesses, one day each at $2 00 | $12 00 |
| Filing grounds of contest with County Clerk of San Francisco County | 6 00 |
| Affidavit to grounds of contest | 50 |
| Daniel S. O'Brien, attorney for contestant | 150 00 |
| | $168 50 |

*Statement of Expenses of M. Lewis, Contestee.*

| | |
|---|---|
| Typewriting answer | $5 20 |
| Filing answer County Clerk | 2 00 |
| Verification of answer | 50 |
| Two trips to San Francisco and return in attendance at taking of testimony | 33 80 |
| L. Seidenberg, stenographer | 100 00 |
| Wm. Chapman, attorney fee | 500 00 |
| | $641 50 |

*Amounts Allowed by Your Committee.*

| | |
|---|---|
| Filing answer County Clerk | $2 00 |
| Verification of answer | 50 |
| Wm. Chapman, attorney fee | 150 00 |
| | $152 50 |

*Statement of Expenses of Contestant and Contestee for Reporting and Transcribing Testimony.*

To J. A. Vaughan and E. S. Vance, stenographers, Dr.

| | |
|---|---|
| To reporting, four days | $40 00 |
| To transcribing 858 folios | 171 60 |
| To copy of same to contestant | 85 80 |
| To copy of same to contestee | 85 80 |
| | $383 20 |

To L. Seidenberg, Dr.

| | |
|---|---|
| Reporting Seavy-Lewis contest, four days, before Commissioners Dunn and Long | $40 00 |
| Transcribing testimony, 150 folios, three copies, at 40 cents per folio | 60 00 |
| | $100 00 |

*Amounts Approved by Your Committee.*

| | |
|---|---|
| To reporting, four days | $40 00 |
| To transcribing 858 folios | 171 60 |
| To copy of same to contestant | 85 80 |
| To copy of same to contestee | 85 80 |
| | $383 20 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of Eli Wright, chairman of said committee, for the sum of $704.20, to be distributed in accordance with the bills allowed.

WRIGHT, Chairman.

The question being on the adoption of the report of the Committee on Contested Elections.

The following amendments were offered:

By Mr. Camp:

In original report strike out the allowance of $150 attorney's fees to O'Brien, attorney for contestant.

Amendment adopted.

Also:

Amend the allowance of attorney's fees to Chapman, attorney for contestee, so as to read $250 instead of $150.

Mr. Amerige moved to amend the amendment

By striking out $250, and inserting in lieu thereof $175.

Amendment to the amendment lost.

Original amendment adopted.

By Mr. Camp:

Amend by striking out of the allowance to stenographer the two items of $85.80.

Amendment lost.

The question being on the adoption of the report as amended.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Wright moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—73.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

On motion, further proceedings under call of the House were dispensed with.

Whereupon the Speaker declared the report of the Committee on Contested Elections, as amended, adopted by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Kelso, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—55.

NOES—Messrs. Bangs, Baxter, Covert, Dougherty, Finn, Foster, Houser, Johnson, Johnstone, Kerrigan, Killingsworth, Mahany, Mattos, McConnell, McMahon, McNeil, Murphy, Rolley, Siskron, Snyder, and Weger—21.

SPECIAL ORDER RESET.

On motion of Mr. Dorsey, the consideration of Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—heretofore set for this day at eleven o'clock A. M., was reset as a special order for consideration on Thursday, March 5, 1903, at eleven o'clock A. M.

RECONSIDERATIONS DENIED.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 91 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 688 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 607 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 660 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 473 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 597 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 142 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 96 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 95 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 94 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 92 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 93 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 84 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 346 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 600 was on yesterday passed.

Mr. Bangs moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 601 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 770 was on yesterday passed.

Mr. Johnson moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 872 was on yesterday passed.

Motion carried.

FILING OF PROTEST.

Mr. Mott sent to the desk the following protest, which, at his request, was ordered printed in the Journal:

I do hereby protest against the action of this House in passing Assembly Bills Nos. 90, 91, 688, 607, 660, 473, 142, 96, 95, 94, 92, 93, 84, 346, 600, 601, 770, 872, and 597, owing to the fact that the said bills have not been read in full the three separate times as required by Section 15, Article IV of the State Constitution, and in fact never having been read in full.

MOTIONS TO RECONSIDER.

In compliance with notice given on yesterday, Mr. Johnson moved to reconsider the vote whereby Assembly Constitutional Amendment No. 15 was on yesterday refused adoption.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Gleeson, Greer, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

NOES—Messrs. Allen, Ells, Higgins, and Mott—4.

Assembly Constitutional Amendment No. 15—Relative to proposed amendment to Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

Constitutional amendment ordered on file.

Mr. Baxter moved that the Assembly do now reconsider the vote whereby Senate Bill No. 468 was on yesterday refused final passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lewis of San

Francisco, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Weger—64.
NOES—Messrs. Amerige, Finn, Mahany, McMahon, Murphy, and Stansell—6.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Bill heretofore read third time.

Mr. Baxter moved that a select committee of one be appointed by the Speaker to amend Senate Bill No. 468, as follows:

Amend by striking out the period after the word "bond," in line six of printed bill, and adding the following: "*and provided further*, that this Act shall not apply to notaries public."
Also: Amend by striking out the word "procuring" in line one of printed bill.

Motion carried.

Mr. Baxter was appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies—with instructions, does now report that the instructions of the Assembly have been carried out.

BAXTER, Committee.

Report of select committee of one, and amendments, adopted.

Senate Bill No. 468 ordered to print.

Mr. Soward moved to take up Assembly Bill No. 829 for the purpose of amendment.

Motion carried.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Bill read third time.

Mr. Soward moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 829, as follows:

AMENDMENT No. 1.

Amend section two, page two, line thirty-two, by striking out the word "fifty," and inserting in lieu thereof the word "eighty"; and in said line, after the word "month," insert the words "*provided*, that whenever one reporter shall be appointed to, and shall perform the duties required of the official reporter for both departments of said Superior Court, he shall receive a salary therefor of $225 per month."

AMENDMENT No. 2.

Strike out of line forty-three, page three of printed bill as amended, the words "twenty-five," and insert the following: "fifty." Also, strike out the period in said line forty-three, page three of printed bill as amended, and insert after the word "month" a comma, and also the words "and he shall also be allowed the following fees: For transcription of shorthand notes, ten cents per folio for the first copy, and five cents for each additional copy."

AMENDMENT No. 3.

Strike out all on line forty-six, page three, amended bill, and insert the following words, viz.: "and twenty-five dollars per month, and for transcription of shorthand notes when required he shall receive ten cents per folio for the original, and for every additional carbon copy thereof two and one half cents per folio."

AMENDMENT No. 4.

Strike out of lines fifty-one and fifty-two, page three, amended bill as printed, the words "one hundred dollars per month," and insert in lieu thereof the words "one hundred and fifty dollars per month."

AMENDMENT No. 5.

Strike out of line eighty-one, page four of printed bill as amended, the words "ten dollars per diem," and insert instead thereof the following words: "one hundred dollars per month."

AMENDMENT No. 6.

Strike out of amended bill, as printed, the words in lines eighty-four and eighty-five of page four, "a salary of one hundred dollars per month," and insert the words "ten dollars per diem."

AMENDMENT No. 7.

Strike out line eighty-seven, page four, and insert "in counties of the thirty-seventh class a salary of one hundred dollars per month, which shall be in full for all services of said reporter in reporting and transcribing in civil and criminal cases in the Superior Court, preliminary examinations in justice courts and coroner's inquests when required by the district attorney of said counties to report such inquests."

AMENDMENT No. 8.

Strike out line ninety-five, page four of printed bill as amended, and insert instead:

"In counties of the forty-second (42) class:

"The official reporter of the Superior Court shall receive as full compensation for taking notes in civil and criminal cases tried in said Superior Court, and in preliminary examinations and coroner's inquests, a monthly salary of one hundred and fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid; and for the transcription of said notes, when required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; *provided*, that where the reporter is required to transcribe the whole or any part of his notes from day to day as the trial progresses, he shall receive, in addition to the sums hereinbefore provided, the further sum of five cents per folio for the original and two and one half cents per folio for a copy; the compensation for said transcription in criminal cases, preliminary examinations, and coroner's inquests to be audited and allowed by the Board of Supervisors as other claims against the county, and in civil cases to be paid by the party ordering the same, or, when ordered by the Judge, by either party, or jointly by both parties, as the court may direct.

"This Act, so far as it relates to this class of counties and so far as it relates to the compensation of officers who have heretofore received a salary in full for all services required of them, by law, or by virtue of their offices, shall take effect at twelve o'clock meridian of the first Monday after the first day of January, nineteen hundred and seven, and in so far as it relates to the compensation of officers who have heretofore received fees only, or a salary and fees, or a salary and percentages for performing certain duties, or the official reporter of the Superior Court, it shall take effect immediately."

AMENDMENT No. 9.

On page four of printed bill as amended strike out lines one hundred and three and one hundred and four and insert instead thereof the following: "in counties of the forty-eighth (48) class a salary of eighty-five dollars ($85) per month for all reporting, including transcriptions in criminal cases, but the fees for transcriptions in civil cases may be retained by the reporter to his own use."

AMENDMENT No. 10.

Add after word "month" in line one hundred and seventeen, page five of printed bill as amended, the words "for all reporting, including transcriptions in criminal cases, but the fees for transcriptions in civil cases may be retained by the reporter to his own use."

AMENDMENT No. 11.

Strike out on page four of the printed bill as amended, lines one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty, and insert instead thereof the following: "transcription of shorthand notes the fees now or hereafter to be prescribed by law, except as herein otherwise provided."

AMENDMENT No. 12.

Strike out the period after the word "court" in line one hundred and fifty-seven, page six of the printed bill as amended, and insert after said word "court" a comma and the words "except as herein otherwise provided."

AMENDMENT No. 13.

Insert in line eighty-nine, page four of the printed bill as amended, after the word "month," the words "for all reporting, including transcriptions in criminal cases, but the fees for transcription in civil cases may be retained by the reporter to his own use."

AMENDMENT No. 14.

Strike out in lines nineteen and twenty, section two, page two, printed bill, the words "a salary of one hundred and sixty-six and two thirds dollars per month," and insert in lieu thereof the words "the fees now allowed by law."

AMENDMENT No. 15.

Amend by striking out of lines ninety-three and ninety-four, page four, the words "a salary of one hundred dollars per month," and inserting instead the following: "ten dollars per diem."

AMENDMENT No. 16.

Amend by striking out of lines one hundred and one hundred and one, page four, the words "a salary of fifty dollars per month," and inserting instead the following: "ten dollars per diem."

AMENDMENT No. 17.

Strike out of line forty-four, page three of printed bill as amended, the words "ten dollars per diem," and insert instead thereof the following: "a salary of one hundred and twenty-five dollars per month."

AMENDMENT No. 18.

Strike out the words "twenty-five" in line seventy-two, page three of printed bill as amended, and insert instead thereof the word "fifty."

AMENDMENT No. 19

Strike out of line thirty-nine, page three, printed bill, the words "ten dollars per diem," and insert instead thereof the following: "a salary of one hundred dollars per month for all work, including all transcribing in criminal cases, and to include the Superior Court, Justice's Court, and Coroner's inquests throughout counties of this class, and also traveling expenses when reporting outside the county seat. But the reporter may retain to his own use the fees for transcribing in civil cases."

AMENDMENT No. 20.

Strike out all of lines seventy-three and seventy-four, page three, printed bill, and insert the following:

"In counties of the twenty-eighth class, a salary of one hundred dollars per month; and for transcription of shorthand notes, when required, he shall receive fifteen cents per folio for the original, and five cents per folio for a copy; *provided*, that when the official reporter shall be required to transcribe testimony from day to day, during the progress of a trial, he shall receive for such transcription, twenty cents per folio for the original, and ten cents per folio for a copy; said compensation for transcription in criminal cases to be paid out of the county treasury upon the order of the judge of the court, and in civil cases to be paid by the party or parties ordering the same, or when ordered by the judge of the court, by either party, or jointly by both parties, as the judge may direct. When the services of a reporter is demanded in any civil trial or proceeding, the clerk of the court shall collect the sum of five dollars each day in advance from the parties to the action or proceeding, and shall pay the same into the county treasury for the general fund on the first Monday in the following month. In counties of this class it shall be the duty of the reporter to attend all examinations in the Justices' Courts, and before the Coroner in homicide cases, when not necessarily engaged in the Superior Court. He shall receive his actual and necessary traveling expenses when required to render services outside the county seat."

AMENDMENT No. 21.

Strike out all of line ninety-two, page four, printed bill, and insert the following:

"In counties of the fortieth class, sixty dollars per month; and for transcription of shorthand notes, when required, he shall receive fifteen cents per folio for the original and five cents per folio for a copy; *provided*, that when the official reporter is required to transcribe testimony from day to day during the progress of the trial he shall receive for such transcription twenty cents per folio for the original and ten cents per folio for a copy; said compensation for transcription in criminal cases to be paid out of the county treasury upon the order of the judge of the court, and in civil cases to be paid by the party or parties ordering the same, or when ordered by the judge of the court, by either party, or jointly by both parties, as the judge may direct. When the services of the reporter is demanded in any civil trial or proceeding the clerk of the court shall collect the sum of ten dollars each day, in advance, from the parties to the action or proceeding, and shall pay such sum into the county treasury on the first Monday of the following month. In counties of this class, it shall be the duty of the reporter to attend all examinations in the Justices' Courts, and before the Coroner in homicide cases, when not necessarily engaged in the Superior Court, and shall receive his actual and necessary traveling expenses when required to render services outside the county seat."

Motion carried.

Mr. Soward was appointed as such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same—with instructions, does now report that the instructions of the Assembly have been carried out.

SOWARD, Committee.

Report of committee, and amendments, adopted.

Bill ordered to print and re-engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: A minority of your Committee on Ways and Means, to whom was referred Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, amended by reducing the amount of the appropriation to $3,000.

JOHNSON.
STANSELL.

RECESS.

The hour of twelve o'clock M. having arrived, the Speaker declared the Assembly at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Fisk in the chair.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Dougherty asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows:

"An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children."

Referred to Committee on Introduction of Bills.

SECOND-READING FILE.

Assembly Bills Nos. 83, 475, 50, 116, 826, 550, 447, 202, 177, 435, 414, 7, 59, 384, and 533 passed on file.

Assembly Bill No. 53—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 141½, relating to the appointment, qualifications, duties, and fees to be collected for the county for services rendered by the official reporter of each Superior Court of each county of this State.

Bill read second time.

Mr. Soward moved to amend as follows:

Strike out the words "such official" in line eleven, page two of printed bill. Also, strike out all of lines twelve to twenty-nine, inclusive, on page two, and also the words "report and transcribe the proceedings thereof" in line thirty, page two.

Amendment adopted.

Bill ordered to print, engrossment, and on file for third reading.

Assembly Bill No. 51—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Bill read second time.

Mr. Soward moved to amend as follows:

Amend printed bill by inserting in line fourteen, page one, between the word "county" and the word "and" the following: "*provided*, that such official reporter need not be a resident of the county where appointed, and that a woman may hold such position, and that such reporter may be appointed by the Judge of the Superior Court of the department over which he presides, to hold office during the pleasure of such Judge."

Amendment adopted.

Bill ordered to print, engrossment, and on file for third reading.

Assembly Bills Nos. 266 and 267 passed on file.

Assembly Bill No. 657—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 260 passed on file.

Assembly Bill No. 693—An Act regulating the hours of employment in underground mines, in smelting and ore reduction works, and of hoisting in and about mines.

Bill read second time on previous day, ordered engrossed and to third reading.

Assembly Bill No. 654 passed on file.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Bill read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 832.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 832 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Bill ordered to engrossment and third reading.

Assembly Bills Nos. 767 and 534 passed on file.

ASSEMBLY JOINT RESOLUTION No. 13.

Relative to admission of Chinese into the Philippines.

WHEREAS, The annual report of the Philippine Commission to the War Department recommends: That an amendment be made to the Chinese Exclusion Act giving the

power to the Government by law to admit a fixed and limited number of Chinamen into the Philippine Islands, who are certified to be skilled laborers, on the bond of the employer that for every Chinese skilled laborer employed he will employ a Filipino apprentice, and that he will return the Chinese skilled laborer thus introduced within five years after his admission to the country, and that he shall pay a head tax of not exceeding $50 for each Chinaman so admitted to the insular government, to meet the expenses of the enforcement of these restrictions; and

WHEREAS, The commission admits that unlimited admission of Chinese would be unwise; and

WHEREAS, The duty of the United States to the Philippines is to institute there the liberty, energy, enlightenment, and progress of American governmental methods and American civilization and American mechanics, and not to increase Chinese methods, measures, or mestizos; now, therefore, be it

*Resolved by the Assembly and Senate of California, jointly*, That we request our Senators to co-operate with our Representatives, who are earnestly requested to preserve the Chinese Exclusion Act in its entirety, and especially to make its provisions apply to the Philippine archipelago; and be it

*Resolved*, That a copy of these resolutions be transmitted to each of our members in Congress, and to the Speaker of the House of Representatives, and to the President of the Senate.

Joint resolution read and adopted.

Assembly Joint Resolution No. 12 and Assembly Bills Nos. 665 and 567 passed on file.

SUBSTITUTION OF BILLS.

Assembly Bill No. 810—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, undertaking and writ of ejectment and the manner of serving the writ.

Mr. Carter asked for and was granted permission to substitute Assembly Bill No. 912 on file for above bill.

Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 528—An Act to amend Section 81 of an Act entitled "An Act to provide a uniform system of county and township governments," approved April 1, 1897, relating to duties of the County Treasurer concerning moneys and property received from the Public Administrator.

Mr. McCartney asked for and was granted permission to substitute Assembly Bill No. 931 on file for above bill.

Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage, or in anywise to advertise the word divorce or any word affecting domestic relations.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 526—An Act providing the manner of payment of fees of the County Clerk in cases of petitions for letters of administration filed by Public Administrators.

Mr. McCartney asked for and was granted consent to substitute Assembly Bill No. 933 on file for above bill.

Assembly Bill No. 933—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bills Nos. 213, 39, and 880 passed on file.

Assembly Bill No. 894—An Act to provide for the control of the flood waters of the Sacramento River, to improve its channel for the purposes of navigation, and to drain its flood areas.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 804—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to the preservation of game.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 781—An Act to amend Section 626*k* of the Penal Code of the State of California, relating to the preservation of game.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bills Nos. 875, 853, 240, and 358 passed on file.

Assembly Bill No. 905—An Act to amend an Act entitled "An Act to amend the Political Code by adding a new article to Chapter —— of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive," approved March 13, 1901.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 575—An Act to amend Section 3337 of the Political Code, relating to exemption of members of unpaid fire companies.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 893 passed on file.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relative to counties of the third class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Bill read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one, printed bill, as follows: Strike out in line seven, first page, printed bill, the word "thirty-fifth" and insert in lieu thereof the word "thirty-second."

Amendment adopted.

AMENDMENT No. 2.

Strike out the semicolon after the word "same" in line thirty-nine, page two, printed bill, and insert a period in lieu thereof; strike out in line thirty-nine the words "provided, that this change," and also all of line forty.

Amendment adopted.

AMENDMENT No. 3.

Strike out all of section two.

Amendment adopted.

Mr. Brown moved to amend as follows:

Insert at the end of line seventy-five, subdivision fourteen, section one, page three, printed bill, the following: "Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the Board of Supervisors, and paid out of the county treasury."

Amendment adopted.

Also:

Insert after the word "such," in line ninety-seven, page four, printed bill, the word "road."

Amendment adopted.

Also:

Insert after the comma after the word "expenses," in line ninety-eight, page four, printed bill, the words "the total mileage and expenses."

Amendment adopted.

Also:

Strike out the word "twenty-five," in line ninety-four, page four, printed bill, and insert in lieu thereof the word "twenty."

Amendment adopted.

Also:

Insert in line sixty, page three, printed bill, after the word "of," the word "the."

Amendment adopted.

Bill ordered to print, engrossment and to third reading.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered "152*a*," providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 430—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof.

Bill withdrawn by author.

Assembly Bill No. 370—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved —— ——, by amending Article III of Section 159 of said Act, relating to the office of County Recorder.

Bill withdrawn by author.

Assembly Bill No. 180—An Act to establish a uniform system of township governments, defining the powers and jurisdiction of the same, and the authority, powers, and duties of the officers thereof, and providing for the election and appointment of the officers thereof, and also providing for submitting this Act to a vote of the people of the several counties of the State.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 763—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 674—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Mr. McCartney asked for and was granted consent to substitute Assembly Bill No. 887 on file for above bill.

Assembly Bill No. 887—An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 606—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Bill withdrawn by author.

Assembly Bill No. 436—An Act adding a new section to Chapter II, Article II of the Political Code of the State of California, to be known as Section 4053, empowering the Supervisors of the various counties of the State of California to create the office of inspector of weights and measures, defining his duties, and fixing his compensation, and further empowering the Supervisors to pass such ordinance as may be necessary to compel those who buy or sell by weight or measure to have their weights, scales, and measures tested, examined, and registered, and fixing a penalty for those who refuse to comply with such ordinance.

Bill withdrawn by author.

Assembly Bill No. 209—An Act relating to ferries crossing navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expenses thereof.

Bill withdrawn by author.

Assembly Bill No. 700—An Act to amend Section 3246 of the Political Code of the State of California, regulating the hours of labor on street cars.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 725—An Act to amend Section 1970 of the Civil Code, relating to the liability of employers for injury or damage sustained by employés.

Bill read second time.

The following amendment was submitted by the committee:

Strike out all of section one after the figures "1970," and insert the following: "The employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless in the course of the employer's business such other person has the power of ordering or directing said injured employé in the performance of his work, or unless the employer has neglected to use ordinary care in the selection of the culpable employé."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 787—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California.

Bill read second time.

The following amendments were submitted by the committee:

AMENDMENT No. 1.

In section one, line four, strike out the words "less than five cars" and insert in lieu thereof "four cars or less."

Amendment adopted.

AMENDMENT No. 2.

In section two, line four, strike out the word "through."

Amendment adopted.

AMENDMENT No. 3.

In section two, line five, insert after the word "train" the following: "consisting of thirty cars or less."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 780—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools.

Bill read second time.

The following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by striking out the words "averaging one hundred and eighty school days a year," in line twenty-nine, second page, printed bill, after the word "school."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "averaging one hundred and eighty school days a year," in lines thirty-one and thirty-two, second page, printed bill, after the word "year," in line thirty-one.

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 845—An Act to amend Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

Bill read second time.

The following amendment was submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of section two, printed bill, all of line thirteen, after the word "to," and all of lines fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five, and line twenty-six to and including the word "Bigler," and inserting in lieu thereof the following: "the section line running east and west on the south boundary of Sections 19, 20, 21, and 22, of Township 14 north, Range 14 east, M. D. B. & M.; thence east on said section lines to the east boundary of Township 14 north, Range 15 E.; thence north on township line between Townships 14 north, Ranges 15 and 16 east, to the southwest corner of Section 19, Township 14 north, Range 16 east, M. D. B. & M.; thence east on section line to the southeast corner of Section 24, Township 14 north, Range 16 east, M. D. B. & M.; thence north on township line between Townships 14 north, Ranges 16 and 17 east, to the northwest corner of Section 18, Township 14 north, Range 17 east, M. D. B. & M.; thence east to the shore of Lake Tahoe."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 74—An Act to add a new section to the Political Code of the State of California, to be renumbered ——, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands.

Bill read second time.

The following amendment was submitted:

Insert the figures "3575" in the blank in the second line of the title, and put the figures "3575" in the blank in the second line of section one, first page, printed bill.

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bills Nos. 887 and 783 passed on file.

Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor.

Bill read second time.

The following amendments were submitted by Mr. Johnson:

AMENDMENT No. 1.

Amend by striking out the word "fifteen" in line two of section one, first page of printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "15" in line three, section two, first page of printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "fifteen" in line three, section two, first page of printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figures "15" in line three, section two, first page of printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 884.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 884 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor—and do now report, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making appropriation therefor.

Bill read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 927.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 927 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making appropriation therefor—and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Bill ordered to engrossment and third reading.

Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Bill read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 928.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 928 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Bill ordered to engrossment and third reading.

Assembly Bill No. 803 passed on file.

Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 873—An Act to amend Section 2199 of the Political Code, relating to restrictions upon admission of insane persons to asylums of this State.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 648—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Bill read second time.

The following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by inserting the words "for similar service," after the word "given" in line eight, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the words "as may be agreed upon by the person, corporation, or company furnishing the same, and," after the word "time" in line three, section two, first page, printed bill, and by striking out in same line the words "set by."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting the words "for similar services" after the word "given" in line four, section three, second page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting the words "for similar service" after the word "given" in line three, section four, second page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting the words "for similar service" in line four, section five, second page, printed bill.

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 932 passed on file.

Assembly Bill No. 918—An Act to validate bonds for street work issued under an Act entitled "An Act authorizing the incurring of

indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, and to declare the meaning and effect of said Act as to such bonds.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board, approved March 26, 1895,' approved March 23, 1901, conferring further powers on said Board of Harbor Commissioners."

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 937—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 897—An Act to legalize marriages heretofore solemnized by Judges of the Police Courts and by City Recorders.

Bill read second time, ordered engrossed and to third reading.

Assembly Bills Nos. 931, 933, and 915 passed on file.

Assembly Bill No. 819—An Act compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States or the State of California.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time.

The following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by striking out the words "at the" in line twenty-six, second page, printed bill, and inserting in lieu thereof the word "without."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "of" in line twenty-six, second page, printed bill, after the word "expense," and inserting in lieu thereof the word "to."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated; and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply; and providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read second time.

The following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by striking out the words "at the" in line twenty-two, fourth page, printed bill, and inserting in lieu thereof the word "without."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "of," after the word "expense," in line twenty-two, fourth page, printed bill, and insert the word "to."

Amendment adopted.

Mr. McMartin moved to amend as follows:

Amend by striking out of section two, lines twenty-two and twenty-three of printed bill, the words "at the expense of said city or city and county."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Boards of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 899—An Act amending Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of municipal corporations of the sixth class.

Bill read second time.

The following amendments were submitted:

By Mr. Dorsey:

AMENDMENT No. 1.

Amend by striking out all of line twenty-two, section one, second page of printed bill, after the word "power"; also, all of lines twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the comma after the word "sprinkle," in line thirty-one, section one, second page of printed bill, the word "oil."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "places," line thirty-eight, section one, second page of printed bill, a semicolon; and, also, by inserting the following: "and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement."

Amendment adopted.

AMENDMENT No. 4.

Strike out all of lines fifty-two to sixty-one, inclusive, third page of printed bill, and insert the following: "To levy and collect annually a property tax, which shall not exceed seventy-five cents on each one hundred dollars."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "overflow," in line eighty, third page of printed bill, a semicolon, and the following words: "and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses, and life-saving stations."

Amendment adopted.

AMENDMENT No. 6.

Insert after the figures "13," in line eighty-two, third page of printed bill, the following: "To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light and heat, public libraries, museums, gymnasiums, parks, and baths, and."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of lines eighty-five, eighty-six, and eighty-seven, on third page of printed bill, and all of line eighty-eight down to and including the word "thereof."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out all of lines ninety-two to one hundred and eight, inclusive, fourth page of printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out figures "16," line one hundred and nine, fourth page of printed bill, and inserting in lieu thereof the figures "14."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the word "time," line one hundred and twelve, fourth page of printed bill, and inserting in lieu thereof the word "fine."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out the figures "17," line one hundred and fifteen, fourth page of printed bill, and inserting in lieu thereof the figures "15."

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the figures "18," line one hundred and eighteen, fourth page of printed bill, and inserting in lieu thereof the figures "16."

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out the figures "19," line one hundred and thirty, fifth page of printed bill, and inserting in lieu thereof the figures "17."

AMENDMENT No. 14.

Amend by inserting after the word "and," in line seventy-two, third page, printed bill, the word "not."

Amendment adopted.

By Mr. Lewis of Riverside:

Strike out, in line sixty-two, third page, printed bill, the word "and," and insert in lieu thereof the word "or."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

MOTIONS.

Mr. Higgins moved that the Assembly do now take up for consideration Assembly Bill No. 635.

Motion carried.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, relating to phonographic reporters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Mr. Allen moved that Senate messages be taken up and read.

Motion carried.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal

F J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bills Nos. 652, 653, 923, and 9 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am hereby directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

F. J. BRANDON, Secretary of the Senate.
By A. B ADAMS, Assistant Secretary.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read first time, and referred to Committee on Banks and Banking.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 22—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital, to appropriate money therefor, and to provide for the expenditure of the same

Senate Bill No 37—An Act to appropriate the sum of $15.000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Senate Bill No 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipe and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 22—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 37—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipes and placing in the several rooms

of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Bill read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for the compensation and the expenses of said commissioner and secretary.

Bill read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 309—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Senate Bill No. 255—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Senate Bill No 212—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Senate Bill No 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Senate Bill No 73—An Act to appropriate $55,070 00 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows and hogs, and to purchase irrigating plant, all for the use of said hospital.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 309—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of Cali-

fornia in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 255—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 212—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 73—An Act to appropriate $55,070 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows, and hogs, and to purchase irrigating plant, all for the use of said hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles

F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T Gage, chairman of the State Board of Examiners of the State of California; Charles F Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No 9555; W L Wood vs. State of California No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C A. Weaver vs. State of California, No. 9609; A. T. Lightner vs State of California, No 9613; Geo. Leonard vs. State of California, No. 9611; C. A Pommer vs. State of California, No. 9610; L. C. Waite vs State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W B. Waldron vs State of California, No. 9617; San Francisco Law and Collection Co. vs State of California, No 9355; N. Weisbaum vs State of California, No. 9616; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior

Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9615; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Bill read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Senate Bill No 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps

Senate Bill No 313—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs The State of California, defendant.

Senate Bill No. 275—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs The State of California," numbered 4021 upon the register of the Superior Court of the County of Butte

Senate Bill No 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Senate Bill No 471—An Act to appropriate the sum of $400 to pay the claim of John E Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Senate Bill No 299—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County

of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 371 ordered to enrollment.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 313—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court, numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 275—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 299—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book "3" of judgments of the Superior Court of Calaveras County, page 333.

Bill read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing

for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment, or surrender of rights, powers, privileges, and duties, reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

F. J BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Assembly Bill No. 816 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 11—An Act to amend Section 17 of the Code of Civil Procedure, relating to the definition of certain words.

Also: Concurred in Assembly amendments to Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code, approved March 21, 1872," relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Also: Passed Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases in the matter of setting the same for hearing or trial, and in hearing the same.

Also: Senate Bill No 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Also: Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases in the matter of setting the same for hearing or trial, and in hearing the same.

Bill read first time, and referred to Committee on Judiciary.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Assembly Bill No 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Also: Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California

F. J BRANDON, Secretary of the Senate.
By A. B ADAMS, Assistant Secretary.

Assembly Bills Nos. 538 and 557 ordered to enrollment.

MOTION TO RECONSIDER CONTINUED.

Mr. Mott moved that the further consideration of the vote whereby Senate Bill No. 79 was on a previous day refused passage be continued until Tuesday, March 10, 1903.

Motion carried.

MOTION.

Mr. Stanton moved that the Assembly reconsider the vote whereby Assembly Bill No. 397 was on a previous day passed.

Mr. Dunlap moved to lay the motion on the table.

Motion to lay on table lost.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, at three o'clock and forty minutes P. M., Mr. Stanton moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—74.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock P. M., Mr. Brown moved that further proceedings under call of the House be dispensed with.

Motion carried, and such was the order.

Whereupon the Speaker declared that the Assembly refused to reconsider the vote whereby Assembly Bill No. 397 was passed, by the following vote:

AYES—Messrs Allen, Barber, Bates, Bliss, Boisson, Burgess, Carter, Dorsey, Drew, Duryea, Ells, Gleeson, Greer, Hart, Higgins, Johnson, Kelso, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Olmsted, Pann, Prescott, Rolley, Stanton, Steadman, Susman, Traber, Transue, Wright, and Mr. Speaker—39.

NOES—Messrs. Amerige, Bangs, Barnes, Baxter, Black, Brown, Camp, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Finn, Foster, Goodrich, Houser, Howard, Johnstone, Kerrigan, Killingsworth, King, Lumley, Mahany, Mattos, McMahon, Moore, Murphy, Pyle, Siskron, Snyder, Soward, Walker, Walsh, Wanzer, Waste, and Weger—36.

LEAVES OF ABSENCE.

Messrs. Goodrich and Ells were granted leave of absence for the day and afternoon, respectively.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed and re-engrossed:

Assembly Bill No. 797—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve and maintain public boulevards, to incur a bonded indebtedness for such purposes, and to call a special election for the submission to the electors of the question of incurring such indebtedness.

Assembly Bill No. 470—An Act to require all persons and corporations engaged in supplying gas and electricity for domestic lighting and heating, and water for domestic purposes, to provide and maintain, without cost to consumers, the most improved and effective meters and appliances for measuring, regulating, and controlling the delivery of gas and electricity for domestic lighting and heating and water for domestic purposes; and providing a penalty for any violation of this Act.

Assembly Bill No. 846—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance corporations.

Assembly Bill No. 294—An Act to provide for the organization, management, and control of mutual fire insurance corporations (not engrossed).

Assembly Bill No 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant can not be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts.

Assembly Bill No. 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of the twenty-ninth class.

Assembly Bill No. 298—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California, entitled: County of San Luis Obispo vs. Henry T Gage, Governor of the State of California; Charles F Curry, Secretary of State of the State of California; Tirey L Ford, Attorney General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners, Tirey L. Ford, member of the State Board of Examiners; Henry T Gage, Charles F Curry, and Tirey L Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled: County of Butte vs Henry T Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California; Tirey L Ford, Attorney-General of the State of California; Henry T Gage, chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California, Henry T. Gage, Charles F Curry, and Tirey L Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No. 9555, W. L Wood vs State of California, No 9622; Charles Bickerdike vs. State of California, No 9608; National Bank of D O. Mills & Co. vs. State of California, No 9616; J J. Bauer vs State of California, No 9304, C. A. Weaver vs State of California, No. 9609, A. T. Lightner vs State of California, No. 9613; Geo. Leonard vs. State of California, No. 9611; C. A. Pommer vs State of California, No 9610; L. C Waite vs State of California, No. 9612, W S. Hooper vs. State of California, No. 9526; E Weisbaum vs. State of California, No. 9615, J. F. Pryor vs. State of California, No 9614; W. B Waldron vs. State of California, No 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9616; San Francisco Law and Collection Co vs. State of California, No 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs State of California, No. 6869; and also in that certain action in the Superior Court of the State of California, in and for the County of Sacramento, which was therein entitled. Samuel Davis vs State of California, No. 6871.

Assembly Bill No 854—An Act to amend an Act entitled "An Act to amend Section 61 of the Civil Code, relating to granting divorces," as approved February 25, 1897.

Assembly Bill No 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governm nt," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class

Assembly Bill No. 502—An Act relating to liens of livery, boarding and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Assembly Bill No. 878—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 166 thereof, relating to the compensation of officers of counties of the ninth class.

Assembly Bill No. 513—An Act creating the office of Public Defender in each of the counties of the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Assembly Bill No. 723—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class.

Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California, in reference to speed of street cars, and regulating the number of trucks and kind of brakes to be used on those cars operated at a speed of more than eight miles per hour.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

AMERIGE, Chairman.

SPECIAL ORDER RESET.

Mr. Soward moved to continue the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 26 was on a previous day refused adoption, and that the same be made a special order for Wednesday, March 4, 1903, immediately after the reading of the Journal.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLISS, Chairman.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Steadman asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act making an appropriation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children."

Referred to Committee on Introduction of Bills.

RESOLUTION—(OUT OF ORDER).

By Mr. Dunlap:

*Resolved*, That Senate Bill No. 425 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill shall be read the second and third times and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, Mr. Dunlap moved a call of the House.

Time, four o'clock and fifteen minutes P. M.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and twenty-eight minutes P. M., Mr. Dunlap moved that further proceedings under call of the House be dispensed with.

Motion carried, and such was the order.

Whereupon the Speaker declared the resolution adopted, and the provisions of the Constitution suspended by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Covert, Cromwell, Dunbar, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Howard, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Transue, Walsh, Wanzer, Waste, Wright, and Mr Speaker—55

NOES—Messrs. Burgess, Carter, Dorsey, Dougherty, Drew, Duryea, Finn, Houser, Johnson, Lumley, Mahany, McConnell, McMahon, Murphy, Pyle, Snyder, Stanton, Traber, Walker, and Weger—20.

RECESS.

Pending the further consideration of Senate Bill No. 425, at four o'clock and thirty minutes P. M., the Speaker declared the Assembly at recess until seven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Mr. Walsh was granted leave of absence for the remainder of the day.

MOTION TO SUSPEND RULES.

Mr. Dunlap moved that the rules be suspended, and that the Assembly proceed to consider Senate Bill No. 425, and that the special order set for consideration at this hour be postponed.

The ayes and noes were demanded by Messrs. Johnson, Snyder, and John.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Cromwell, Drew, Dunlap, Ells, Finn, Foster, Greer, Higgins, Kerrigan, Killingsworth, King, Lewis of Riverside, McCartney, McKenney, McLaughlin, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Siskron, Soward, Stansell, Steadman, Susman, Wanzer, Waste, and Mr. Speaker—36.

NOES—Messrs. Covert, Dorsey, Dougherty, Dunbar, Gleeson, Hart, Houser, John, Johnson, Leininger, Lumley, Mahany, McConnell, Murphy, Pyle, Snyder, Traber, Walker, and Weger—19.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 933—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children

Assembly Bill No. 905—An Act to amend an Act entitled "An Act to amend the Political Code by adding a new article to Chapter —— of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, approved March 13, 1901.

Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage or in anywise to advertise the word divorce or any word affecting domestic relations.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Assembly Bill No 575—An Act to amend Section 3337 of the Political Code, relating to exemption of members of unpaid fire companies.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered "152*a*," providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Also: That the following bills have been correctly enrolled:

Assembly Bill No 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Assembly Bill No 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations

And were presented to the Governor March 3, 1903, at eight o'clock and fifteen minutes P. M.

Also: Report that the following bills have been correctly engrossed:

Assembly Bill No 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the salaries and fees of county and township officers in counties of the thirty-seventh class.

Assembly Bill No 657—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Assembly Bill No 693—An Act regulating the hours of employment in underground mines and in smelting and ore reduction works and of hoisting engineers in and about mines

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor

Assembly Bill No 781—An Act to amend Section 626*k* of the Penal Code of the State of California, relating to the preservation of game.

Assembly Bill No. 804—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to the preservation of game.

Assembly Bill No. 894—An Act to provide for the control of the flood waters of the Sacramento River; to improve its channel for the purposes of navigation, and to drain its flood areas

Assembly Bill No. 180—An Act to establish a uniform system of township governments; defining the powers and jurisdiction of the same, and the authority, powers, and duties of the officers thereof; and providing for the election and appointment of the officers thereof; and also providing for submitting this Act to a vote of the people of the several counties of the State.

Assembly Bill No. 763—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Assembly Bill No 887—An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Assembly Bill No. 606—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901

Assembly Bill No. 700—A bill to amend Section 3246 of the Political Code of the State of California regulating the hours of labor on street cars.

Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance

Assembly Bill No. 927—An Act to pay the claim of John C. Pelton against the State of California, and making an appropriation therefor

Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor

Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district

Assembly Bill No 873—An Act to amend Section 2199 of the Political Code, relating to restrictions upon admission of insane persons to asylums of this State.

Assembly Bill No. 918—An Act to validate bonds for street work, issued under an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, and to declare the meaning and effect of said Act as to such bonds

Assembly Bill No 925—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895," approved March 23, 1901, conferring further powers on said Board of Harbor Commissioners.

Assembly Bill No 937—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Assembly Bill No 897—An Act to legalize marriages heretofore solemnized by Judges of the Police Courts and by City Recorders.

Assembly Bill No. 819—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States or the State of California.

Assembly Bill No 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor and to provide for the payment of the same," approved March, 1897.

AMERIGE, Chairman.

SPECIAL ORDER.

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Bill read second time.

The following amendments were submitted:

AMENDMENT No. 1

Amend by striking out the word "thirty-three" in line twenty, page two, printed bill, and inserting in lieu thereof the word "twenty-nine."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting between lines twenty-five and twenty-six, second page, printed bill, the following: "For salary of stenographer to Clerk of Supreme Court, two thousand dollars."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "three hundred" in line fifty-one, page two, printed bill, and inserting in lieu thereof the words "one hundred and fifty."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting between lines fifty-one and fifty-two, second page, printed bill, the following: "For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the Supreme Court Commissioners, three hundred dollars."

Amendment adopted.

At eight o'clock and thirty-four minutes P. M., the Speaker called Mr. Bliss to the chair.

At eight o'clock and fifty minutes P. M., Speaker Fisk in the chair.

AMENDMENT No. 5.

Amend by striking out the word "ten," in line two hundred and fifty-four, eighth page, printed bill, and inserting in lieu thereof the word "twelve."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting between lines two hundred and ninety-three and two hundred and ninety-four, ninth page, printed bill, the following: "For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the Adjutant-General, three thousand dollars."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the words "For insuring State Printing Office and contents, twenty-six hundred dollars," in lines three hundred and eight and three hundred and nine, ninth page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Strike out the words "and San Francisco," in line three hundred and twelve, page nine of the printed bill.

Amendment adopted.

AMENDMENT No. 9.

Strike out the word "boards," in line three hundred and twelve, page nine of the printed bill, and insert in lieu thereof the word "board."

Amendment adopted.

AMENDMENT No. 10.

Strike out the words "one thousand," in line three hundred and thirty-four, page ten of printed bill, and insert in lieu thereof the words "fourteen hundred."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out of line four hundred and sixty-eight, page fourteen of printed bill, the word "seven," and inserting the following: "eight."

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the word "six," in line four hundred and eighty-two, fourteenth page, printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

AMENDMENT No. 13.

Amend lines four hundred and fifty-seven and four hundred and fifty-eight to read: "For support of State Normal School at San José, eight thousand dollars."

Amendment adopted.

At nine o'clock and twenty-five minutes P. M., the Speaker called Mr. Brown to the chair.

AMENDMENT No. 14.

Amend by striking out the words "For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the State Mining Bureau, ten thousand dollars," in lines five hundred and sixty-one, five hundred and sixty-two, and five hundred and sixty-three, sixteenth page, printed bill.

Amendment adopted.

AMENDMENT No. 15.

After the word "dollars," in line five hundred and sixty-seven, insert the following "For maintenance of Sonora and Mono wagon road, eight thousand dollars."

Amendment lost.

AMENDMENT No. 16.

Amend by striking out all of lines five hundred sixty-four and five hundred sixty-five, printed bill.

Amendment lost.

AMENDMENT No. 17.

Amend by inserting between lines six hundred one and six hundred two, seventeenth page, printed bill, the following: "For support and maintenance of the University of California, two hundred thousand dollars."

Amendment adopted.

AMENDMENT No. 18.

Amend by striking out line six hundred and one, page seventeen, printed bill.

Amendment lost.

AMENDMENT No. 19.

Amend by striking out of page sixteen, lines five hundred and sixty-six and five hundred and sixty-seven of printed bill, the words "two thousand," and inserting the following: "one thousand."

Amendment lost.

AMENDMENT No. 20.

Amend by striking out the words "two thousand five hundred dollars" in lines six hundred and sixty-seven and six hundred and sixty-eight, nineteenth page, printed bill, and inserting in lieu thereof the following: "nothing."

Amendment adopted.

At nine o'clock and forty-five minutes P. M., Mr. Dunlap moved that the time for recess be continued until the consideration of Assembly Bill No. 924 was finished.

Motion carried.

AMENDMENT No. 21.

Amend by striking out of line six hundred and seventy, page nineteen of the printed bill, "five," and inserting in lieu thereof the word "eight."

Amendment lost.

AMENDMENT No. 22.

Amend by striking out all of lines six hundred and thirty-one to line seven hundred and thirty-four, inclusive.

Amendment lost.

AMENDMENT No. 23.

Amend by striking out all of lines six hundred and sixty-nine and six hundred and seventy.

Amendment lost.

AMENDMENT No. 24.

Amend by striking out the word "nothing" in line seven hundred and four, page twenty, printed bill, and inserting in lieu thereof the words "twenty-five hundred dollars."

Amendment adopted.

AMENDMENT No. 25.

Amend by striking out the word "fifty-fourth" in line seven hundred and twenty-four, twentieth page, printed bill, and inserting in lieu thereof the word "fifty-sixth."

Amendment adopted.

AMENDMENT No. 26.

Strike out the word "fourteen" in line three hundred and thirty-four, page ten, printed bill, and insert in lieu thereof the word "eighteen."

Amendment adopted.

AMENDMENT No 27.

Amend by striking out of printed bill all of lines from six hundred and thirty-one to seven hundred and thirty-four, both inclusive.

Amendment lost.

AMENDMENT No. 28.

Amend by striking out of section one, line six hundred and twenty-three of printed bill, all after the word "society," line six hundred and twenty-three, down to and including the word "hereby" in line six hundred and twenty-five.

Amendment lost.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Brown in the chair, for the purpose of considering Assembly Bill No. 924.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Brown in the chair.

Assembly Bill No. 924 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Brown in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years—and do now report the same back, and recommend that the same do pass as amended in the Assembly.

BROWN, Chairman.

Report adopted.

RUSH ORDER FOR BILL.

On motion of Mr. Dunlap, the bill was ordered to print and engrossment, with rush order.

SPECIAL ORDER SET.

On motion of Mr. Dunlap, the further consideration of Assembly Bill No. 924 was set as a special order for Wednesday, March 4, 1903, at two o'clock P. M.

ADJOURNMENT.

At ten o'clock and thirty-two minutes P. M., Mr. Brown, in the chair, declared the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 4, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Hon. Arthur G. Fisk, Speaker of the Assembly, in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

## PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

## READING OF JOURNAL.

During the reading of the Journal of Tuesday, March 3, 1903, its further reading was dispensed with, on motion of Mr. Allen.

## READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 28, 1903, was read, corrected, and approved.

The Journal of Monday, March 2, 1903, was read, corrected, and approved.

## PRIVILEGES OF THE HOUSE.

On motion of Mr. Moore, the privileges of the floor were extended to the Hon. Fred Kincaid, an ex-member of the Assembly.

## BILL RECALLED FROM COMMITTEE.

Mr. Lewis of Riverside moved that Senate Bill No. 633 be recalled from Committee on Judiciary and be placed on the Senate special file, it being identical with Assembly Bill No. 849.

So ordered.

## REPORT OF STANDING COMMITTEE.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors—report the same back, and, by a majority vote, recommend that it do pass.

Also: Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural

or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Also: Assembly Bill No. 651—An Act to amend Section 4161 of the Political Code, relating to public moneys in the hands of the County Treasurer.

Report the same back without recommendation.

JOHNSON, Chairman.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Wanzer asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same."

Request and proposed bill referred to Committee on Introduction of Bills.

SPECIAL ORDERS.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Mr. Soward moved a reconsideration of the vote whereby the constitutional amendment was on a previous day refused adoption.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunlap, Ellis, Goodrich, Greer, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—Messrs. Foster, Higgins, Mott, and Pann—4.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26.

A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California at its regular session commencing on the fifth day of January, A. D. 1903, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Article IV of the Constitution of the State of California be amended by adding a new section thereto, to be numbered Section 24½ of Article IV, as follows:

Section 24½. The Legislature may amend, revise and re-enact as a whole any one of existing codes in a single Act, expressing that purpose in its title. This shall not be done in respect to the same code more than once in twelve years.

Constitutional amendment read on a previous day.

The question recurring on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 26 adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—57

NOES—Messrs. Carter, Drew, John, Johnstone, Mattos, McConnell, Mott, and Pann—8.

ASSEMBLY CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

WHEREAS, The City of Santa Rosa, in Sonoma County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on December third, nineteen hundred and one, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eighth day of February, nineteen hundred and two, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was on the tenth day of February, nineteen hundred and two, returned, one copy thereof to the Mayor of said city, and the other copy thereof to the County Recorder of the County of Sonoma (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: in "The Press Democrat," for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Common Council thereof, to the qualified electors of said city, at a general election, previously duly called, and thereafter held in said city on April second, nineteen hundred and two; and

WHEREAS, The returns of said election were duly canvassed by said Common Council of the City of Santa Rosa, at its meeting held on April seventh, nineteen hundred and two, and said Common Council found as the result of said canvass, and did duly determine and declare, that there were cast at said election fourteen hundred and seventy-four votes, that there were cast in favor of said charter six hundred and eleven votes, that there were cast against said charter five hundred and thirty-two votes; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to wit:

*Article I—Name and Corporate Rights.*

SECTION 1. The municipal corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It may have and use a common seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within and without the city limits; may receive property of any kind by bequest, donations, or gifts, for the use of said city, or the inhabitants thereof, or for charitable, public, or other purposes and may do and perform any and all acts requisite for such bequests, donations, or gifts, and shall have power to sell, grant, donate, give, or dispose of any and all such property and fulfill or carry out any trust imposed upon it, and it is hereby declared to be the successor of the existing municipality.

*Boundaries.*

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets, in said city; thence running due east three fourths of a mile; thence due south one and one half miles; thence due west to the westerly line of the San Francisco and North Pacific Railway; thence along the westerly line of said railway to the north bank of Santa Rosa creek; thence westerly,

following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to Santa Rosa: thence along the westerly line of said Hewitt's Addition and the land of Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road, thence due north to a point due west of the point of beginning; thence due east to the point of beginning. All situate in Sonoma County, California.

*Jurisdiction.*

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over the lands, rights of ways, easements, property and appurtenances of the sewer farm and the sewer outlets and rights, privileges appertaining thereto; to the land, water, property, property rights, privileges, easements and appurtenances, and all property, real, personal and mixed, of the water works now owned, possessed or controlled, or that may hereafter be acquired by the city; and to all other property, real or personal, belonging to said city, within or without the limits of said city now owned, controlled or possessed by said city, or that may hereafter be acquired, and the jurisdiction of this city shall extend over the cemeteries situate within one mile from the exterior boundaries of said city

*Article II—Elections.*

SECTION 1. An election shall be held in said city for the election of the elective officers provided for by this charter on the first Tuesday of June, A. D. nineteen hundred and three, and every two years thereafter, on the same day.

SEC. 2. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days next preceding any general or special election, and who are entitled to vote for members of the legislative assembly, shall be entitled to vote at all elections in said city.

SEC. 3. The conduct and carrying on of all city elections shall be under the control of the Common Council, and the Common Council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts, for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and county officers at the last general election preceding the city election.

SEC. 4. The provisions of the general laws of the State governing elections for State and county officers not inconsistent with the provisions of this charter shall govern city elections in matters for which no provision is made in this charter, or by ordinance or order passed in pursuance thereof.

SEC. 5. The Common Council shall have power, and it is hereby made their duty, by ordinance or by an order entered on their minutes, to designate their time and places of holding said elections; designate and appoint the officers not less than three for each precinct for conducting said election, canvassing the votes, and declaring the result; and to fix their compensation.

SEC 6. The Common Council shall by ordinance, or by an order entered on their minutes, fix the place for holding all city elections They shall by ordinance, or by an order entered on their minutes at least fifteen days before the election in each year, direct the City Clerk to post a notice of said election, and shall also direct a like notice to be published in some newspaper or newspapers published in said city, designated in said order, and shall by like ordinance or order appoint officers of election, and prescribe their duties. Such officers shall be qualified electors of said city. The City Clerk shall, after the passage of said ordinance, or the entry of said orders, and at least ten days before the day of election, post a notice of such election in three public places in said city; and shall be directed by said ordinance, or by said order, to publish said notice in the newspaper or newspapers designated in said order or ordinance Said notice shall designate the time and places of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the officers appointed to conduct said election. At the time for opening the polls, said officers shall appear at the place of said election, but if either of them fail to appear and serve, the bystanders may elect some qualified elector to serve in the place of said absent officer or officers. The officers so appointed to conduct said election shall be sworn to the faithful performance of their duties, before entering upon the performance thereof. The ballot-box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared in the manner provided by ordinance duly passed by the Common Council. Returns from each precinct should be made to the City Clerk as provided by ordinance or order of the Common Council duly entered upon their minutes.

SEC. 7 The person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two elective city offices at one time. If two persons receive the same number of votes for any office, and an election be thereby prevented, the Common Council shall elect one of said persons to said office, and cause a certificate of election to be issued to him The Mayor shall issue the certificates of election to the persons elected, which certificate shall be attested by the clerk.

SEC. 8 Any person who has, at any election, received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election,

serve a notice in writing on the person declared by said officers to be elected to said office, notifying that he will contest said election before the Common Council, and shall file a copy of said notice with the City Clerk. Said Common Council are directed to set a time and place to hear testimony, examine witnesses and the ballots cast for said office at said election, and determine between the said contestants which decision shall be entered on the minutes, and shall be final and conclusive. If no certificate of election has been issued, they shall direct that a certificate issue to the person so found to be entitled to the office. If a certificate of election has been issued to the wrong person, they shall, by order on the minutes, declare such certificate null and void, and the person to whom the Common Council shall direct the certificate to be issued shall be deemed to be the person elected.

*Article III—Officers of the City.*

SECTION 1. The officers of the city shall be a—
Mayor,
Six Councilmen,
City Clerk,
City Assessor and Tax Collector,
City Attorney,
Superintendent of Streets and Public Works,
City Treasurer,
Chief of Police,
Judge of the Police Court,
City Engineer,
Five members Board of Education,
Five Library Trustees,
Board of Health, consisting of five members.

*Article IV—Legislative Department.*

SECTION 1. The legislative power of the city shall be vested in a Common Council, who shall be elected every four years, and shall consist of six members, to be nominated and elected by the city at large.

SEC. 2. At the first election provided in this Act, six Councilmen shall be elected, three of whom shall hold their offices for two years, and the other three for four years. The terms of office of those elected at the first election shall be determined by lot. At every election thereafter three Councilmen shall be elected.

*Article V—Powers of the Common Council.*

SECTION 1. The Common Council shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the Constitution of the United States or of this State

One—To manage and care for the property, money, and finances of the city.

Two—To lay out, alter, establish, open, widen, or to reduce in width, vacate, construct, reconstruct, grade, pave, gravel, macadamize, curb, repair, improve, sweep, clean, sprinkle, and keep in order all streets, roads, lanes, alleys, sidewalks, crossings, gutters, bridges, public squares, public parks, and places; to acquire and erect statuary or works of art, to plant ornamental or shade trees, to establish, change, or alter grades of streets, alleys, sidewalks, crossings, and gutters; to lay out, construct, establish, and build gutters, culverts, sewers, and drains; to drain, sprinkle, light, ornament, and keep in order all public streets, alleys, sidewalks, courts, parks, streams, creeks, or watercourses, squares, or public places, to remove obstructions therefrom, and generally to manage, control, and care for all such bridges, streets, sidewalks, curbs, lanes, alleys, squares, highways, sewers, and public places, and do all other things for the care, improvement, and conduct of said city.

Three—To establish, maintain, and regulate a fire department, and to provide engines, apparatus, measures, or materials for the prevention or extinguishing of fires; to define and regulate fire limits.

Four—To provide for lighting public buildings, streets, and grounds with artificial light.

Five—To provide for printing the charter and ordinances and other necessary printing for the city, and to provide the city or public buildings, grounds, streets and public places with water.

Six—To contract for the lighting of the streets and public buildings with gas, natural or artificial, electricity or artificial lights of any kind, no such contract to continue for a longer period than two years, unless as otherwise provided in this charter, and to be let only after public notice and to the lowest responsible bidder.

Seven—To authorize the letting of contracts for street work, street sprinkling, street repairs or building, construction or repairs of sewers, or grading, graveling, paving, macadamizing, curbing or laying sidewalks or any and all kinds of public works, to the lowest responsible bidder, after public notice thereof.

Eight—To define nuisances; to prevent and remove nuisances within the city, or along or in any creek or watercourse or near the city limits.

Nine—To regulate or prohibit the storage or placing of gunpowder, hay, dynamite or other dangerous or destructive combustibles.

Ten—To prevent disturbances of the peace; to prohibit disorderly conduct; to license, regulate and prohibit junk dealers; to license or regulate taverns, billiard tables, saloons, theatrical shows, circus or performances of all kinds, concerts and all public entertainments and amusements; to regulate parades or processions; to license or regulate saloons, hawkers, peddlers, pawnbrokers, bill-posters, baggage or express wagons, hacks, cabs and carriages; to regulate or prohibit dance houses, houses of assignation, ill fame, and disorderly houses of all kinds

Eleven—To prevent the running at large of horses, swine, sheep, goats, mules, and cattle, and regulate the driving of same through public streets; to impound the same and sell the same to cover costs and expenses in taking, caring for, or selling them; to compel the muzzling or killing of dogs; to provide for killing dogs for non-payment of taxes thereon.

Twelve—To establish and regulate markets, booths, and stands; to regulate or prohibit slaughter-houses within the city.

Thirteen—To establish and maintain a police department, and to regulate the same; to provide for a chain-gang, and to authorize persons committed for non-payment of fines to work out such fines and costs of their trial and imprisonment

Fourteen—To care for, build, or improve bridges over creeks or watercourses; to establish public reservoirs for water, and to provide and maintain a water works for the supply of the city and inhabitants with water; to own, control, manage, and conduct a system of water works; to regulate any water system, or water works, or water supply, whether owned by the city or not; to purchase or obtain water rights, water supplies, and any and all lands, rights of way, water easements and appurtenances for the same; to build dams or embankments in any creek or watercourse, to impound water in any such creek or watercourse for a public swimming lake or for public baths.

Fifteen—To impose fines, imprisonments, and punishments for violating ordinances of the city, and to impose penalties therefor; *provided*, that no ordinance shall fix a fine for one offense above two hundred and ninety-nine dollars, or imprisonment for more than one hundred and forty-nine days, and providing that alternative judgment may be entered imposing a fine, and on failure to pay the same imprisoning the offender one day for each two dollars of the fine, or to cause such persons to work out the same at the rate of two dollars for each day's work

Sixteen—To provide for the removal of dirt, filth, weeds, and obstructions from the streets, alleys, sidewalks, or public places, and making it an offense punishable by fine for depositing or leaving boxes, stone, dirt, filth, slop, garbage, or any obstruction upon any public street, sidewalk, lane, alley or public place, or to obstruct any sewer, culvert, or other outlet.

Seventeen—To prevent and remove nuisances within the city or along the banks of or in any creek in the city or near the limits of the city.

Eighteen—To prevent the introduction into the city or spreading of infectious diseases; to provide hospitals, prisons, jails, workhouses; to suppress and punish vagrants, mendicants, thieves, pickpockets, bawds, and prostitutes; to punish by fine the owners of vicious or dangerous dogs; to kill such dogs; to provide for measurement, weight and sale of coal oil, wood and coal; to regulate the police; to provide for sanitary matters and preserve the public health.

Nineteen—To regulate the sanitary condition of public cemeteries in the city or within one mile from the exterior limits of the city

Twenty—To provide for the burial of indigent dead.

Twenty-one—To purchase, lease, acquire by gift or donation any building for city purposes, or for the use of any of the departments, to purchase, lease or acquire by condemnation or otherwise land for public parks, streets or sidewalks thereof.

Twenty-two—To provide for carrying out the provisions of this charter, and the execution of all the powers herein granted.

Twenty-three—The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for a fund to be known as the relief fund for aged and disabled firemen and policemen. Said fund may be provided for by a tax levy, or in such other manner as the Common Council may deem best

Twenty-four—The Common Council shall have the power and authority to grant the use of the streets for street fairs and all purposes which in their judgment seems proper

Twenty-five—The Common Council shall, at the first meeting in each month, make and publish a statement showing the amount in the city treasury available for the fiscal year over and above the amount necessary to pay the salaries of city officials and employés for the balance of the fiscal year.

Twenty-six—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

SEC. 2. Whenever there shall be presented to the Common Council a petition signed by a number of qualified voters of the city equal to twenty-five per centum of the votes cast at the last preceding city election asking that an amendment to this charter (which shall be set forth in the petition) be submitted to a vote of the electors of the city, the Common Council must submit such proposed amendment to the vote of the qualified electors of the city at the next city election following such presentation, *provided* such petition shall be presented to the Common Council at least ninety days before the next

city election. The signatures to the petition need not all be appended to one paper. All of the provisions of the Constitution of the State of California embracing the subject in this section provided for or hereby expressly made applicable to such proposed amendment The tickets used at such election shall contain the words "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If more than one proposed amendment shall be petitioned for to be voted on at the same election the amendments may be numbered or otherwise designated. But the Common Council shall have power, without any petition therefor, to propose and submit amendments to this charter in the manner authorized by the Constitution of the state. If any amendment submitted at such election shall be ratified by at least three fifths of the qualified electors voting thereat it shall be submitted to the legislature for approval as provided by the Constitution of the State, and if approved by the legislature shall become a part of this charter.

SEC. 3. All ordinances shall be published in some newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Common Council shall prescribe a longer or shorter time in which they shall take effect.

SEC 4. All ordinances shall be signed as near as may be, in the following form, viz.: In the Common Council, finally passed this ——— day of ——, A. D. ———, Attest: ——, City Clerk. Approved this ——— day of ———, A. D. ———, ———, Mayor of the City of Santa Rosa. Ordinances shall commence with the following enacting clause, viz.: "The Common Council of the City of Santa Rosa do hereby ordain as follows"

SEC. 5. Any four members of the Common Council shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and shall have power to compel the attendance of absent members But no ordinance, resolution, or order shall be passed except there be at least four votes in its favor.

SEC 6 The Common Council shall be general agents of the city for the management of the affairs thereof, and shall have general supervision and control thereof. They shall have power to make contracts, and shall have power to provide the manner of signing and executing the same.

*Fiscal Year.*

SEC. 7. The fiscal year of the said city shall commence on the first day of July of each year, and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

SEC. 8. The Common Council shall not contract any liability, either by borrowing money, issuing bonds, loaning the credit of the city, or contracting debts, which, singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of five thousand dollars over and above the amount in the treasury.

SEC 9 No city officer shall contract any debts or incur any indebtedness or liabilities against the city without authority from the Common Council.

SEC. 10. Whenever special meetings of the Common Council are called, notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 11. If the owner of any lot within the limits of the city shall allow the same to become offensive or unsightly, the Common Council shall have the power to declare the same as public nuisance, and upon notice being served upon the owner of said property to have the same cleared, and the order not being complied with, the Common Council shall order the superintendent of streets and public works to clear the same. Any expense incurred in the performance of this duty by the superintendent of streets and public works shall be charged against the property, and shall be collected by the tax collector the same as any other tax.

*Article VI—Executive Department*

SECTION 1. There shall be a Mayor, who shall be the chief executive officer of the city, who shall be elected and hold office for two years He shall have been a resident of the city for at least five years, and a qualified voter thereof.

SEC 2. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests may be protected, and persons in default be proceeded against according to law.

One—He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest.

Two—He shall see that the laws of the State, provisions of this charter, and the ordinances of the city are observed and enforced.

Three—He shall appoint a competent person or persons, expert in matters of book-keeping and accounts, to examine the books, records, condition, and affairs of every department, board, or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the Mayor, and may be removed as for malfeasance in office, and he shall submit the report to the Common Council at the next meeting.

Four—He shall have a general supervision over all departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

Five—He shall take all proper measures for the preservation of public order, and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the citizens or the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

SEC. 3. The Mayor shall preside at all meetings of the Common Council, and shall be entitled to vote only on questions coming before said Common Council when the votes of the said Common Council are evenly divided.

SEC. 4. The Mayor shall sign all warrants ordered drawn by the Common Council; and shall sign all written contracts entered into by said city, on behalf of the city. All of said contracts shall be executed in duplicate, one copy thereof delivered to the party contracting with the city, and the other filed in the office of the City Clerk for future reference.

SEC 5. The Mayor shall sign all conveyances made by the said city, and is authorized to acknowledge the execution of all instruments executed by the said city that require to be acknowledged.

SEC. 6. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all said officers elected or appointed; he shall have power to suspend any elective city officer (except a member of the Common Council) for a dereliction, neglect, or non-performance of duty, and shall report the same to the Common Council. During such suspension the officer shall not be allowed a salary. If the Common Council, after a hearing, by affirmative vote of at least five members, approve the suspension they shall declare the office vacant or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Common Council

SEC. 7 When and so long as the Mayor is temporarily unable to perform his official duties, the Common Council shall elect one of their number to act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Common Council, assembled for the purpose. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 8. Every ordinance after it has passed the Common Council, shall be signed by the Mayor The Mayor shall return such bill to the Common Council, or file the same with the City Clerk within ten days after receiving it. If he sign the same it shall then become an ordinance, but if he disapprove the bill he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC 9. When an ordinance is returned without the approval of the Mayor, the Common Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill be again passed by an affirmative vote of not less than five members, it shall take effect as if the Mayor had approved the same. If the bill fail, on being reconsidered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Common Council

SEC 10 The Mayor and Common Council shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law.

*Article VII—Duties of Officers.*

*City Clerk.*

SECTION 1 The City Clerk shall be elected and hold office for two years. It shall be the duty of the City Clerk to keep a record of the proceedings of the Common Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "records of the Common Council" The proceedings of the Board of Equalization shall be kept in a separate book marked "records of the Board of Equalization" He shall keep a book marked "city accounts," in which shall be entered all moneys received by the city for licenses and all other moneys received from all sources, and upon the debtor side shall be entered all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Tax Collector's account," in which he shall charge the Tax Collector up with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned. He

shall keep a correct account of all tax lists and assessments and all taxes of every kind to be collected by the Tax Collector. The dates and amounts shall be correctly kept. He shall also keep a book marked "city ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of the ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been published according to law Said record shall be prima facie evidence of the contents of the ordinance, and of its passage, approval, and publication, and the record thereof shall be received in all courts or tribunals as evidence without further proof But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "demands and warrants," in which he shall make an entry of every demand filed against the city, and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Tax Collector, taking his receipt therefor He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take the certified demands of the city without charge He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City Clerk of the City of Santa Rosa" He shall make quarterly reports in writing, showing the receipts and expenditures during the quarter, and a full statement of the financial affairs of the city, at least once a year. He shall report oftener if the Common Council so require It shall also be his duty to collect all licenses imposed by any ordinance of this city. He shall keep a separate book showing all licenses issued, to whom issued and what for. All licenses shall be payable at the office of the City Clerk. He shall also perform all other duties required by law or the ordinances of the city.

*City Assessor and Tax Collector.*

SEC. 2 The City Assessor shall be elected and hold office for two years. It shall be the duty of the City Assessor, as soon after the first Monday in March of each year as practicable, to make a full, true, and correct statement of all of the taxable property within the city, owned or possessed by any person, board, or corporation, at twelve o'clock, noon, on the first Monday in March, of each year, and such additional taxable property as may be included within territory annexed to the city for school purposes; *provided*, that he may adopt the assessed valuation fixed by the county assessor for such property outside of the city limits and within the school district. He shall make out lists, giving the names of owners, and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by county assessors. All of said lists shall be verified by his oath, and shall be returned to the Common Council on or before the first Monday of July of each year But no information shall invalidate said assessment He shall have power to administer oaths and to take affidavits He shall, at the time of making the assessment, collect the taxes levied upon the personal property from all persons liable therefor, who shall not own or be assessed with real estate. He shall attend the sessions of the Board of Equalization, whenever requested by the board. It shall be his duty to collect all taxes in this charter provided He shall account for all moneys collected or received by him He shall receipt to the City Clerk for all tax lists, tax receipts, tax books, and the total amount thereof He shall diligently collect all taxes and properly account for all moneys belonging to the city received by him, and deposit the same with the City Treasurer, taking his receipt therefor. The Common Council may by ordinance further define the duties of Assessor and Tax Collector

SEC 3 The City Assessor and Tax Collector shall turn over his receipts daily at the close of each day to the City Treasurer, taking his receipt therefor. When acting as Tax Collector he shall have his office open between the hours of nine A M and three P. M of each day, excepting Sundays and holidays, including the last day on which taxes shall become delinquent.

*Judge of the Police Court.*

SEC 4. The Judge of the Police Court shall be elected and hold office for two years. He shall have the same jurisdiction in criminal cases which is conferred by the laws of the State on Justices of the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace of Justices' Courts are made applicable to the Judge of the Police Court. The Judge of the Police Court shall have jurisdiction over all cases for violation of the ordinances of the city, and shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or county jail of Sonoma County Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is provided by law for appeals from Justices' Courts. All provisions of the Code of Civil Procedure relating to appeals from Justices' Courts are applicable to appeals from the judgment of the

Judge of the Police Court. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Rosa." He shall have power to issue warrants, writs, summons, and they may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace. He shall keep a docket. All fines collected by him shall be paid into the city treasury. He shall make reports quarterly or oftener if required by the Common Council. The Common Council may by ordinance further define his duties. Any Justice of the Peace of Santa Rosa township shall possess the same powers herein conferred upon the Judge of the Police Court to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices of the Peace shall not be construed as impairing, reducing, or taking from the Judge of the Police Court any right, power, or jurisdiction vested in him. All fines imposed shall be paid into the city treasury on or before the last day of each month.

*Chief of Police.*

SEC. 5. The Chief of Police shall be appointed and serve during the pleasure of the the Common Council The department of the police shall be under the direction of the Chief of Police. He shall have all the powers given to peace officers under the laws of this State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on Sheriffs by the laws of the State. His orders shall be promptly executed by the police officers or other officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County or in the city prison of the city. He shall perform all duties imposed upon him by the ordinances of the Common Council, shall be subject to the control of the Common Council, and he may be removed by the Common Council for dereliction of duty. No officer appointed on the police force shall be removed except for cause.

*City Treasurer.*

SEC 6. The City Treasurer shall be appointed by the Common Council, who shall fix his compensation He shall do and perform all and every act and thing required of the City Treasurer by this charter or any law or ordinance of the city.

SEC. 7. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor, and countersigned by the City Clerk. He shall make monthly reports to the Common Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Common Council and filed with the City Clerk, and shall perform such other duties as may be imposed on him by ordinance.

*City Attorney.*

SEC. 8. The City Attorney shall be elected and hold office for two years. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute in all cases of violations of the city ordinances or non-compliance therewith, and shall represent the city in all suits in which the city may be a party, or in which the city may be interested. He shall have power in his official capacity to sign informations or charges against persons violating or non-complying with any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints; he may collect the delinquent taxes by suit in the manner provided by law, or as may be provided by ordinance, and shall perform all other duties imposed upon him by ordinances of the city.

*Superintendent of Streets and Public Works.*

SEC. 9. The Superintendent of Streets and Public Works shall be appointed by the Mayor and Common Council of the City of Santa Rosa, and shall be under the control of the Common Council. He shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings, and public grounds, and the improvements thereof. He shall have general supervision of the sewers' outlets, and sewer farm. He shall have general supervision of the water works, water plant, and water supply of the city. He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, and the sewers, and water of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall have the custody

and care of all tools and implements and all property belonging to the city, and he shall care for and be responsible for the safe keeping of the same. He shall attend the meetings of the Common Council. He shall be provided by the Common Council with an office in the City Hall. He shall be required to make a written monthly report and recommendations to the Common Council.

SEC 10. All property owners in the City of Santa Rosa shall keep their sidewalks free from weeds, growths, and obstructions. It shall be the duty of the Superintendent of Streets and Public Works to see that the sidewalks are kept uniformly clean from weeds and other obstructions He shall notify property owners to clean sidewalks when, in his judgment, the same is necessary, and if the order is not complied with in one month's time, the Superintendent of Streets and Public Works shall cause the same to be done. Any expense incurred by the city in the performance of this duty shall be a first lien upon the property, and shall be collected the same as any tax levied by the city.

*Policemen.*

SEC 11. The Common Council may appoint policemen, who shall be subject to the orders of the Common Council and be under the control of the Chief of Police. They shall be conservators of the public peace, and they shall have the same powers in suppressing riots, tumults, affrays, and in making arrests as is conferred upon the Chief of Police. They shall vigilantly see that the ordinances of this city are enforced. As deputies of the Chief of Police, the policemen shall have the authority to serve warrants and process of law issued by the Judge of the Police Court or other legal process authorized by ordinance. The Mayor and Chief of Police may provide extra police for special occasions, to serve from day to day, and who shall have like power as regular policemen. The Common Council shall fix their compensation

*City Engineer.*

SEC. 12. There shall be a City Engineer, who shall be appointed by the Mayor, subject to the approval of the Common Council, and shall hold office at the pleasure of the Mayor. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Common Council, and shall certify to the progress and completion of the same, and shall also make such maps, plats, plans, and specifications as the Common Council may direct. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings are constructed in a safe and substantial manner and according to the requirements of law and the city ordinances, and it shall also be his duty to cause the arrest of and prosecute all persons failing or refusing to comply with the law or ordinances in relation thereto.

SEC. 13. He shall act as inspector of plumbing and draining, and to him, as such, plans and specifications of all contemplated constructions, improvements, repairs, and alterations within the city shall be submitted for his examination and report; he shall number and file the same, and record the name of the owner and architect and location.

SEC 14 He shall examine all plans and accompanying specifications, and, if in accordance with the rules of the Board of Health, he shall issue a permit for the work to go on. Any plan or specification that in his judgment does not conform to the rules shall not be approved, but shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

SEC 15. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

SEC. 16. He shall make a monthly report to the Common Council of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the Board of Health.

SEC. 17. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the Common Council and do such other work pertaining to his profession as he may be directed to do by the Common Council or by any general law of the State of California. He shall keep a public office within the city, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference All such records, maps, plats, surveys and certificates, including monuments, shall be the property of the city, and shall be turned over to his successor in office.

*Article VIII—Bonds, Terms, and Salaries of Officers.*

SECTION 1. Every officer provided for in this charter shall, within twenty days after receiving his certificate of election or appointment, qualify, by giving the bond required by this charter or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and I

will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

SEC 2 All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not be considered unreasonable by the Common Council.

SEC 3 In case the premium should be considered extortionate, then a bond may be given with personal sureties. All official bonds shall be approved or rejected by the Common Council by an order entered on the minutes.

SEC. 4. The Common Council may, at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of an officer to furnish a satisfactory bond, at the request of the Common Council, his office shall be declared vacant, and as soon as such declaration is made the office becomes vacant.

SEC. 5. All premiums on official bonds shall be paid by the City of Santa Rosa.

SEC. 6. All bonds shall be payable to the City of Santa Rosa.

SEC. 7. The amount of the bonds required of any official by the Common Council shall be fixed by ordinance.

*Terms of Office.*

SEC. 8. The terms of all officers provided for in this charter shall begin on the first day of July next after the city election, and they shall hold office for two years, except members of the Common Council, who shall hold office for four years, and until their successors shall qualify. The Common Council shall fill any vacancy occurring in any city office for the remainder of the term.

*Salaries of Officers.*

SEC. 9. The Mayor of the City of Santa Rosa shall receive a salary of six hundred dollars per annum, payable monthly.

Each member of the Common Council shall receive five dollars per meeting for each meeting of the Common Council, and five dollars per day for each day's actual attendance as member of the Board of Equalization. The sum received by each shall not exceed two hundred dollars in any fiscal year. Any member attending a meeting of the Common Council or the Board of Equalization and leaving the same before the completion of the labors thereof, shall have to be excused by the Common Council to be entitled to his compensation. They shall not be paid for more than two meetings of the Common Council in any one month.

The City Clerk shall receive a salary of nine hundred dollars per annum, payable monthly.

The City Assessor and Tax Collector shall receive a salary of six hundred dollars per annum, payable monthly.

The City Attorney shall receive a salary of six hundred dollars per annum, payable monthly.

The Superintendent of Streets and Public Works shall receive a salary of fifteen hundred dollars per annum, payable monthly.

The Chief of Police shall receive a salary of twelve hundred dollars per annum, payable monthly, and policemen shall receive a salary of ten hundred dollars per annum, payable monthly.

The Judge of the Police Court shall receive a salary of six hundred dollars per annum, payable monthly.

The salary of the City Treasurer and City Engineer shall be fixed by the Common Council

When not herein otherwise provided the Common Council shall, by ordinance, fix the compensation of city officers and employés.

*Article IX—Bonds and Contracts.*

SECTION 1. The Common Council shall by ordinance or resolution prescribe the penalties and conditions of bonds required of contractors or other persons performing contracts or doing work for the city. No member of the Common Council, nor shall city officer, be a surety on any bonds to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done, or for materials furnished or used by the city in any work done under the direction of the city.

*Article X—Delinquent Taxes.*

SECTION 1. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The City Assessor and Tax Collector shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the same manner, as near as may be, except as to the time and place of sales, and officer making such sales, as is provided by the law of the State for the sale of property for delinquent State and county taxes by the Tax Collector of the county. Any person may be a purchaser at any such tax sales made by the City Assessor and Tax Collector. The manner of pro-

ceeding under said sale shall be as near as may be in conformity to the laws of the State governing tax sales or any ordinances of the city which are now in force or which may hereafter be passed The City Assessor and Tax Collector shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or any ordinance of the city, he shall execute, acknowledge, and deliver a deed to the purchaser or his assigns, with such recitals as may be provided by law or any of the ordinances of the city. The Common Council may by ordinance provide for the sale of property for delinquent taxes, for issuing certificates of sale, providing for redemption, and the issuance of deeds thereunder All deeds for taxes sold shall have the same force and effect as sheriff's deeds, and shall be received as evidence in all courts, and shall be prima facie evidence that all the provisions of the charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The City Assessor and Tax Collector shall have a credit for all taxes not collected by him on said delinquent list which he could not by the use of due diligence collect, or which shall not be realized on the sale The Common Council may by ordinance provide additional legislation for the collection of taxes or sale of property for delinquent, or may provide a different procedure or manner for the collection of delinquent taxes than is herein provided. The Common Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in the court having jurisdiction, and obtain a judgment and decree and collect the same in the manner required by law The assessment list is authority to the City Assessor and Tax Collector to collect all taxes and to seize upon personal property for the collection of the personal property tax not otherwise collected, and to levy upon or seize and sell the property for such taxes or any taxes unpaid, and realize the money due therefor.

SEC 2. All taxes, penalties, and fines shall be payable in lawful money of the United States.

*Article XI—Acquisition of Public Utilities.*

SECTION 1. It is hereby declared to be the purpose and intention of the people of the City of Santa Rosa that such of its public utilities as shall be deemed to be for the best interest of the people shall be acquired and owned by the city.

*Article XII—Water.*

SECTION 1. The Common Council shall have jurisdiction and control of the public water works and water system, and all lands and appurtenances belonging to the city, or which may hereafter be acquired. The Superintendent of Streets and Public Works shall perform all duties that may be required of him by this charter or any law or ordinance of the city in relation to the water system. It shall be his duty to report monthly to the Common Council, giving the items of expense of all kinds, including labor and materials, of the water works or water system. The municipal water plant shall be known as the city water works, and shall be controlled by the Common Council. The Common Council shall have the power and right to construct buildings, lay water pipes, and develop water supply, and do all other things in the management and conduct of said water works. They may, by ordinance or otherwise, establish water rates and provide for the collection of the same, except for water supplied for all domestic uses.

SEC. 2 The Common Council is hereby empowered to lay water mains outside the city limits, and furnish water to outside parties at such prices as they may deem equitable.

*Article XIII—Sewers and Drainage.*

SECTION 1. The Common Council shall have power to prescribe the location, form, and materials to be used in the construction, building, making, or repairing of public sewers, manholes, sinks, drainage, cesspools, and appurtenances belonging to the drainage and sewerage systems and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The Common Council shall have the power to construct, make, lay, and build sewers, manholes, sinks, drainage, cesspools, and outlets. Contracts for all said work, excepting for private sewers and private drains, shall be based upon plans and specifications prepared by the City Engineer and adopted by the Common Council, and shall be let to the lowest responsible bidder, unless the Common Council shall elect to do the work in the name of and for the city. The Common Council shall provide by ordinance for the manner of letting contracts, and the doing and completion of work under this section. The work mentioned in this section shall be under the supervision of the Superintendent of Streets and Public Works. The Common Council shall provide for the payment of the contract price for the work in this article in accordance with the contract and approval of the Superintendent of Streets and Public Works.

SEC 2 The Common Council shall have power to pass ordinances relative to sewers, sewerage system, drains, sewer plants, outlets, and to prescribe any and all rules and regulations relating thereto, and to authorize the employment of any person or persons to perform any duties or acts necessary under the provisions of this article. The city shall have the right to acquire other real estate for sewer purposes.

*Article XIV—Continuing in Force Laws, Ordinances, etc.*

SECTION 1. All ordinances, resolutions, orders, rules or regulations of the present City of Santa Rosa, in force at the time this charter takes its effect and inconsistent therewith, shall continue in force until amended, repealed, or revoked, and all officers of the city in office shall continue to hold and exercise their offices until the election, appointment, and qualification of the officers provided for or created by this charter, when they shall surrender up their respective offices to the officers provided for in this charter. All contracts, obligations, or liabilities now existing, or that have been incurred or entered into by or with the present City of Santa Rosa before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof

SEC 2 This charter shall take effect and be in force from and after its approval by the Legislature of the State of California.

*Article XV—Health and Safety.*

SECTION 1. The Common Council shall have the power to pass ordinances:

First—To provide for a Board of Health and prescribe their duties and powers.

Second—To provide for removing human remains from the city.

Third—To regulate the dispensaries, hospitals, markets, and other institutions.

Fourth—To establish a city hospital, and provide for its maintenance

Fifth—Every member of the Board of Health, the Health Officer and Health Inspector may administer oaths on matters connected with the health department.

SEC. 2. The Common Council shall have power to create the office of City Physician.

*Article XVI—Revenues and Taxation.*

SECTION 1. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the city treasury. Taxes shall be due and payable the first Monday in October. The taxes shall be:

First—A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for schools and library purposes, shall not exceed the sum of one dollar on each one hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for school purposes not to exceed the sum of thirty cents on each one hundred dollars thereof. A tax shall be levied on all property assessable for library purposes not to exceed the sum of ten cents on each one hundred dollars of said assessable property. Also a tax sufficient to meet the interest and principal of a bonded indebtedness against the city and school district falling due or required to be paid. The general tax, and the tax for the interest and principal of the bonded indebtedness shall be on all property subject to taxation for the purpose herein named at noon on the first Monday of March in each year.

Second—A tax not exceeding five dollars on each dog owned or kept in the city.

Third—The tax for the public library shall be kept separate for purposes of the public library.

Fourth—The tax for the interest and principal of the bonded indebtedness shall be kept separately for the payment of the interest or principal thereon.

Fifth—All taxes, of every kind, shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

Sixth—The Common Council shall have power to apportion the revenues of the city into separate and distinct funds, to be used for the purpose of such funds alone. They shall have full power over the revenues and funds of the city.

SEC. 2. The Common Council shall fix the rate of taxes, designating the number of cents on each one hundred dollars of the valuation. They shall fix the amount to be assessed on each dog; they shall fix the rate of tax for general purposes; they shall fix the rate of tax for the public library; they shall fix the rate of tax for school purposes; they shall fix the rate for interest and principal of all bonded indebtedness to be paid. As soon after the Board of Equalization shall have completed their labors as can conveniently be done, the Common Council shall fix the tax rate herein provided for.

*Board of Equalization.*

SEC. 3. The Common Council shall meet at their usual place of holding meetings on the second Monday of July of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessments made by the assessor, and may, of their motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list for each tax shall be the assessment roll or list for the taxes for said year.

*The General Law for Taxes May be Accepted.*

SEC. 4. Authority is hereby conferred upon the Common Council, in lieu of the provisions of this charter, or any law or ordinance, to adopt and accept for the assessment

and collection of the taxes of the city the general law of the State entitled "An Act to provide for levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution," approved March second, eighteen hundred and ninety-four, and amendments thereto. The Common Council shall have power by ordinance to adopt, accept, or come under the said general law and amendments thereto, or any similar law or provision which may be passed by the Legislature for the assessment or collection of taxes, and when so adopted it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Common Council shall pass all ordinances to carry out all of the provisions of such laws, and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation of any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

*Incurring of Bonded Indebtedness.*

SEC. 5. If at any time the Common Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city. If upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance providing for the creating of such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Common Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied. Such tax, when collected shall be kept in the treasury as a separate fund, to be inviolately appropriated to the payment of the principal and interest of such indebtedness. The Common Council shall have power to pass any and all ordinances that may appear to be necessary to carry out the provisions of this section.

SEC. 6. The city shall be limited in the matter of bonded indebtedness to twenty-five per cent of the assessed value of all property within the city limits.

*Article XVII—Santa Rosa Free Library.*

SECTION 1. The free library shall be under the control and management of five library trustees, who shall be known as the "Board of Free Library Trustees"; they shall be appointed by the Mayor, by and with the consent of the Common Council; the office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall severally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointments shall be made and take effect on the first Tuesday in July, or as soon thereafter as possible. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States, and of this State, and a resident of the city for five years, shall be eligible to become a library trustee. The term of office of library trustee shall be for three years, and until their successors are appointed and qualified.

SEC. 2. The Common Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the board of library trustees, at a rate of not more than ten cents on the one hundred dollars, for the purpose of maintaining a free public library and reading-rooms and purchasing such books, journals, and other publications, and leasing such real and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in August of each year.

SEC. 3. All money and revenue paid, collected, or received by authority of anything herein contained, whether by taxation, and designated as the "library fund," and shall be paid into the city treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

SEC. 4. All property, real and personal, acquired by gift, devise, bequest, or otherwise, shall vest, be, and remain in the city, and may be protected, defended and sued for by action at law, or otherwise, in the name of the city, as in other cases.

SEC. 5 The Board of Free Library Trustees shall take charge of all property belonging to such library and reading-rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise. The trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number to act as president of their board, and one of their number to act as secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their proceedings.

SEC. 6. Such trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading-rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To exercise and administer any trust declared or created for such library or reading-room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

Third—To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To order the drawing and payment upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the library fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

Sixth—To fix the salaries of the librarian and assistants, to furnish and equip said rooms and buildings as may be necessary for such library and reading-room.

SEC. 7. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the treasurer of the city out of the Library Fund.

SEC. 8 The trustees of such library and reading-rooms, on or before the first Monday of July of each year, shall make an annual report to the Common Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used, and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the secretary of the Board of Library Trustees, duly verified.

SEC. 9. The proper municipal authorities shall pass ordinances for the protection of the library and reading-rooms, and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading-rooms, or the property or books thereof, or for failure to return any book or other property belonging thereto.

*Article XVIII—Education.*

SECTION 1. The jurisdiction of the school department of the said city shall extend to all the territory which is now included in the City of Santa Rosa or "Court-house School District," or which may hereafter be annexed thereto for school purposes. The school department shall be known as the Santa Rosa City School Department

SEC. 2 The government of the public schools of said city or district is hereby vested in a Board of Education composed of five members to be elected by the voters of the city or district, and they shall hold office for a term of six years; *provided*, that at the first regular election of members of the Board of Education held under the provisions of this charter, five members shall be elected who shall so classify themselves by lot that the term of two of them shall expire in two years, two of them in four years, and one of them in six years. Elections for members of the Board of Education shall be held on the first Saturday of June every two years; the first election under the provisions of this section shall be held on the first Saturday of June, nineteen hundred four. In all other matters the elections for members of the Board of Education shall be governed by the general law of the State regulating elections for trustees in school districts. Any vacancy that may occur in the board shall be filled by the remaining members of the board, to hold until the next regular election The members of the board shall enter upon their duties on the first Monday of July following their election, on which day, and annually thereafter, the board shall meet and organize by electing one of their number president to serve one year. They shall also elect a secretary of the board. They shall meet for the transaction of business at stated times. Special meetings may be called by the president or three members of the board. The Board of Education of "Court-house School District" in office at the time of the approval and adoption of this charter shall remain in full control of the schools until the new board has been elected and organized.

SEC. 3. The Board of Education shall have power:

One—To establish and maintain public schools, including high schools, technical schools, evening schools, and kindergartens, and to change, consolidate, or discontinue the same; *provided*, that all public schools, including high schools now in operation in said city, are hereby declared legally established.

Two—To employ and dismiss teachers, janitors, school census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold for good and sufficient cause, all or part of any of said salaries or compensation

Three—To make all necessary rules and regulations for their own government and for the regulation of the schools, to establish and regulate the grade of schools, to prescribe the course of study, which may be changed or amended at any time, to purchase all necessary library and supplementary books, and to fix the time for the opening and closing of schools.

Four—To provide for the schools all necessary supplies, and to incur such incidental expenses as may be necessary for the welfare of the department.

Five—To build, alter, repair, rent, and provide school-houses, and furnish them with proper furniture, apparatus, and proper school appliances, to insure any and all such school property, and to make such improvements to school buildings and grounds as they may deem best.

Six—To receive, purchase, lease, and hold in fee, in trust for said schools, any and all real estate and any personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of said schools; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school-houses, without the consent of four fifths of the members of the board.

Seven—To sue for any and all lots, lands, and property belonging to or claimed by the said school department or district, and to prosecute and defend all actions at all or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and further, to do any and all acts necessary thereto The city attorney shall serve as attorney for the board.

Eight—To determine annually the amount of school funds, in addition to the amounts received from the State and county, necessary for the maintenance of the public schools of the said city, and for carrying into effect all the provisions regarding the public schools during the ensuing year; and this amount, exclusive of sums required for the payment of outstanding bonds and the interest thereon, so determined by the Board of Education, not exceeding thirty cents on the one hundred dollars valuation, on the assessment roll, shall be reported in writing to the Common Council on or before the second Tuesday of August of each year. The Common Council is hereby authorized and required to levy, and cause to be collected for school purposes, at the time and manner of levying and collecting other city taxes, the amount of taxation so determined and reported by the Board of Education, after making proper allowance for delinquencies.

Nine—To prohibit any child under six years of age from attending public school, except where kindergartens may be established as part of the public school system, in which case children over four may be admitted.

Ten—To admit non-resident children to any department of the schools, at the discretion of the board, upon the payment of such tuition fees that they may determine.

Eleven—To elect a City Superintendent of Schools, who shall be qualified by special training and education to assume expert supervision over the educational matters of the schools, for a term not to exceed four years, and to fix his compensation.

SEC. 4. It shall be the duty of the superintendent to report to the board all matters pertaining to the interests of the schools, with such recommendations as he may deem proper; to visit the various schools, to supervise the instruction and grading of pupils and such other matters as may need his attention; to attend the meetings of the board, advise them regarding the course of study, text, library, and supplementary books, teachers' qualifications, assignment of teachers, and to perform such other duties as the board may prescribe. He may suspend or expel any pupil for misconduct or violation of rules, reporting such act to the board at their next regular meeting for their approval or disapproval.

SEC 5. The school funds of the city shall consist of all moneys received from the State and county school funds, of all moneys arising from taxes which shall be levied as provided in this charter, of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may be paid into the school funds, which funds shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone; and if at the end of any school year any surplus remains in the school funds, such surplus shall be carried forward to the school funds of the next school year, and shall be used for no other than school purposes. All moneys collected in accordance with the provisions of this charter shall be paid into the city treasury to the credit of the proper school fund.

SEC 6. All claims, payable out of the school fund of the city, shall be filed with the secretary of the board. The board shall examine and allow, in whole or in part, every demand payable out of the school funds, or shall reject all or part of any such demands, for good cause, of which the board shall be the sole judge; *provided*, that demands for salaries of superintendent, secretary, teachers, and janitors shall be paid monthly without presentation of claims therefor Each demand allowed by the board shall be paid by a warrant drawn by the secretary upon the proper school fund, which warrant shall be countersigned by the president.

SEC. 7. Every member of the Board of Education and the Superintendent of Schools may administer oaths on all matters connected with the school department.

SEC. 8. An Act to re-establish "Court-house School District," in the County of Sonoma, approved March thirty, eighteen hundred and seventy-eight, is hereby repealed.

*Article XIX—Franchises.*

SECTION 1. Except as otherwise provided in the Constitution of the State, or as otherwise provided in this charter, every ordinance involving the granting by the city of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than five thousand dollars in value, or any contract for supplying the city with any commodity running for a period longer than two years, must be submitted to the vote of the electors of the city at the election next ensuing after the adoption of such ordinance. A special election may be called by the Common Council, provided the parties applying for the franchise deposit in the city treasury the estimated cost of said election.

SEC 2. The ticket used at such election shall contain the words "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Common Council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Common Council and approved by the Mayor.

SEC. 3. No such franchise, or lease, or sale of any public utility, or purchase of land shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

*Article XX—Claims Against the City.*

SECTION 1. All bills, claims, and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim shall be filed by the City Clerk, who shall present it to the Common Council, and they shall allow or reject the same in whole or in part. No bill, claim, or demand shall be allowed in whole or in part unless so made out and verified No action shall be commenced against the city unless the said bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until two months after such filing. Upon the expiration of said two months, if such claim, bill, or demand, shall not have been allowed, or allowed only in part, and suit shall thereafter be commenced, and no more is recovered against said city, than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said two months, the bill, claim, or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever

SEC. 2. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims, or demands allowed by the Common Council, which shall be signed by the Mayor, countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

*Article XXI—Miscellaneous Provisions.*

SECTION 1. Whenever the word "city" occurs in this charter it means the City of Santa Rosa, and wherever any department, board, or officer is mentioned in this charter it means such department, board, or officer, as the case may be, of the City of Santa Rosa.

SEC. 2. The Common Council of the City of Santa Rosa, in office at the time this charter is provided by the Legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

SEC. 3. The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first day in July, nineteen hundred and three, or until their successors are duly qualified

SEC. 4 This charter shall go into effect for all election purposes on the day of its adoption by the Legislature, and for all other purposes, unless otherwise here provided, on the first day of July, nineteen hundred and three

SEC. 5. The Chief of Police and Superintendent of Streets and Public Works shall devote their entire time and services to the duties of their respective offices

SEC. 6. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within one month after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

*Miscellaneous Departments.*

SEC. 7. All departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the Common Council,

and the Common Council may organize the same, and charge such organizations from time to time as to the Common Council shall seem best. The Common Council shall have power to appoint, promote, suspend, reduce, or dismiss all officers or employés of such departments, fix the powers, duties, and compensation of such officers and employés, prescribe rules and regulations for the government, discipline, and equipment of such departments, and to enforce penalties for the violation of any such rules and regulations; and shall have the power to do anything that may be necessary to maintain said departments in a high state of efficiency.

SEC. 8. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of the Common Council, is hereby fixed at two dollars per day for eight hours' labor.

SEC 9. In addition to the officers mentioned elsewhere in this charter as appointive officers the following shall be appointed, viz: Chief of Police, City Treasurer, Superintendent of Streets and Public Works, and five Library Trustees.

*Proposal of the Charter.*

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the third day of December, in the year of our Lord one thousand nine hundred and one, at a general election held under and in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, did elect the undersigned a board of freeholders to prepare and propose a charter for said city;

*Now, therefore, be it known* That, in pursuance of the Constitution, and within a period of ninety days after such election, the said board of fifteen freeholders has prepared and does propose the above and foregoing charter for said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this eighth day of February, A. D. nineteen hundred and two.

THOS. RUTLEDGE, Chairman.
W. D. REYNOLDS.
J. C. MAILER.
NEWTON V. V. SMYTH.
E. E. MORROW.
J. W JESSE.
D. P ANDERSON.
W. S. DAVIS.
W. H. LEE.
CHAS. B. KOBES.
J. W. KEEGAN.
J. F. SMITH.

Now therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said amendment to the charter of the City of Santa Rosa hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as the charter of the said City of Santa Rosa.

Concurrent resolution read.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—62.

NOES—None

## REPORTS OF STANDING COMMITTEES.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses and other buildings and for the care and maintenance of the camp of instruction for the National Guard of California established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Also: Assembly Bill No 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Also: Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin against the State of California.

Also: Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco, and for the Bay of San Francisco

Also: Senate Bill No. 291—An Act appropriating the sum of $100,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Also: Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

Senate Bill Nos. 189, 291, 389, and 399 ordered on Senate special file.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass without further reference, it being identical in subject with Assembly Bill No 1.

BARNES, Chairman.

Senate Bill No. 26 referred to Committee on Ways and Means.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 341—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco, and for the Bay of San Francisco—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass.

BOISSON, Chairman.

Assembly Bill No. 341 referred to Committee on Ways and Means.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 790—An Act to create and regulate public warehouses—have had the same under consideration, and respectfully report the same back, with amendments at request of the author, without recommendation

ALLEN, Chairman.

ON UNIVERSITIES

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No 516—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WASTE, Chairman.

ON MINING AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 857—An Act to prevent injury to oil or petroleum-bearing strata or formations by the infiltration or intrusion of water therein—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 911—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands, owned by the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered 401, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating purposes—have had the same under consideration, and respectfully report the same back, and recommend, by a majority vote, that it do pass.

DURYEA, Chairman.

Senate Bill No. 225 ordered on Senate special file.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 10—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McLAUGHLIN, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No 645—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages—have had the same under consideration, and a majority respectfully report the same back, and recommend that it be withdrawn.

Also Assembly Bill No. 200—An Act to appropriate $55,070 00 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows and hogs, and to purchase irrigating plant, all for the use of said hospital—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

Also: Assembly Bill No. 936—An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property and providing for the disposition of the selling price.

Also: Committee Substitute for Senate Bill No. 73—An Act to appropriate $30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon; and to purchase dairy cows, all for the use of said hospital

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CROMWELL, Chairman.

ON PRISON INVESTIGATION

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Select Committee on Prison Investigation, authorized to visit the State's prisons at San Quentin and Folsom, have visited the same, and the following named members and attachés are entitled to the statutory mileage set opposite their respective names, as follows:

| | |
|---|---|
| Camp | $25 20 |
| Rolley | 25 20 |

| | |
|---|---|
| Bates | $25 20 |
| Traber | 25 20 |
| Soward | 25 20 |
| Baxter | 25 20 |
| Finn | 25 20 |
| J. T. Stafford, Sergeant-at-Arms | 20 80 |
| William Dahl, Assistant Sergeant-at-Arms | 4 40 |
| J. Lozano, Stenographer | 20 80 |
| E. T. Wolcott | 4 40 |
| Total | $226 80 |

And ask the adoption of the following:

*Resolved*, That the State Controller is hereby directed to draw his warrant in favor of Edgar W. Camp, Chairman of Select Committee on Prison Investigation, for the sum of $226.80, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

CAMP, Chairman.

The question being on the adoption of the report.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, Knight, Leminger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 200 withdrawn by author.

MOTION TO CORRECT REPORT.

Mr. Camp moved that the Clerk be directed to correct clerical error in report of Committee on Contested Elections adopted yesterday, by changing the figures $704.20, near end of resolution, so as to read $654.20.

Motion carried and correction ordered.

COMMUNICATION.

The following communication, presented by Mr. Duryea, was, on his motion, ordered printed in the Journal:

SAN FRANCISCO, CAL., February 28, 1903

*The Honorable Committee on Mines and Mining Interests, Assembly Chamber, Sacramento, Cal.:*

GENTLEMEN: At a special meeting of the executive committee of the California Miners' Association, held in this city on the above date to consider various measures pending before the State Legislature of the State of California, it was unanimously voted as the sense of the committee that Senate Bills Nos. 214, 304, and 314, known respectively as the Mine Inspector bill and the Employers' Liability bills, were inimical to the vast mining interests of the State of California, and that every honorable means should be used to prevent their being enacted into law. Very respectfully,

CALIFORNIA MINERS' ASSOCIATION,

[SEAL.] By C. M. BELSHAW, President.

Attest: EDWARD H. BENJAMIN, Secretary.

On motion of Mr. Barber, Senate Bill No. 189 was ordered on Senate special file without further reference to committee, it being an identical bill.

On motion of Mr. McKenney, Senate Bill No. 366, being identical with Assembly Bill No. 558, was recalled from committee and ordered on Senate special file.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections, to be numbered 131 and 132, relating to actions for divorce.

Also: I have the honor to respectfully return herewith, without my approval, Assembly Bill No. 187—Appropriating the sum of $5,000 to pay a judgment held by Robert Y. Hayne against the State of California.

In my judgment, the condition of the State Treasury will not allow, at this time, of the payment of claims, even such as this, against the State. This is not to be regarded as repudiation, but as a postponement of payment to such time as the treasury will permit of payment.

GEO. C. PARDEE,
Governor of California

The question being, "Shall Assembly Bill No. 187 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the Governor's objections thereto sustained by the following vote:

AYES—Messrs. Houser and Kerrigan—2.

NOES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Higgins, Howard, John, Johnstone, Killingsworth, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—54.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Senate Joint Resolution No. 9—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

Senate Bill No 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton.

Assembly Bill No 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bills Nos. 614 and 43 ordered to enrollment.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the

several counties, and cities and counties in the State,'" as amended March 23, 1901.

Bill read first time, and ordered placed on Senate special file.

Senate Joint Resolution No. 9—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

Referred to Committee on Federal Relations.

Senate Bill No. 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Bill read first time, and referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 15 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 756 ordered on file for further consideration.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Constitutional Amendment No 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered "one and three quarters," relative to exemption of shipping from taxation.

F. J. BRANDON, Secretary of the Senate.
By A. B. ADAMS, Assistant Secretary.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered $1\frac{3}{4}$, relative to exemption of shipping from taxation.

Referred to Committee on Constitutional Amendments.

## BILL RECALLED FROM COMMITTEE.

On motion of Mr. Walker, Senate Bill No. 664, being identical with Assembly Bill No. 852, was recalled from Committee on Commerce and Navigation and ordered on Senate special file.

## REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

Mr. Allen asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act making an appropriation to pay the claim of Martin Brothers against the State of California."

Mr. Bates asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act to appropriate money for the purchase of a silver service for the cruiser 'California.'"

Mr. McCartney asked that permission be granted him to introduce the accompanying bill, the title of which reads as follows: "An Act to define adultery, and provide the punishment therefor."

Mr. Higgins asked that permission be granted him to introduce the accompanying concurrent resolution, relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

Requests and proposed bills and resolution referred to Committee on Introduction of Bills.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

Mr. Bliss moved that the Assembly proceed to consider Senate Concurrent Resolution No. 15.

Motion carried.

SENATE CONCURRENT RESOLUTION No 15.

Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton for a period not to exceed six months.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California has consented, and does hereby consent, that State Senator C. W. Pendleton of the Thirty-eighth Senatorial District, may depart from the State of California at any time during the remainder of his official term as State Senator, and remain absent from the State of California for a period not to exceed six months from and immediately succeeding the time of his departure.

Senate Concurrent Resolution No. 15 read and adopted.

RESOLUTION.

Mr. Dunlap offered the following resolution, and moved its adoption:

WHEREAS, That through a force of circumstances, over which he had no control, Hon. Frederick Lux, a member of this House, was not present during the month of January, and has not received the per diem that he is entitled to as a member of the Assembly for the Forty-first Assembly District during the month of January;

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant in favor of said Hon Frederick Lux for the sum of two hundred and sixteen dollars ($216), being his per diem as member of the Assembly from January 5, 1903, to January 31, 1903 (both days inclusive), at the rate of eight dollars per day, as provided by law. Said per diem being payable out of the appropriation for the per diem and mileage of Assemblymen, and the Treasurer of the State is hereby directed to pay the same.

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

AYES—Messrs Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 672—An Act to provide for the location, construction and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Also: Assembly Bill No 413—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's station, thence past Tallac, Emerald Bay and McKinney's, to Tahoe City, and making an appropriation therefor.

Also: Assembly Bill No. 713—An Act to declare the Alturas and Lakeview wagon road, commencing at the south line of Modoc County, California, on a spur of the Warner Range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Have had the same under consideration, and repectfully report the same back without recommendation.

GREER, Chairman.

At ten o'clock and fifty minutes A. M., Mr. Johnson in the chair.

MOTION.

Mr. Camp moved that the Committee on State Prisons and Reformatories be permitted to contract for transcript and copy of testimony taken at the committee's past investigations, at legal rates.

After some discussion the matter, in conjunction with the similar request of Mr. Drew's committee, heretofore made, was referred to Committee on Ways and Means, on motion of Speaker Fisk.

RECALL OF BILLS FROM SENATE.

Mr. Bangs moved that the Senate be requested to return to this body Assembly Bills Nos. 600 and 601.

Motion carried, and the Chief Clerk directed to so request the Senate.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal—and was presented to the Governor, March 4, 1903, at ten o'clock and forty minutes A. M.

AMERIGE, Chairman

CONCURRENCE IN SENATE AMENDMENT.

On motion of Mr. Wanzer, the rules were suspended, and the Assembly proceeded to consider the Senate amendment to Assembly Bill No. 756.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

SENATE AMENDMENT

Amend by inserting a comma after the word "telegraphing," in line three, section one.

Mr. Wanzer moved that the Assembly concur in the Senate amendment.

The roll was called, and the Senate amendment to Assembly Bill No. 756 concurred in by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ellis, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—59.

NOES—None.

Assembly Bill No. 756 ordered to enrollment.

UNFINISHED BUSINESS.

Assembly Bill No. 476—An Act to appropriate the sum of $1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill previously amended in Senate.

The question being, "Shall the Assembly concur in the following Senate amendment to bill?"

SENATE AMENDMENT.

Amend by striking out the unnecessary word "the" in the enacting clause before the word "Senate."

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Amerige, Bangs, Baxter, Black, Bliss, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—52.

NOES—None.

Assembly Bill No. 476 ordered to enrollment.

Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill previously amended in Senate.

SENATE AMENDMENT.

Amend by striking out the word "the" before the word "Senate" in the enacting clause

The question being, "Shall the Assembly concur in the Senate amendment to bill?"

The roll was called, and the Senate amendment concurred in by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—57.

NOES—None.

Assembly Bill No. 477 ordered to enrollment.

At eleven o'clock and twenty-two minutes A. M., Speaker Fisk in the chair.

CASE OF URGENCY.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read second time.

SPECIAL ORDER SET.

On motion of Mr. Dunlap, Senate Bill No. 425 was made a special order for further consideration for two o'clock P. M. of this day.

SPECIAL FILE.

Assembly Bill No. 558 withdrawn by author.

Assembly Bills Nos. 583, 621, and 204 passed on file.

Assembly Constitutional Amendment No. 2 withdrawn by author.

Assembly Constitutional Amendments Nos. 3 and 29 passed on file.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 18.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article VII of said Constitution.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that article seven of the Constitution of the State of California be amended to read as follows:

ARTICLE VII.

SECTION 1. There is hereby created a board of pardons which shall consist of the Governor, the Lieutenant-Governor, and the Attorney-General, and said board shall have the power to grant pardons and reprieves and to commute the sentence of any person convicted of any offense against the law of the State of California, in the manner and under the condition and regulations hereinafter prescribed, but not otherwise

SEC. 2. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless the same is granted by a unanimous vote by said board convened as such. A reprieve in a case where capital punishment has been imposed may be granted by any member of said board, but for such time only as may be reasonably necessary to secure a meeting of said board of pardons for the consideration of an application for the pardon or commutation of the sentence of the person so reprieved. Said board may grant an absolute or a conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted.

Said board of pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon, which warrant shall be obeyed and executed instead of the sentence which was first or originally pronounced.

SEC. 3. Whenever any convict is pardoned by such board, or his punishment is commuted or a reprieve is granted, the officer to whom the warrant for that purpose was issued, after executing the same shall make return thereof under his hand with his doings thereon, to the Governor, as soon as may be and he shall also file with the clerk of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract of which the clerk shall subjoin to the record of his conviction.

SEC. 4 The board of pardons shall hold at least four regular meetings in each calendar year, and may hold such other meetings as it shall deem expedient.

Such regular meetings shall be held on the second Mondays of January, April, July and October of each year. All the meetings of said board shall be held in the executive chamber at the State capitol, or in such other places as may be ordered by said board

SEC. 5. Every application for a pardon, reprieve, or commutation of sentence shall be in writing, addressed to the board of pardons, and shall be signed by the convict or some person in his behalf. It shall concisely state the grounds upon which the pardon, reprieve or commutation is sought, and in addition shall contain the following facts:

1. The name under which the convict was indicted, and every alias by which he has been known.

2. The date and terms of sentence and the names of the offense for which it was imposed.

3. The name of the trial judge and of the district attorney who participated at the trial of the convict, together with that of the county in which he was tried.

4. A succinct statement of the evidence adduced at the trial with the endorsement of the judge or district attorney who tried the case, that the same is substantially correct. If such statement and endorsement are not furnished, the reason thereof shall be stated.

5. The age, birthplace, parentage, occupation, residence, during five years immediately preceding conviction, of the convict.

6. A statement of other arrests, indictments and convictions, if any, of the convict.

The board of pardons may adopt other such rules and regulations not inconsistent with the provisions of this article, as may appear to them proper and necessary to carry out the provisions thereof.

SEC. 6. All applications for pardons, reprieves or commutations of sentence shall be filed with the clerk of the board of pardons. The said clerk shall, immediately upon receipt of such application, mail notice thereof, and of the time and place of hearing thereof to the judge of the court wherein the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or his successor in office; *provided*, that a reprieve in capital cases may be granted as provided in section two (2) without such notice; *and provided further*, that pardons or commutations of sentence of persons committed to a county jail or to a workhouse may be granted by said board without notice.

SEC. 7. The Governor's private secretary, or in his absence the executive secretary, shall be and act as the clerk of the board of pardons and shall perform the duties herein required of such clerk, and such other duties as may be prescribed by said board of pardons without other or further compensation. The board shall be supplied by the Secretary of State with such books, blanks and stationery as shall be necessary. Said board shall preserve a record of every petition received for a pardon, reprieve or commutation of sentence, and of every pardon, reprieve or commutation of sentence granted or refused and the reason assigned therefor. The clerk shall keep such records and perform such duties in relation thereto as shall be prescribed by the board, and all such records and files shall be kept and preserved in the office of the Governor at the State capitol, and shall be open to the inspection of the public at all reasonable times.

SEC. 8. The board of pardons shall supply itself with a seal with which every pardon, reprieve, or commutation or process requiring the presence of any person before it, or the presence of any officer before it, with or without books and papers, in any matter pending before said board, shall be attested and may take whatever reasonable steps in such matter as it may deem necessary to a proper determination thereof. Whenever a person is summoned before the board by its authority, he may be allowed such compensation for travel and attendance upon the board, as the board in its discretion may deem reasonable

Constitutional amendment read on a previous day.

The roll was called, and Assembly Constitutional Amendment No. 18 adopted by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Drew, Duryea, Ells, Goodrich, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—58.

NOES—Mr. Dunbar—1.

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Mr. Black moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bills Nos. 838, 839, and 840.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bills Nos. 838, 839, and 840 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

And do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bills Nos. 838, 839, and 840 ordered engrossed, and on file for third reading.

Mr. Stanton moved that Senate Bill No. 792 be substituted on file for Assembly Bill No. 907.

Motion carried.

Assembly Bill No. 907 withdrawn by Mr. Stanton.

Senate Bill No. 792—An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Stanton, the further consideration of Senate Bill No. 792 and the other bills relating to voting machines was made a special order for eleven o'clock A. M. on Friday, March 6, 1903.

RECESS.

At the hour of twelve o'clock M., the Speaker declared the Assembly at recess.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.

Speaker Fisk in the chair.

LEAVE OF ABSENCE.

The Committee on State Prisons and Reformatories were granted a leave of absence for twenty minutes.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

AMERIGE, Chairman.

SPECIAL ORDER.

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Bill read third time.

Mr. Howard moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 924, as follows:

Amend by striking out in line six hundred and fifty-three, nineteenth page, the word "one," and inserting the word "five."

Motion lost.

Mr. Olmsted moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 924, as follows:

Amend by striking out of line four hundred and twenty-nine, thirteenth page, the word "twenty," and inserting in lieu thereof the word "thirty-five."

Motion lost.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Boisson, Burgess, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

On motion of Mr. Dunlap, Assembly Bill No. 924 was ordered immediately transmitted to the Senate.

SPECIAL ORDER—CASE OF URGENCY.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read second time at a previous hour this day.

The following amendments were submitted:

By Mr. McConnell:

Strike out all of section sixteen, printed bill.

Amendment lost.

By Mr. Carter:

Amend by striking out of section one, line three of printed bill, the word "four," and inserting in lieu thereof the word "two."

Amendment lost.

Also:

Amend by inserting in section nine, line two of printed bill, the words "on the first Monday of March of each year, and at other times."

Amendment lost.

Also:

Amend by striking out of section twelve, line two of printed bill, the words "six hundred."

On the adoption of the amendment, roll call was demanded by Messrs. Carter, McConnell, and Drew.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bangs, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Finn, Goodrich, Houser, John, Johnson, Kelso, Kerrigan, Leininger, Lumley, Lux, Mahany, McCartney, McConnell, McMahon, McMartin, Murphy, Olmsted, Pann, Pyle, Siskron, Snyder, Traber, Transue, Walker, and Weger—34.

NOES—Messrs Allen, Amerige, Barber, Barnes, Black, Bliss, Boisson, Brown, Cromwell, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Howard, Johnstone, Killingsworth, King, Knight, Lewis of Riverside, Mattos, McKenney, McLaughlin, McNeil, Moore, Mott, Prescott, Stansell, Steadman, Susman, Wanzer, Waste, Wright, and Mr. Speaker—36.

By Mr. Carter:

Strike out all of lines one, two, and three of section twenty-six, printed bill.

By Mr. Johnson:

Amend the amendment so as to read: Strike out all of section twenty-six, fourteenth page, printed bill, and insert in lieu thereof the following, viz.:

"SEC. 26. In any suit, action or proceeding against any banking corporation, no funds, property or assets in said banking corporation shall be attached or levied upon before final judgment in such suit, action or proceeding."

On the adoption of the amendment to the amendment, roll call was demanded by Messrs. Carter, Snyder, and Leininger.

The roll was called, and the amendment to the amendment lost by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Bliss, Camp, Covert, Drew, Dunlap, Ells, Foster, Gleeson, Greer, Higgins, Howard, Johnson, Killingsworth, Knight, Lewis of Riverside, Mattos, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Rolley, Siskron, Stansell, Steadman, Susman, Traber, Wanzer, and Waste—36.

NOES—Messrs. Amerige, Baxter, Black, Boisson, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Dunbar, Duryea, Finn, Goodrich, Hart, Houser, John, Johnstone, Kelso, Kerrigan, King, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McMahon, McMartin, Moore, Murphy, Pann, Pyle, Snyder, Soward, Stanton, Transue, Walker, Weger, Wright, and Mr. Speaker—41.

Upon the announcement of the result, Mr. Carter challenged the correctness of the roll call, and demanded a verification of the same.

Whereupon the Speaker directed the Chief Clerk to again call the roll on the adoption of the amendment to the amendment.

The roll was called, with the following result:

AYES—Messrs. Allen, Bangs, Barnes, Camp, Covert, Ells, Higgins, Howard, Johnson, Killingsworth, Lewis of Riverside, Mattos, McKenney, McNeil, Olmsted, Prescott, Rolley, Snyder, Stansell, Steadman, Traber, and Wanzer—22.

NOES—Messrs. Amerige, Barber, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Houser, John, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pann, Pyle, Siskron, Soward, Stanton, Susman, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—54.

Whereupon the Speaker again declared the amendment to the amendment lost.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Dunlap, the time for consideration of the Senate special file was postponed until Senate Bill No. 425 had passed through its second reading.

CONSIDERATION OF BILL RESUMED.

The question recurring on the adoption of the original amendment by Mr. Carter.

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

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Finn, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, King, Leininger, Lumley, McCartney, McConnell, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Pyle, Siskron, Snyder, Stanton, Traber, Transue, Walker, Weger, Wright, and Mr. Speaker—46.

NOES—Messrs. Allen, Barber, Bates, Bliss, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mattos, McKenney, McLaughlin, McNeil, Mott, Prescott, Rolley, Soward, Stansell, Steadman, Susman, Wanzer, and Waste—30.

At three o'clock and twenty minutes P. M., Mr. Dunlap moved that further consideration of Senate Bill No. 425 be postponed until seven o'clock and thirty minutes P. M. this day.

Mr. Carter moved to amend by referring the bill to a select committee of five, to be appointed by the Speaker, to report the same back at morning session on to-morrow.

Motion to amend lost.

The question recurring on the original motion to postpone, the same was put and carried.

INTRODUCTION OF CONCURRENT RESOLUTION.

Mr. McMartin asked for and was granted unanimous consent to introduce a concurrent resolution.

By Mr. McMartin: Assembly Concurrent Resolution No. 13—Relative to the water of the Truckee River.

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Relative to the water of the Truckee River.

WHEREAS, Senate Concurrent Resolution No. 6 of the Legislature of the State of Nevada, relative to the appointment of a special committee by the Legislature of the State of California to confer with a like committee from the State of Nevada regarding the water of the Truckee River, has been received; therefore, be it

*Resolved by the Assembly, the Senate concurring*, That a special committee, to consist of four Assemblymen and three Senators, be appointed by the presiding officers of the Assembly and Senate, to inquire into the subject-matter of said resolution, with instructions to report back to this Legislature as to whether, in their opinion, the matters referred to justify the appointment of a committee in conformity with the request of said resolution.

Concurrent resolution read and adopted, and ordered immediately transmitted to the Senate.

SPECIAL FILE—SENATE BILLS.

Senate Bills Nos. 443, 568, 887, 34, 793, 792, 396, 369, Committee Substitute for Senate Bills Nos. 261, 307, and 317, and Senate Bills Nos. 27, 68, 95, 118, and 39 passed on file.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Bill read second time, and ordered to third reading.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments,"

approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Bill read second time.

Mr. Carter moved to amend as follows:

Amend by adding after the word "boulevards" in the last line of the title, the following: "To incur a bonded indebtedness for such purposes, and to call a special election for the submission to the electors of the question of incurring such indebtedness."

Amendment adopted.

Bill ordered to print, with rush order, and on file for third reading.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Mr. Waste moved that the rules be suspended for the purpose of considering Senate Bill No. 13.

Rules unanimously suspended.

Mr. Waste moved, that for the purpose of correction and amendment, the Assembly reconsider the vote whereby Senate Bill No. 13 was on a previous day passed by the Assembly.

Motion carried unanimously.

Mr. Waste moved that a select committee of one be appointed by the Speaker to amend Senate Bill No. 13, as follows:

Strike out of section two, line one, all after the figure "2," and insert in lieu thereof the following:

"The said Board of Colton Hall Trustees are hereby authorized to accept from the City of Monterey, at a rental of not more than one dollar per year, a lease of not less than ten years of the site and grounds known as the Colton Hall property; the same during the term of said lease to be under the exclusive management and control of said Board of Colton Hall Trustees and the State of California as a State institution, and which said property is particularly described as that certain lot of land situated on the westerly side of Pacific Street, in the City of Monterey, County of Monterey, State of California, bounded south by the lands of Mrs. C. Underwood, north by King Street and Pinto lot, and west by Gordon Street."

Motion carried.

Mr. Waste was appointed such committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—with instructions, does now report that the instructions of the Assembly have been carried out.

WASTE, Committee.

Report of select committee, and amendment, adopted.

Bill ordered to print, and on file for final passage.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Bill read second time, and ordered to third reading.

Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Bill read second time, and ordered to third reading.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Bill read second time, and ordered to third reading.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Bill read second time, and ordered to third reading.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

And were presented to the Governor, March 4, 1903, at three o'clock and twenty minutes P. M.

AMERIGE, Chairman.

SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 13, 1872," approved March 11, 1874.

Bill read second time, and ordered to third reading.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Bill read second time.

Further consideration of bill pending.

RECESS.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Killingsworth, the Assembly was declared at recess until seven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Fisk in the chair.

LEAVES OF ABSENCE.

Leave of absence for the evening was granted Mr. Howard, on account of illness.

Leave of absence until eight o'clock and thirty minutes P. M. was granted Mr. Covert.

INVITATION TO ASSEMBLYMEN.

The following communication was received by the Speaker, and ordered printed in the Journal:

ST. LOUIS, MISSOURI, February 27, 1903.

*To the Honorable Speaker and Members of the Legislative Assembly, Sacramento, Cal.:*

GENTLEMEN: The National Good Roads Association, the Office of Public Road Inquiries U. S. Government, the Louisiana Purchase Exposition Company, the State, county, and city officials, and the commercial bodies and railway organizations of the State of Missouri, have the honor to extend to you the official invitation, and we most cordially and earnestly urge you to attend in a body and take part in the deliberations of the National and International Good Roads Convention to be held in the City of St. Louis, in the State of Missouri, Monday, Tuesday and Wednesday, April 27, 28, and 29, 1903.

Through the tremendous increase of traffic and the onward march of time and improvement, it has become a public necessity to lower the cost of primary transportation of all products from the farms to railroads, rivers, and harbors. We therefore urge you, the honorable lawmakers of California, to attend this convention and advise with the legislative bodies of other States in suggesting such plans as will insure "public road improvement" in your State and in the several States and Territories of the Union.

The several sessions of the National and International Good Roads Convention will be addressed by some of the most distinguished statesmen, railroad officials, and educators of this and foreign countries. The Good Roads Convention and the dedicatory services of the Louisiana Purchase Exposition Company—both events occurring the same week—and the exceedingly low rates granted by all railroads to delegates, the attendance of President Roosevelt and his Cabinet, the oration by ex-President Grover Cleveland, the promised attendance of the Governors of all States with their military aides, the largest military parade ever witnessed in the Western States, and the assemblage of ministers plenipotentiary and foreign diplomats, mark the occasion as a most important epoch in the Nation's history.

We sincerely trust that you and the honorable legislators of California will accept this invitation.

Cordially submitted.

W. H. MOORE, President.
R. W. RICHARDSON, Secretary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered 1¾, relative to exemption of shipping from taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

McCARTNEY, Chairman.

SPECIAL ORDERS.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill previously read second time on this day.

The following amendments were submitted:

By Mr. Dunbar:

Amend by striking out the period in line twenty-one, section twenty-one, eleventh page, printed bill, and inserting the following after the word "therefor": "and said report shall be published three consecutive times in at least one newspaper having a general circulation in the county in which said bank is situate."

Amendment lost.

By Mr. Dunlap:

Amend by striking out the title, and inserting in lieu thereof the following:

"An Act creating a Board of Bank Commissioners, providing for their appointment and compensation, and prescribing their duties and powers, and providing for the dissolution of banks and banking corporations, and the suspension of business by persons engaged in banking, and the disposal of their funds and assets, and providing for the issuance of licenses to banks and banking corporations, and persons engaged in banking, and prescribing and limiting the manner in which savings and loan societies and savings banks shall loan or invest their capital, assets, or money, and providing penalties for a violation of the provisions of this Act, and prescribing the manner and mode in which the expenses of said Board of Bank Commissioners shall be paid, and providing the manner and mode in which savings banks, banks, or banking corporations, may be organized, and providing the mode and manner in which dividends by savings banks, banks, or banking corporations may be declared or paid, and providing for the creation and maintenance of a surplus or reserve fund by such savings banks, banks, or banking corporations, and providing in what manner the word 'bank' or 'savings' may be used, and providing in what manner the statements of the capital stock of banks, savings banks, or banking corporations, may be advertised."

Amendment adopted.

By Mr. Carter:

Amend by striking out Section 11 of the printed bill and inserting the following:

"SEC. 11. If the Bank Commissioners, on examination of the affairs of any corporation mentioned in section three of this Act, shall find that any such corporation has been guilty of violating its charter, the laws of this State, or any of the provisions of this Act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this Act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of court hereinafter mentioned, and to immediately notify the Governor and the Attorney-General of their action; and it is hereby made the duty of the Attorney-General, upon receiving such notification, to immediately commence suit in the proper court against such corporation, and all the directors or trustees thereof, to enjoin and prohibit them from the transaction of any further business.

"If upon the hearing of the case the court shall find that such corporation is solvent, and may safely continue business, it shall dismiss the action, and order that the corporation be restored to the possession of the property, but if the court shall find that it is unsafe for such corporation to continue business, or that such corporation is insolvent, said court shall by its decree order such corporation into involuntary liquidation, and shall issue the injunction applied for, and shall cause the same to be served according to law, and shall order the commissioners to surrender the property of the corporation in their possession to a receiver appointed by the court for the purpose of liquidation in such proceeding, under the orders and direction of the court. The issuance of the injunction hereinbefore provided for shall, by operation of law, dissolve any and all attachments levied upon any property of such corporation within one month next preceding the date of the notification by the commissioners to the Governor and the Attorney-General as provided for in this section; and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation, be levied upon any property of such corporation, nor shall any lien be created thereon. If a receiver be appointed, before surrendering to him the property of the corporation for purposes of liquidation, the person named as receiver shall execute to the people of the

State of California, an undertaking, with sufficient sureties, in an amount to be fixed by the court, that he will well and truly perform all the duties devolving on him by reason of such receivership, and that he will faithfully discharge the duty of receiver in the proceeding, and obey the orders of the court therein. Every receiver appointed under the provisions of this section shall make report of the conditions of the affairs under his charge to the Bank Commissioners in the same manner as the solvent banks mentioned in this article are, by law, required to do, and, in addition thereto, shall state the amount of dividends paid, debts collected, and the money realized on property sold, if any, since the previous report. The Bank Commissioners shall have the power, and it is hereby made their duty, to examine the conditions of the affairs of every such corporation in liquidation, in the same manner as in case of solvent banks, businesses, and institutions, and they shall have a general supervision of the affairs of such corporation in liquidation. They shall have the power to limit the number of employés necessary to close up the business of any such corporation in liquidation, and also to limit the salaries of the same, and shall do all in their power to make such liquidation as economical and as expeditious as the interests of the creditors, depositors, and stockholders will admit. If any officer or employé of any association or corporation solvent, insolvent, or in liquidation, or if any other person, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said Bank Commissioners, given in accordance with the provisions of this Act, such person, officer, or employé shall be punished by a fine not exceeding five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment When the receiver herein provided for shall have been appointed and qualified, the duties of the Attorney-General shall end.

"The Bank Commissioners shall, by a resolution entered upon its minutes, concurred in by at least three members, have power to employ legal counsel for any of the purposes mentioned in this section or to enforce any of the penalties prescribed by this Act, without the consent of the Attorney-General, the expense thereof to be a charge against the individual bank concerning which said services are required, and if more than one bank, then pro rata among such banks."

Amendment adopted.

On motion of Mr. Dunlap, bill ordered to print, with rush order.

SPECIAL ORDER SET.

On motion of Mr. Dunlap, the further consideration of Senate Bill No. 425 was made a special order for Thursday, March 5, 1903, immediately after the reading of the Journal.

SUSPENSION OF RULES.

On motion of Mr. Carter, the rules were temporarily suspended for the purpose of receiving and considering a report from the Committee on Introduction of Bills and the bills therein set forth.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

Assembly Concurrent Resolution relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

Also: An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Also: An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Also: An Act to define adultery and to provide the punishments therefor.

Also: An Act making an appropriation to pay the claim of the County of Monterey for money expended in behalf of the State of California for the support of orphans, etc.

Also: An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to judgment in favor of the same.

Also: An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

CARTER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted and the introduction of the proposed bills and resolution therein contained permitted by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Carter, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—58.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Higgins: Assembly Concurrent Resolution No 14—Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

Mr. Higgins moved that the Assembly take up for consideration the above concurrent resolution.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California has consented, and does hereby consent, that Assemblymen John G. Mattos, Jr., of the Forty-sixth Assembly District, Grove L. Johnson of the Seventeenth Assembly District, and William H. Waste of the Fifty-second Assembly District, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as Assemblymen, and remain absent from the State of California for a period not to exceed six months from and immediately following the time of his departure.

Concurrent resolution read and adopted.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

By Mr. Bates: Assembly Bill No. 962—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Allen: Assembly Bill No 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. McCartney: Assembly Bill No. 964—An Act to define adultery and provide the punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Dougherty: Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California, for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wanzer: Assembly Bill No. 966— An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Steadman: Assembly Bill No. 967—An Act making an appro-

priation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Ways and Means.

RUSH ORDER.

On motion of Mr. Allen, Assembly Bill No. 963 was sent to printer, with rush order.

THIRD-READING FILE.

Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Baxter, Brown, Covert, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Hart, Houser, Johnstone, Kerrigan, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McMahon, McMartin, McNeil, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, Wright, and Mr. Speaker—43.

NOES—Messrs. Allen, Amerige, Camp, Carter, Cromwell, Dougherty, Dunlap, Greer, Higgins, Johnson, Killingsworth, King, McKenney, McLaughlin, Moore, Stanton, and Waste—17.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Houser, Assembly Bills Nos. 513 and 344 were transposed on file.

Assembly Bill No. 513—An Act creating the office of Public Defender, in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bates, Baxter, Camp, Covert, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Prescott, Siskron, Snyder, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—44.

NOES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bliss, Brown, Carter, Cromwell, Dougherty, Drew, Dunbar, Foster, Greer, King, Mattos, Olmsted, Pann, Pyle, Rolley, Soward, Stansell, Steadman, and Walsh—24.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Goodrich gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 199 was this day passed.

TRANSPOSITION OF BILLS.

On motion of Mr. Dunlap, Assembly Bills Nos. 794 and 405 were transposed on file.

Assembly Bill No. 794—An Act to provide for the payment to Geo. A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Houser, Assembly Bills Nos. 167 and 306 were transposed on file.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors at law in the courts of the State of California.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Baxter, Camp, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Wright—43.

NOES—Messrs. Dougherty, John, Mattos, and Snyder—4.

Title read and approved.

At eight o'clock and twenty-four minutes P. M., Mr. Johnson in the chair.

TRANSPOSITION OF BILLS.

On motion of Mr. Wright, Assembly Bills Nos. 175 and 611 were transposed on file.

Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Bates, Baxter, Bliss, Camp, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—53.

NOES—Messrs. Drew, Higgins, and Lewis of Riverside—3.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Dunbar, Assembly Bills Nos. 561 and 406 were transposed on file.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—61.

NOES—None.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Speaker Fisk, Assembly Bills Nos. 482 and 407 were transposed on file.

Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Bliss, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Knight, Assembly Bills Nos. 379 and 596 were transposed on file.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Baxter, Camp, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Higgins, Johnson, Kerrigan, Killingsworth, Knight, Lewis of Riverside, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—42

NOES—Messrs. Allen, Amerige, Bangs, Bates, Covert, Dunbar, Finn, Foster, Houser, John, Johnstone, King, Leininger, Mahany, Mattos, Murphy, and Stansell—17.

Title read and approved.

At nine o'clock and twelve minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to

Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of $2,520 for unpaid coupons from bonds of the State of California issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Covert, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, Houser, John, Johnson, Kelso, Kerrigan, King, Knight, Leininger, Lumley, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—52.

NOES—Messrs. Lewis of Riverside, and Mahany—2.

Title read and approved.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Carter, Covert, Dorsey, Drew, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—Messrs. Dougherty and Johnstone—2.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Duryea, Assembly Bills Nos. 743 and 751 were transposed on file.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Covert, Cromwell, Dorsey, Dougherty, Drew, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Weger, and Mr. Speaker—54.

NOES—None.

Title read and approved.

HOUR FOR ADJOURNMENT EXTENDED.

On motion of Mr. Brown, the hour for adjournment was extended until ten o'clock and thirty minutes P. M. of this day.

TRANSPOSITION OF BILLS.

On motion of Mr. Stanton, Assembly Bills Nos. 908 and 752 were transposed on file.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Baxter, Bliss, Camp, Carter, Covert, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—53.

NOES—Mr. Dougherty—1.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Johnson, Assembly Bills Nos. 455 and 388 were passed on file.

Assembly Bill No. 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bliss, Boisson, Brown, Camp, Carter, Covert, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Higgins, John, Johnson, Johnstone,

Kelso, Killingsworth, Knight, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, McNeil, Mott, Murphy, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—48.

NOES—Messrs. Amerige, Baxter, Dougherty, Dunlap, Goodrich, Greer, Houser, King, Leininger, Lewis of Riverside, Moore, and Olmsted—12

Title read and approved.

SUBSTITUTION AND WITHDRAWAL OF BILL.

On motion of Mr. Prescott, Assembly Bill No. 459 was substituted on file for Assembly Bill No. 401.

Assembly Bill No. 401 withdrawn by author.

Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Mondays.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Boisson, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—58.

NOES—None.

Title read and approved.

SUBSTITUTION AND WITHDRAWAL OF BILL.

On motion of Mr. Walsh, Assembly Bill No. 901 was substituted on file for Assembly Bill No. 217.

Assembly Bill No. 217 withdrawn by author.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Waste, Weger, and Mr. Speaker—52.

NOES—Mr. King—1.

Title read and approved.

MOTION.

Mr. Johnstone moved that Assembly Bill No. 203 be ordered placed on special file.

Motion carried, and such was the order.

At ten o'clock and four minutes P. M., Mr. Brown in the chair.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purpose of entomological research.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Brown, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, John, Johnstone, Kelso, Killingsworth, Knight, Lumley, McCartney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Wanzer, Waste, and Wright—42.

NOES—Messrs. Lewis of Riverside, Mahany, Prescott, and Pyle—4.

Title read and approved.

TRANSPOSITION OF BILLS.

On motion of Mr. Dunbar, Assembly Bills Nos. 563 and 172 were transposed on file.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Brown, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

Noes—None.

Title read and approved.

Mr. Carter moved that Senate messages be taken up, read, and disposed of.

Motion carried.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Adopted Assembly Concurrent Resolution No. 9—Approving twelve amendments to the charter of the City of Napa, a municipal corporation, in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 16th day of February, 1903.

Also: Adopted Assembly Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Also: Passed Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bills Nos. 380, 524, 419, and 434, and Assembly Concurrent Resolutions Nos. 12 and 9 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 226—An Act to amend Sections 367, 375, 376, 377, 386, 387, 388, and 389 of the Code of Civil Procedure, and to repeal Section 390, all relating to parties to civil actions.

Senate Bill No. 102—An Act to appropriate the sum of $2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Senate Bill No 273—An Act for the relief of Charles D. Douglas.

Senate Bill No 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor

Senate Bill No 162—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 226—An Act to amend Sections 367, 370, 375, 376, 377, 386, 387, 388, and 389, and to repeal Section 390 of the Code of Civil Procedure, all relating to parties to civil actions.

Bill read first time, and referred to Committee on Judiciary.

Senate Bill No. 102—An Act to appropriate the sum of $2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers and duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Ways and Means.

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 162—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Bill read first time, and ordered on Senate special file.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Bill read first time, and referred to Committee on Dairies and Dairy Products.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Also: Refused passage to Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption, for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Bill read first time, and referred to Committee on Agriculture.

THIRD-READING FILE—(RESUMED).

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children from visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Brown, Carter, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, McCartney, McKenney, McLaughlin, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Wright—48.

NOES—None.

Title read and approved.

WITHDRAWAL OF BILLS.

Assembly Bills Nos. 462 and 550, being identical with Senate bills now on file, were withdrawn by their authors.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., Mr. Brown in the chair, declared the Assembly adjourned until ten o'clock A. M. of to-morrow.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 5, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

READING OF JOURNAL.

During the reading of the Journal of Wednesday, March 4, 1903, its further reading was dispensed with, on motion of Mr. Bates.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, March 3, 1903, was read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—report the same back, with the recommendation that it do not pass.

Also: Assembly Bill No. 505—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property exempt from execution—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 889—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 170 thereof—report the same back, with five amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 603—An Act to amend Section 310½ of the Penal Code, as approved March 27, 1895, relating to barber-shops, hair-dressing establishments, and bathhouses being open on Sundays and parts of holidays—report the same back, and recommend that it do not pass.

JOHNSON, Chairman.

MOTION.

Mr. Wanzer moved that the Assembly do now consider Assembly Bill No. 889, for the purpose of amendment.

Motion carried.

Assembly Bill No. 889—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 170 thereof.

Read second time.

The following committee amendments were submitted:

AMENDMENT No 1.

Amend by inserting in line two of the title, after the word "amend," the words and figures "section one hundred and seventy (170) of."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words and figures "by amending section one hundred and seventy (170) thereof," in lines four and five of the title, printed bill, and inserting in lieu thereof the following: "and the Acts amendatory thereof, relating to the compensation of county and township officers of the thirteenth class."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting the words and figures "and amended March 23, 1901," line four, first page, printed bill, after the word "seven."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "twelve and one half" in line seventy-five, third page, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of section one, line ninety-five of printed bill, the words "twelve and one half" and inserting the word "fifteen."

Amendment adopted.

Ordered to printer, with rush order, and to engrossment and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 926—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," thereon approved March 13, 1883; and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 960—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McLAUGHLIN, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 917—An Act to provide for the completion and publication of the work of "The Commissioners for the Revision and Reform of the Law," and to repeal thereafter an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; of the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895—have had the same under consideration, and respectfully report the same back without recommendation.

TRANSUE, Chairman.

AMENDED REPORT OF SPECIAL COMMITTEE APPOINTED TO INVESTIGATE THE JESSUP FUND.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your committee appointed to investigate the alleged misappropriation of the Jessup Fund, and any other funds in connection with the State Home for the Care and Training of Feeble-Minded Children, situate at Eldridge, California, having had under consideration the bills in said matter, beg leave to submit the following amended account:

*Expenses of J. T. Stafford, Sergeant-at-Arms.*

| | |
|---|---|
| Mileage to San Francisco and return, serving summonses | $16 80 |
| Carriage hire for special messenger | 10 00 |
| Telegraph message to Santa Rosa | 2 53 |
| Total | $29 33 |

*Expenses of H. F. Dugan.*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of H. E. Leland.*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of C. W. Gould.*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of John T. Harrington.*

| | |
|---|---|
| Mileage from Colusa to Sacramento and return | $15 40 |
| One day's attendance as a witness | 2 00 |
| Total | $17 40 |

*Expenses of William M. Lawlor.*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of Wm. J. G. Dawson.*

| | |
|---|---|
| Mileage from Glen Ellen to Sacramento and return | $15 40 |
| Two days' attendance as a witness | 4 00 |
| Total | $19 40 |

*Expenses of E. T. Wolcott.*

| | |
|---|---|
| Transcribing 650 folios testimony | $130 00 |
| Two copies of same | 65 00 |
| Total | $195 00 |

*Expenses of W. T. Suttenfield.*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as witness | 4 00 |
| Total | $20 80 |

*Expenses of John P. Overton.*

| | |
|---|---|
| Mileage from Santa Rosa to Sacramento and return, via Napa Junction | $18 00 |
| One day's attendance as witness | 2 00 |
| Total | $20 00 |

And we offer herewith the following resolution:

*Resolved*, That the Controller be and he is herewith authorized to draw his warrants and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following named persons, for the amount set opposite their respective names, to be distributed in accordance with the bills allowed:

| | |
|---|---|
| J. T. Stafford | $29 33 |
| H. F. Dugan | 20 80 |
| H. E. Leland | 20 80 |
| C. W. Gould | 20 80 |
| John T. Harrington | 17 40 |
| William M. Lawlor | 20 80 |
| Wm. J. G Dawson | 19 40 |
| E. T. Wolcott | 195 00 |
| W. T. Suttenfield | 20 80 |
| John P. Overton | 20 00 |

DREW, Chairman.

Ordered printed in the Journal and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STEADMAN, Chairman.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 866—An Act to provide for the transfer from the "Whittier State School" at Whittier of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Nevada County State School," and to make an appropriation therefor—have had the same under consideration, and a majority respectfully report the same back, and recommend that it be referred to the Ways and Means Committee.

OLMSTED, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 961—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended, and approved as amended, March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer, and fixing his compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALSH, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No 942—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises, with another like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

ALLEN, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 949—An Act providing for an expression of opinion by electors on questions of public policy at any election—have had the same under consideration, and respectfully report the same back, with amendments, and without recommendation.

Also: Assembly Bill No. 865—An Act to amend Sections 1365 and 1367 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back without recommendation.

STANTON, Chairman.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

WHEREAS, The Assembly Committee on Revision and Reform of the Law, and the Senate Committee on Code Revision, organized and sitting as a joint committee on Code Revision, have heretofore had under consideration the various suggestions of the Commission for the Revision and Reform of the Law, for the amendment of the Codes; and

WHEREAS, As the result of such consideration, said joint committee did heretofore determine to approve and adopt the said suggestions and recommendations of said commission without change or modification from the form in which the same were passed by the Legislature of 1901, and did authorize and direct the said Committee on Code Revision of the Senate, through its chairman, to introduce into the Senate the various bills prepared by said commission, embracing their said suggestions and recommendations as thus adopted by said Legislature of 1901; and

WHEREAS, Said Code Revision bills have in such manner been introduced into the Senate and placed upon a special second-reading file without further reference, and have been under consideration therein, and certain of which, hereinafter designated, have heretofore reached this House, and have been referred to the Committee on Judiciary; now, therefore, for the better and more ready consideration of said Code Revision bills and to facilitate action thereon without undue interference with the other work of this House, be it

*Resolved*, That the rules be suspended and that Senate Bills Nos. 227, 228, 229, 230, 231, 232, 233, 234, 276, 277, 278, 279 and 280, being a portion of such Code Revision bills, which have heretofore been reported to this House from the Senate, be and they are hereby

recalled from the Judiciary Committee to which the same have been referred, and placed upon a special second-reading file to be designated the "Code Revision File," the same to be called up for consideration, on motion, at the pleasure of the House; and be it further

*Resolved*, That upon the coming into this House from the Senate of any other of such Code Revision bills, all such Senate bills be, without debate, sent to such "Code Revision File" for further consideration, in the manner above provided.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

The question being on the adoption of the resolution.

Resolution adopted.

MESSAGES FROM THE SENATE.

Mr. Carter moved that Senate messages be taken up, read, and disposed of.

Motion carried.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Senate Bill No. 535—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Senate Bill No 536—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Senate Bill No 537—An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807 and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Senate Bill No. 538—An Act to repeal Title XIII of Part III of the Code of Civil Procedure and to substitute in place thereof a new Title XIII to take the place thereof in said code, relating to estates of missing persons

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Senate Bill No. 540—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

Senate Bill No. 541—An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037, and to repeal Sections 2033 and 2034 of the Code of Civil Procedure, all relating to depositions.

Senate Bill No. 542—An Act to amend Sections 2012, 2013, 2014, and to repeal Section 2015 of the Code of Civil Procedure, all relating to affidavits.

Senate Bill No. 543—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Senate Bill No. 544—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court

Senate Bill No. 545—An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, 1037, to repeal Section 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions.

Senate Bill No 546—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Senate Bill No. 646—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Senate Bill No. 681—An Act to amend Section 14 of the Civil Code, relating to definitions

Senate Bill No. 683—An Act to repeal Section 58 and to amend Sections 60, 61, 68, 69, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Senate Bill No 684—An Act to amend Sections 94, 106, 125, 136, 137, and 146 and to repeal Section 144 of the Civil Code, all relating to divorce.

Senate Bill No. 685—An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife.

Senate Bill No. 687—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258 and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Senate Bill No. 689—An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321*a* of the Civil Code, all relating to corporations.

Senate Bill No. 690—An Act to amend Sections 322, 323, and 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations.

Senate Bill No. 691—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Senate Bill No. 693—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations.

Senate Bill No 695—An Act to amend Sections 414, 415, 417, 418, 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations.

Senate Bill No 696—An Act to repeal Sections 427, 431, and 432, and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations

Senate Bill No 697—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to mutual life, health, and accident insurance corporations.

Senate Bill No 698—An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations

Senate Bill No. 699—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Senate Bill No. 700—An Act to add a Chapter VI of Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 535—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 536—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 537—An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto to be numbered 1760, all relating to guardians.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 538—An Act to repeal Title XIII of Part III of the Code of Civil Procedure, and to substitute in place thereof a new Title XIII, to take the place thereof in said code, relating to estates of missing persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974, of the Code of Civil Procedure, and to add a new section thereto to be numbered 1882, all relating to evidence.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 540—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

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Senate Bill No. 541—An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037, and to repeal Sections 2033 and 2034 of the Code of Civil Procedure, all relating to depositions.

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Senate Bill No. 545—An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, 1037, to repeal Section 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions.

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Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 683—An Act to repeal Section 58 and to amend Sections 60, 61, 68, 69, 70, 79½, and 84 of the Civil Code, all relating to marriage.

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Senate Bill No. 684—An Act to amend Sections 94, 106, 123, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 685—An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 687—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 689—An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321*a* of the Civil Code, all relating to corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 690—An Act to amend Sections 322, 323, and 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 691—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 693—An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 695—An Act to amend Sections 414, 415, 417, 418, and 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 696—An Act to repeal Sections 427, 431, and 432, and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 697—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto to be numbered 452, all relating to mutual life, health, and accident insurance companies.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 698—An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 699—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 700—An Act to add a Chapter VI to Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Read first time, and ordered on special file of Code Revision bills.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No 282—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

Senate Bill No. 284—An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials.

Senate Bill No. 285—An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances.

Senate Bill No 286—An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages.

Senate Bill No 287—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Senate Bill No. 288—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

Senate Bill No. 408—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Senate Bill No. 409—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Senate Bill No. 410—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions

Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Senate Bill No. 412—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 469, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure.

Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Senate Bill No. 414—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Senate Bill No. 415—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Senate Bill No. 416—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Senate Bill No. 417—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers

Senate Bill No. 418—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposits in court.

Senate Bill No. 432—An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property.

Senate Bill No. 433—An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said code, relating to appeals in civil actions.

Senate Bill No. 434—An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in justices' courts.

Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Senate Bill No. 436—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Senate Bill No 448—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Senate Bill No. 449—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise

Senate Bill No. 450—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Senate Bill No 451—An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders.

Senate Bill No. 452—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions

Senate Bill No. 453—An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time.

Senate Bill No. 454—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Senate Bill No. 455—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Senate Bill No. 456—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Senate Bill No. 457—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Senate Bill No. 458—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Senate Bill No. 459—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

Senate Bill No. 460—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Senate Bill No. 461—An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property.

Senate Bill No. 462—An Act to amend Sections 1183, 1184, 1191, and 1203 and to repeal Section 1196, of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property.

Senate Bill No. 463—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages

Senate Bill No. 464—An Act to amend Sections 1209, 1210, 1217, and 1218 of the Code of Civil Procedure, all relating to contempts.

Senate Bill No. 465—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Senate Bill No. 466—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Senate Bill No. 467—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Senate Bill No 487—An Act to repeal Articles I and II of Chapter II of Title XI of Part III of the Code of Civil Procedure and each and every section of said Articles I and II, and to substitute new Articles I and II to take the place thereof in said code, all relating to the probate of wills.

Senate Bill No. 488—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Senate Bill No. 489—An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate.

Senate Bill No 490—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Senate Bill No. 491—An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed

Senate Bill No. 492—An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration.

Senate Bill No. 493—An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Senate Bill No. 494—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Senate Bill No. 495—An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed.

Senate Bill No. 496—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Senate Bill No. 497—An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure, all relating to the inventory and appraisement of the estates of decedents.

Senate Bill No. 498—An Act to amend Section 1425 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Senate Bill No. 499—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Senate Bill No. 500—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Senate Bill No. 501—An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of the families of deceased persons.

Senate Bill No 502—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure and to substitute a new Article II to take the place thereof in said code, relating to proceedings to set aside homesteads.

Senate Bill No 503—An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure and to substitute a new Chapter VI to take the place thereof in said code, relating to claims against the estates of decedents.

Senate Bill No. 504—An Act to amend Sections 1518, 1522, 1524, 1527, 1540, 1543, 1544, 1552, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons.

Senate Bill No. 505—An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of administrators

Senate Bill No. 506—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Senate Bill No. 526—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Senate Bill No 527—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Senate Bill No. 528—An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts.

Senate Bill No 529—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Senate Bill No 530—An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Senate Bill No. 532—An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons.

Senate Bill No 533—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 282—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 284—An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 285—An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 286—An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 287—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 288—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 408—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 409—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 410—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 412—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 414—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 415—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 416—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 417—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 418—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposits in court.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 432—An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 433—An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said code, relating to appeals in civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 434—An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in justices' courts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 436—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 448—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 449—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 450—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 451—An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 452—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 453—An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 454—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 455—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 456—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 457—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 458—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 459—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 460—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 461—An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 462—An Act to amend Sections 1183, 1184, 1191, and 1203, and to repeal Section 1196 of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 463—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salary and wages.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 464—An Act to amend Sections 1209, 1210, 1217, and 1218 of the Code of Civil Procedure, all relating to contempts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 465—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 466—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 467—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 488—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 489—An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 490—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 491—An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 492—An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 493—An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 494—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 495—An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 496—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to the removal of executors and administrators.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 497—An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure, all relating to the inventory and appraisement of the estates of decedents.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 498—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 499—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 500—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 501—An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of the families of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 502—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said code, relating to proceedings to set aside homesteads.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 503—An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Chapter VI to take the place thereof in said code, relating to claims against the estates of decedents.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 504—An Act to amend Sections 1518, 1522, 1524, 1537, 1540, 1543, 1544, 1552, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 505—An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of executors and administrators.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 506—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 526—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 527—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 528—An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 529—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 530—An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 532—An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 533—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Read first time, and ordered on special file of Code Revision bills.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read first time, and referred to Committee on Judiciary.

ANNOUNCEMENT BY THE SPEAKER.

The Speaker informed the Assembly that the salary warrants of the members had been prepared by the Controller, but that they would not be delivered until all books had been returned to the State Library.

On motion of Mr. Mattos, the matter was referred to Committee on Judiciary.

REQUEST FOR PERMISSION TO INTRODUCE BILLS.

Mr. Dunlap asked permission to introduce the accompanying bill, the title of which reads as follows: An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

Request and proposed bill referred to Committee on Introduction of Bills.

Mr. Wright asked permission to introduce the accompanying bill, the title of which reads as follows: An Act to authorize and empower the Trustees of the California Home for the Care and Training of Feeble-Minded Children to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Request and proposed bill referred to Committee on Introduction of Bills.

Mr. Walsh asked permission to introduce the accompanying bill, the title of which reads as follows: An Act to amend an Act entitled "An Act to establish a Penal Code," approved ———, by amending Section 412 thereof.

Request and proposed bill referred to Committee on Introduction of Bills.

Mr. McMahon asked permission to introduce the accompanying joint resolution, relative to requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

Request and proposed resolution referred to Committee on Introduction of Bills.

BILLS STRICKEN FROM FILE.

On motion of Mr. Mattos, Assembly Bill No. 240 was stricken from the file.

On motion of Mr. Bates, Assembly Bills Nos. 160 and 161 were stricken from the file.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. McKenney, Senate Bill No. 102 was recalled from Committee on Ways and Means, it being identical with Assembly Bill No. 454, and placed on Senate special file, Assembly Bill No. 454 being withdrawn.

MOTION TO REFER BILL.

On motion of Mr. Olmsted, Senate Bill No. 582 was referred to Committee on Public Works, State Capitol, and Parks.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Stansell asked permission to introduce the accompanying bill, the title of which reads as follows: An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Request and proposed bill referred to Committee on Introduction of Bills.

BILL RECALLED AND RE-REFERRED.

On motion of Mr. Duryea, Senate Bill No. 43 was recalled from Committee on Roads and Highways and referred to Committee on Ways and Means.

MOTION TO TAKE UP BILL.

Mr. Drew moved that the Assembly do now consider Assembly Bill No. 531, for the purpose of amending.

Motion lost.

REQUEST TO WITHDRAW PETITION.

Mr. Camp renewed the request, made on a previous day, that he be permitted to withdraw the petition introduced by him February 21, 1903.

The Chair ruled the request out of order, holding that the petition by reason of its introduction in a regular manner had now become a part of the records of the Assembly and could not be taken therefrom. In so ruling, the Chair stated it would prefer that Mr. Camp appeal from the decision, whereupon such appeal was made by Mr. Camp.

The question being, "Shall the decision of the Chair be sustained?"

Chair sustained.

Mr. Camp then moved that he be permitted to withdraw the petition temporarily, for purposes of exhibition in the Senate.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

"That the business to be considered at this evening's session shall be, first, the Assembly County Government bills. After the consideration of said bills the third-reading file shall be taken up. That in consideration of said County Government bills, each member shall have the right to call up one bill as his name is called, the names of the members to be arranged as per roll call Debate shall be limited to five minutes on each bill, one half of which time shall be allowed those favoring the bill, and the remainder to those in opposition. No other business shall be considered at said session except by unanimous consent."

BROWN, Chairman.

Mr. Brown moved the adoption of the report.

Mr. Walker moved to amend the report by inserting the following:

Amend by having names placed in hat and drawn therefrom.

Mr. Wanzer offered the following substitute for the amendment submitted by Mr. Walker:

Amend by striking out the word "to-night," and inserting the following: "to-morrow night."

Amendment lost.

Mr. Pann submitted the following amendment:

Amend by adding next after the words "County Government bills," second time in resolution, "or other bill."

Amendment lost.

The question recurring upon the adoption of the report.

Report adopted.

SPECIAL ORDER.

Assembly Bill No. 141—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Mr. Dorsey asked unanimous consent to withdraw Assembly Bill No. 141 and substitute therefor Assembly Bill No. 502.

Request granted.

Assembly Bill No. 502—An Act relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Read third time.

Mr. Dorsey moved that a select committee of one be appointed to amend the bill as follows:

Amend by inserting after the word "same," in line six, section one, first page, printed bill, the following: "dependent on possession."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 502—An Act relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report adopted.

Mr. Dorsey moved that a select committee of one be appointed to amend the title of the bill to read as follows:

An Act to add two new sections to the Civil Code of the State of California, to be known as and numbered three thousand and sixty-one and three thousand and sixty-two, relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 502—An Act relating to liens of livery, boarding, and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock—with instructions, does now report that the instructions of the Assembly have been carried out.

DORSEY, Committee.

Report adopted.

SPECIAL ORDER RESET.

On motion of Mr. Dunlap, the further consideration of Senate Bill No. 425, which was previously made a special order for this time, was continued until Friday, March 6, 1903, at ten o'clock A. M.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

"An Act to authorize and empower the Trustees of the California Home for Care and Training of Feeble-Minded Children to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara."

Also: "An Act to amend an Act entitled 'An Act to establish a Penal Code,' by amending Section 412 thereof"

Also: "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, by adding a new section thereto to be numbered Section 580, relating to banking incorporations."

Also: "Joint resolution requesting our Senators and Representatives in Congress to have battleships of the United States built in the navy yards of the United States."

Also: "An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children."

CARTER, Chairman.

Mr. Carter moved the adoption of the report.

The question being on the adoption of the report.

The roll was called, and the report adopted and the introduction of the proposed bills and resolution therein contained permitted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Greer, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Weger—60.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Wright: Assembly Bill No. 968—An Act to authorize and empower the Trustees of the California Home for the Care and Training of Feeble-Minded Children to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Walsh: Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code.

Read first time, and referred to Committee on Judiciary.

By Mr. Dunlap: Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered 580, relating to banking incorporations.

Read first time, and referred to Committee on Judiciary.

By Mr. Stansell: Assembly Bill No. 971—An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Read first time, and referred to Committee on Claims.

By Mr. McMahon: Assembly Joint Resolution No. 17—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

Referred to Committee on Federal Relations.

On motion of Mr. Dunlap, Assembly Bill No. 970 sent to printer, with rush order.

At eleven o'clock and forty minutes A. M., Speaker Fisk called Mr. Dorsey to the chair.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 294—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same

Assembly Bill No. 780—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools.

Assembly Bill No. 787—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California.

Assembly Bill No 922—An Act providing that, in any city or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language; and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply; and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed

Assembly Bill No. 899—An Act amending Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of municipal corporations of the sixth class.

Assembly Bill No 921—An Act providing that, in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question

of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor.

Assembly Bill No 648—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same and penalty for violation of the provisions of said Act

Assembly Bill No. 74—An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands.

Assembly Bill No 845—An Act to amend Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

Assembly Bill No. 725—An Act to amend Section 1970 of the Civil Code, relating to the liability of employers for injury or damage sustained by employés.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Assembly Bill No. 51—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Assembly Bill No. 53—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 141½, relating to the appointment, qualifications, duties, and fees to be collected for the county for services rendered by the official reporter of each Superior Court of each county of this State.

AMERIGE, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No 956—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, and an amendment thereto, entitled "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALSH, Chairman.

BILL RECALLED AND RE-REFERRED.

Mr. Johnstone moved that Senate Bill No. 634 be recalled from Committee on Ways and Means and referred to Committee on Fruit and Vine Interests.

Motion carried.

Mr. Johnson moved that the Assembly no now consider Assembly Bill No. 419, for the purpose of concurring in the Senate amendment thereto.

Motion carried.

Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

SENATE AMENDMENT.

Amend by striking out the words "seven thousand five hundred," in section two, line three, first page, printed bill, and inserting in lieu thereof the following: "five thousand."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 419?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—55.

NOES—None.

Mr. Carter moved that the Assembly do now consider Assembly Bill No. 780, for the purpose of amendment.

Motion lost.

RECESS.

Mr. Walker moved that the hour of recess be extended until the completion of the consideration of the unfinished business file.

Pending the discussion of the motion, at the hour of twelve o'clock M., Mr. Dorsey declared the Assembly at recess.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Speaker Fisk was granted leave of absence for the day.

MOTION TO SUSPEND RULES.

Mr. Walsh moved that the rules be suspended, and that the Assembly do now consider Senate Bill No. 199.

The question being on the suspension of the rules.

The ayes and noes were demanded by Messrs. Bangs, Walker, and Walsh.

Whereupon the roll was called, and the rules suspended by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Brown, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Killingsworth, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McKenney, McMahon, McMartin, Moore, Murphy, Pann, Pyle, Rolley, Siskron, Stansell, Susman, Walker, Walsh, Wanzer, and Weger—46.

NOES—Messrs. Allen, Barnes, Burgess, Camp, Carter, Dorsey, Drew, Duryea, Gleeson, Johnson, King, Lewis of Riverside, McConnell, McLaughlin, McNeil, Olmsted, Prescott, Soward, Steadman, Traber, Waste, and Mr. Speaker—21.

MOTION TO SUSPEND RULES.

Mr. Olmsted moved that the rules be suspended, and that the time during which any one member might be permitted to discuss the measure under consideration be limited to five minutes.

Motion lost.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this

Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Heretofore read second time.

Pending amendment.

Mr. Drew submitted the following amendment:

Amend by striking out of section two, line ten of printed bill, after the words "pro rata," and inserting the following: "in proportion to the priorities of such use or uses."

MOTION.

At three o'clock P. M., Mr. Walsh moved that the rules be suspended, and that the Assembly continue the consideration of Senate Bill No. 199.

The question being, "Shall the rules be suspended?"

The ayes and noes were demanded by Messrs. Bangs, Walker, and Dougherty.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and seven minutes P. M., Mr. Walsh moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—70.

At three o'clock and fifteen minutes P. M., Mr. Olmsted moved that further proceedings under call of the House be dispensed with.

Motion lost.

At three o'clock and twenty-one minutes P. M., Mr. Lewis of Riverside moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL—(RESUMED).

The roll was called, and the motion to suspend the rules lost by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Brown, Covert, Cromwell, Dougherty, Dunbar, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Houser, Kelso, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McMahon, McMartin, Moore, Murphy, Pyle, Rolley, Siskron, Snyder, Stansell, Susman, Walker, Walsh, Wanzer, Weger, and Wright—43.

NOES—Messrs. Allen, Barnes, Burgess, Camp, Carter, Dorsey, Drew, Dunlap, Duryea, Foster, Higgins, Howard, Johnson, Johnstone, Leininger, Lewis of Riverside, McCartney, McConnell, McLaughlin, McNeil, Olmsted, Pann, Prescott, Soward, Stanton, Steadman, Traber, Transue, Waste, and Mr. Speaker—30.

MOTION.

Mr. Dunlap moved that Senate Bill No. 199 be made a special order for Friday evening, March 6, 1903.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

JOHNSON, Chairman.

At three o'clock and thirty minutes P. M., the Speaker called Mr. Johnson to the chair.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 970 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the provisions of Section 15, Article IV, of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—61.

NOES—None.

Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

Read second time, and considered engrossed.

Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Camp Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Olmsted, Prescott, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Senate Bill No. 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 509.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 509 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 509—An Act to appropriate the sum of $142 50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 509 ordered to third reading.

Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium, or charge, on official bonds when given by surety companies.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Carter, Covert, Dorsey, Drew, Dunbar, Ellis, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Murphy, Prescott, Pyle, Rolley, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr Speaker—51.

NOES—Messrs. Amerige, Burgess, Camp, Dougherty, Dunlap, Duryea, Greer, Johnson, Johnstone, Kelso, Leininger, Lumley, McLaughlin, Pann, Snyder, and Stansell—16.

Title read and approved.

Senate Bill No. 22—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State hospital; to appropriate money therefor and provide for the expenditure of the same.

Read second time.

Senate Bill No. 37—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Read second time.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Read second time.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish same, and making an appropriation therefor.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bills Nos. 22, 37, 183, and 5.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bills Nos. 22, 37, 183, and 5 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 22—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State hospital; to appropriate money therefor and provide for the expenditure of the same

Also: Senate Bill No 37—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Also: Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish same, and making an appropriation therefor.

And do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bills Nos. 22, 37, 183, and 5 ordered to third reading.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State

Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California, in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Palmer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California, in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Passed on file.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Passed on file.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 152.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 152 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 152 ordered to third reading.

Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Passed on file.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment and define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read second time, and ordered to third reading.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read second time, and ordered to third reading.

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Read second time, and ordered to third reading.

Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Read second time.

Senate Bill No. 291—An Act appropriating the sum of $200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read second time.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Read second time.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Read second time.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bills Nos. 189, 291, 389, 399, and 26.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bills Nos. 189, 291, 389, 399, and 26 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Also: Senate Bill No. 291—An Act appropriating the sum of $200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Also: Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Also: Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

And do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bills Nos. 189, 291, 389, 399, and 26 ordered to third reading.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered 401, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read second time, and ordered to third reading.

Committee Substitute for Senate Bill No. 73—An Act to appropriate $30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon, and to purchase dairy cows, all for the use of said hospital.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Committee Substitute for Senate Bill No. 73.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Committee Substitute for Senate Bill No. 73 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Committee Substitute for Senate Bill No. 73—An Act to appropriate $30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon, and to purchase dairy cows, all for the use of said hospital—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Committee Substitute for Senate Bill No. 73 ordered to third reading.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 366.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 366 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir—and do now report the same back, and recommend that the same do pass

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 366 ordered to third reading.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12 and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled an Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 23, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 664—An Act to amend Section 2517 of the Political Code, relating to the powers of the State Harbor Commissioners.

Passed on file.

At four o'clock and ten minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read second time, and ordered to third reading.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section to be numbered "one and three quarters," relative to exemption of shipping from taxation.

The Legislature of the State of California at its regular session, commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding thereto a new section, to be known as "section number one and three quarters," to wit:

Section 1¾. All ships or shipping engaged in either foreign or domestic navigation, or in the fisheries, shall be exempt from taxation.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59

NOES—Messrs. Leininger, Mahany, and Walsh—3.

Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Read second time.

Senate Bill No. 162—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Read second time.

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Read second time.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill Nos. 656, 162, and 6.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bills Nos. 656, 162, and 6 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Also: Senate Bill No. 162—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Also: Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

And do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bills Nos. 656, 162, and 6 ordered to third reading.

MOTION.

Mr. Johnson moved that Senate Bill No. 637 be placed on the Senate special file, without reference to committee.

Motion carried.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read second time.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 637.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 637 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor—and do now report the same back and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 637 ordered to third reading.

Assembly Bill No. 833 (244 on file) ordered stricken from the file, being identical with Senate Bill No. 637.

MOTION.

Mr. McConnell moved that Senate Bill No. 47 be placed on the Senate special file without reference to committee, and that Assembly Bill No. 163 (95 on file) be stricken from the Assembly file, the same being identical with Senate Bill No. 47.

Motion carried.

Mr. Dunlap moved that the Assembly do now return to the consideration of the special file commencing at the number next after the one last considered.

So ordered.

SPECIAL FILE.

Assembly Bill No. 906—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result of such elections, and providing for the punishment of all violations of the provisions of this Act.

Withdrawn by author.

Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read second time.

Mr. Olmsted submitted the following amendment:

Amend section three to read as follows:
"SEC. 3. This Act shall take effect July 1st, 1903."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 896.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 896 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bill No. 896 ordered to print, engrossment, and third reading.

Assembly Bill No. 877 passed on file.

Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School.

Read second time.

MOTION.

Mr. Carter moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 136.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 136 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 136 ordered to engrossment and third reading.

Assembly Bill No. 886—An Act to provide for the issuance and the sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Black, Brown, Burgess, Carter, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mottos, McConnell, McKenney, McLaughlin, McMahon, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—54.

NOES—Messrs. Bangs and Dougherty—2.

Title read and approved.

MOTION.

Mr. Johnson moved that the Assembly do now consider messages from the Senate.

Motion carried.

HOUR OF RECESS EXTENDED.

At four o'clock and twenty minutes P. M., Mr. Johnson moved that the hour of recess be extended until the consideration of Senate messages is completed.

Motion carried.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as a case of urgency Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 970 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 15—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

SENATE JOINT RESOLUTION No. 15.

Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States

WHEREAS, There has been provided by the naval appropriation bill now before Congress, for the building of five battleships for the United States Navy; and

WHEREAS, It has been demonstrated that such ships can be built as cheaply and under more skilled workmanship in the navy yards of the United States than in the private yards of the country; and

WHEREAS, There are millions of dollars' worth of the latest improved machinery and equipments lying idle in the various navy yards of the country and at the same time the private concerns are overcrowded with the present government contracts on hand; therefore

*Resolved by the Senate and Assembly concurring*, That we request our Senators and Representatives in Congress to use their influence to have the five battleships aforesaid, built in the various navy yards of the United States and that one of these ships shall be built in the navy yard at Mare Island; and further

*Resolved*, That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, one to the Secretary of the Navy and one to the President of the United States.

Resolution read.

Mr. Carter moved the adoption of the resolution.

Resolution adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 23 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses, and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Assembly Bill No. 297—An Act to appropriate the sum of $50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stair and platform to reach lantern on dome.

Assembly Bill No. 347—An Act to appropriate $6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford and making an appropriation therefor.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Assembly Bills Nos. 10, 124, 297, 347, 427, 387, 479, and 411 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employés of State institutions.

Also: Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

RECESS.

At four o'clock and thirty-five minutes P. M., Speaker Fisk declared a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M.

Speaker pro tem. Carter in the chair.

Mr. Cromwell moved that the Assembly do now consider Assembly Bills Nos. 604 and 605.

Motion carried.

CONSIDERATION OF COUNTY GOVERNMENT BILLS.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Weger—51.

NOES—None.

Title read and approved.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Weger—51.

NOES—Mr. King—1.

Title read and approved.

Mr. Dunlap moved that Senate Bill No. 323 be placed on Senate special file without reference to committee.

Motion carried.

Assembly Bill No. 878—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Houser, Johnson, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Mattos, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—48.

NOES—None.

Title read and approved.

At eight o'clock P. M. the Speaker pro tem. called Mr. Johnson to the chair.

Assembly Bill No. 802—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Black, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Kelso, King, Leininger, Lewis of Riverside, Mattos, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Rolley, Soward, Stanton, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—48.

NOES—None

Title read and approved.

Assembly Bill No. 658 withdrawn by author.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relative to counties of the third class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Brown, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Johnson, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Mattos, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Weger—47.

NOES—None.

Title read and approved.

MOTION.

Mr. Walsh moved that the Assembly receive a report from the Committee on County and Township Governments.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1887.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Have had the same under consideration, and respectfully report the same back, with amendments, and a majority of said committee recommend that the same do pass as amended.

WALSH, Chairman.

CONSIDERATION OF COUNTY GOVERNMENT BILLS—(RESUMED).

Assembly Bill No. 795—An Act to amend an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Covert, Cromwell, Dougherty, Drew, Duryea, Ells, Foster, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mattos, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, and Wright—47.

NOES—None.

Title read and approved.

At eight o'clock and twenty minutes P. M., Speaker pro tem. Carter in the chair.

Assembly Bill No. 961—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer, and fixing his compensation.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Read second time.

Mr. Foster submitted the following amendment.

Amend by striking out of section one hundred and sixty, lines three hundred and nine to three hundred and twenty-six, inclusive, of printed bill, all the words contained in said lines.

Amendment adopted.

Assembly Bill No. 953 ordered to print, engrossment, and third reading.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Duryea, Ells, Foster, Greer, Hart, Higgins, Houser, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, and Waste—46.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled: Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations—and was presented to the Governor March 5, 1903, at eight o'clock and thirty minutes P. M.

AMERIGE, Chairman.

Assembly Bill No. 509—An Act entitled "An Act to amend Subdivision 9 of Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,' relating to the office of county detective, creating the same and fixing the salary thereof."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Hart, Higgins, Houser, Johnstone, Kelso, King, Leininger, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Weger—47.

NOES—None.

Title read and approved.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Johnstone, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Soward, Stanton Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, and Wright—53.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

On motion of Mr. Stanton, leave of absence for the evening was granted to the members of the Committee on Election Laws.

Assembly Bill No. 956—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an amendment thereto, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

Mr. Olmsted moved that a select committee of one be appointed to amend Assembly Bill No. 876, as follows:

Amend by striking out of lines six and seven of printed bill the following: "Counties having a population of 15,702."

Also: Amend by striking out the period at end of line eleven of printed bill, and inserting a semicolon, and also insert the words "and also all fees for service of papers in actions arising outside of his county."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform

system of county and township governments," approved April 1, 1897, and amended March 23, 1901—with instructions, does now report that the instructions of the Assembly have been carried out.

OLMSTED, Committee.

Report adopted.

Assembly Bill No. 876 ordered to print and re-engrossment.

Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relative to the compensation of officers of counties of the fiftieth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mattos, McKenney, McLaughlin, McNeil, Murphy, Olmsted, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Waste, and Wright—42.

NOES—None.

Title read and approved.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1887.

Read second time.

Mr. Wanzer submitted the following committee amendment:

Amend by inserting in section three, line twenty-nine of printed bill, after the word "year," the following: "except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire." Insert a comma instead of a period after the word "year" in section three, line twenty-nine of printed bill.

Amendment adopted.

Assembly Bill No. 948 ordered to print, engrossment, and third reading.

Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Houser, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Soward, Stanton, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—49.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 5, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Senate Bill No 392—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Senate Bill No 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an

exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Senate Bill No. 516—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, adding a new section thereto, to be numbered Section 7, relating to an annual license fee.

Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Also: Passed (as a case of urgency) the following: Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read first time, and made a special order for Friday, March 6th, immediately after reading of the Journal.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read first time. and referred to Committee on Ways and Means.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read first time, and ordered on Senate special file without reference to committee.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read first time, and referred to Committee on Judiciary.

CONSIDERATION OF COUNTY GOVERNMENT BILLS—(RESUMED).

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class.

Heretofore read third time.

Mr. McLaughlin moved that a select committee of one be appointed to amend Assembly Bill No. 669, as follows:

AMENDMENT No. 1.

In line three of the title of the printed bill after the figures "1897" insert the clause "and as amended March 23, 1901."

AMENDMENT No. 2.

In line three of the title of the printed bill after the word "section" strike out the figures "194" and insert in lieu thereof the figures "198."

AMENDMENT No. 3.

In line five of the title of the printed bill after the word "the" strike out the word "thirty-seventh" and insert in lieu thereof the word "forty-first."

AMENDMENT No. 4.

In line one, section one, of the printed bill after the word "section," strike out the figures "194" and insert in lieu thereof the figures "198"

AMENDMENT No. 5.

In line three, section one, of the printed bill, after the figures "1897" insert the clause "and as amended March 23, 1901."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class—with instructions, does now report that the instructions of the Assembly have been carried out.

McLAUGHLIN, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class.

Heretofore read third time.

Mr. McLaughlin moved that a select committee of one be appointed to amend Assembly Bill No. 670, as follows:

AMENDMENT No. 1.

Amend by striking out all of the title and inserting a new title as follows: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' as amended March 23, 1901, by amending Section 203 thereof, relating to the salaries and fees of county and township officers in counties of the forty-sixth class."

AMENDMENT No. 2.

In line one, section one of printed bill, strike out the figures "201" and insert in lieu thereof the figures "203."

AMENDMENT No. 3.

In line three, section one of printed bill, after the figures "1897," insert the following: "as amended March 3, 1901."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of justices of the peace and constables in counties of the forty-fourth class—with instructions, does now report that the instructions of the Assembly have been carried out.

McLAUGHLIN, Committee.

Report adopted.

Ordered to print and re-engrossment.

Assembly Bills Nos. 669, 670, 876, ordered to printer, with rush order.

MESSAGE FROM THE GOVERNOR.

Mr. Duryea moved that the Assembly do now consider message from the Governor.

Motion carried.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 4, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code, relating to mortgages upon personal property.

GEO. C. PARDEE,
Governor of the State of California

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DORSEY, Chairman.

MOTION.

Mr. Dorsey moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 844.

Mr. Brown made the point of order that the motion was not in order under the rule adopted for the government of this evening's session of the Assembly.

The Chair declared the point of order not well taken.

Mr. Brown appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?"

The decision of the Chair was sustained.

The question recurring on Mr. Dorsey's motion to suspend the rules and consider Assembly Bill No. 844.

Motion lost.

THIRD READING OF BILLS.

Assembly Bill No 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Black, Brown, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Johnson, Kelso, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—45.

NOES—None.

Title read and approved.

Assembly Bill No. 154—An Act to appropriate the sum of $15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Black, Brown, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Houser, Kelso, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Waste, and Wright—45.

NOES—None.

Title read and approved.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Goodrich, Higgins, Houser, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Waste, and Wright—45.

NOES—Messrs. Foster and Mattos—2.

Title read and approved.

Assembly Bill No. 408—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read third time, and passed on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at nine o'clock and fifty minutes P. M., Mr. Drew moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—55.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty-five minutes P. M., Mr. Drew moved that further proceedings under call of the House be dispensed with.

Motion carried.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Lewis of Riverside, Lumley, Mattos, McCartney, McKenney, McLaughlin, McNeil, Moore, Mott, Prescott, Pyle, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—42.

NOES—Messrs. Amerige, Dougherty, Dunbar, Lewis of San Francisco, and Mahany—5.

Title read and approved.

MOTIONS.

At nine o'clock and fifty-eight minutes P. M., Mr. Dunbar moved that when the Assembly adjourns it do so until ten o'clock A. M. of Friday, March 6, 1903.

Motion carried.

Mr. Dunlap moved that Assembly Bills Nos. 925 and 937 be made a special order for Monday, March 9, 1903, immediately after the reading of the Journal.

ADJOURNMENT.

Pending the consideration of the motion, at ten o'clock P. M., the Speaker pro tem. declared the Assembly adjourned.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 6, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

READING OF JOURNAL.

During the reading of the Journal of Thursday, March 5, 1903, its further reading was dispensed with, on motion of Mr. Bliss.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, March 4, 1903, was read, corrected, and approved.

SPECIAL ORDER.

Mr. Johnson moved that the Assembly do now consider Senate Bill No. 913.

So ordered.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That Senate Bill No. 913 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River.

Read second time, and considered engrossed.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 913.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 913 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Stanton, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Mr. Johnson moved that Senate Bill No. 913 be immediately transmitted to the Senate.

Motion carried.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons.

Assembly Bill No 476—An Act to appropriate the sum of $1,000 to pay the claim of M Zirker for money due and owing the said M Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 477—An Act to appropriate the sum of $290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.

And were presented to the Governor March 6, 1903, at nine o'clock and twenty minutes A. M.

AMERIGE, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 946—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution—report the same back, with the recommendation that it do pass.

Also: Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violation of Acts for prevention of cruelty to children—report the same back, and by a majority vote recommend that it do pass

JOHNSON, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 934—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ALLEN, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 952—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PYLE, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McNEIL, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following motion:

"Mr. Camp moved that the Committee on Prisons be permitted to contract for transcript and copy of testimony, taken at the committee's past investigations, at legal rates."

Have had the same under consideration, and respectfully report the same back, and recommend that said committee be permitted to contract for transcript and copy of testimony taken at committee's investigations at legal rates.

Also: to whom was referred the following report and resolution:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. SPEAKER: Your committee appointed to investigate the alleged misappropriation of the Jessup Fund, and any other funds in connection with the State Home for the Care and Training of Feeble-Minded Children, situate at Eldridge, California, having had under consideration the bills in said matter, beg leave to submit the following:

*Expenses of J. T. Stafford, Sergeant-at-Arms:*

| | |
|---|---|
| Mileage to San Francisco and return, serving summonses | $16 80 |
| Carriage hire for special messenger | 10 00 |
| Total | $26 80 |

*Expenses of H. F. Dugan:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as witness | 4 00 |
| Total | $20 80 |

*Expenses of H. E. Leland:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of C. W. Gould:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of John T. Harrington:*

| | |
|---|---|
| Mileage from Colusa to Sacramento and return | $15 40 |
| One day attending as a witness | 2 00 |
| Total | $17 40 |

*Expenses of Wm. M. Lawlor:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as a witness | 4 00 |
| Total | $20 80 |

*Expenses of Wm. J. G. Dawson:*

| | |
|---|---|
| Mileage from Glen Ellen to Sacramento and return | $15 40 |
| Two days' attendance as a witness | 4 00 |
| Total | $19 40 |

*Expenses of E. T. Wolcott:*

| | |
|---|---|
| Transcribing 650 folios testimony | $130 00 |
| Two copies of same | 65 00 |
| Total | $195 00 |

*Expenses of W T. Suttenfield:*

| | |
|---|---|
| Mileage from San Francisco to Sacramento and return | $16 80 |
| Two days' attendance as witness | 4 00 |
| Total | $20 80 |

*Expenses of John P. Overton:*

| | |
|---|---|
| Mileage from Santa Rosa to Sacramento and return, via Napa Junction | $18 00 |
| One day's attendance as witness | 2 00 |
| Total | $20 00 |

And we offer herewith the following resolution:

*Resolved*, That the Controller be and he is herewith authorized to draw his warrants and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly in favor of the following-named persons, for the amount set opposite their respective names, to be distributed in accordance with the bills allowed:

| | |
|---|---|
| J. T. Stafford | $26 80 |
| H. F. Dugan | 20 80 |
| H. E. Leland | 20 80 |
| C. W. Gould | 20 80 |

| | |
|---|---|
| John T. Harrington | $17 40 |
| Wm. M. Lawlor | 20 80 |
| Wm. J. G. Dawson | 19 40 |
| E. T. Wolcott | 195 00 |
| W. T. Suttenfield | 20 80 |
| John P. Overton | 20 00 |

DREW, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Mr. Mattos moved that the two foregoing reports be printed in the Journal, and made a special order for Saturday morning, March 7, 1903, at eleven o'clock.

Motion carried.

ON WAYS AND MEANS—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor

Also: Assembly Bill No. 413—An Act to provide for the location, construction and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay and McKinney's, to Tahoe City, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the amendments be adopted, but your committee makes no recommendation as to the passage of the bills

Also: Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity Counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation

Also: Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expense thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Also: Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DUNLAP, Chairman.

CONSIDERATION OF SENATE BILL No 202

Mr. Dunlap moved that the Assembly do now consider Senate Bill No. 202 for the purpose of adopting the amendments thereto.

Motion carried.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State, for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Read second time.

The following amendment was submitted:

Amend by striking out all after the enacting clause, and inserting the following:

SECTION 1. The sum of one hundred and thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the purpose of adequately exploiting California and its resources and progress at the Louisiana Purchase Exhibition to be held in St. Louis, Mo., in nineteen hundred and four.

SEC. 2. Of the sum herewith appropriated twenty-five thousand dollars shall be available immediately; thirty five thousand dollars October 1st, 1903; seventy thousand dollars January 1st, 1904.

SEC. 3. It is made the duty of the Governor of California to appoint two commissioners to carry out the purposes of this Act. One shall have had one year's residence in the northern half of the State, and the other at least one year's residence in the southern half of the State. Both must have had experience in installing and managing exhibits at former expositions.

SEC. 4. It is made the duty of the commissioners appointed to collect, prepare, forward, install, and maintain exhibits of the products of the resources and progress of this State at the Exposition at St. Louis and return or dispose of such exhibits as directed by the Governor; to build and maintain a California State building after the plans for such building shall have been approved by the Governor, to remove such building at the close of such exposition; to prepare, print, and distribute literature helpful to the State; at least thirty days before the close of the exposition to report to the Governor what exhibits may be suitable for exhibition at the Lewis and Clarke Exposition to be held in Portland, Oregon, in 1905; to appoint such employés and heads of horticultural, agricultural, forestry, educational, and promotion and publicity departments as in their judgment it is thought best; and to do everything necessary to carry out the provisions and purposes of this Act in the fullest and broadest sense.

SEC. 5. The head of the mining department shall be the State Mineralogist, who is hereby directed to act under the direction of the commissioners in collecting, forwarding, and maintaining an adequate mineral exhibit at St Louis Exposition He shall have his personal actual expenses paid while outside the State the same as when traveling away from home in the State.

SEC. 6 Each of said commissioners shall receive for his services $250 per month from the time of his appointment and qualification as such commissioner until his services are discontinued by the Governor, and actual traveling expenses, not to exceed a total of $2000 to each commissioner for his term of office. Each of said commissioners in qualifying must file with the Secretary of State a bond approved by the Governor for $10,000 conditioned upon a faithful performance of each and all the duties imposed by this act and his oath.

SEC. 7. The commissioners shall appoint a secretary with the approval of the Governor. Said secretary shall be allowed $200 per month actual traveling expenses, not to exceed a total of $1,500.

SEC. 8. The commissioners must make a monthly report to the Governor of California of all expenditures and receipts, together with original vouchers for the same. If such expenditures are in accordance with the provisions of this Act, then the State Board of Examiners must approve the same and file them with the State Controller. If not then said commissioners shall be liable upon their bonds for a misappropriation of public funds.

SEC. 9. It shall be the duty of the public institutions of the State of California to assist the commission in every possible way, by loaning it such material in their possession as will aid to the attractive features of the State exhibit.

SEC. 10. This Act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 11. This Act shall take effect and be in force from and after its passage.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 202.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 202 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission, and expense of commission and attachés—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Senate Bill No. 202 ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, adding a new section thereto, to be numbered Section 7, relating to an annual license fee—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRANSUE, Chairman.

MESSAGES FROM THE SENATE.

Mr. Carter moved that the Assembly do now consider Senate messages. Motion carried.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalties, and also for the payment of such bonds," approved February 27, 1893.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiners, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Senate Bill No. 367—An Act to amend Section 1668 of the Political Code, relating to physical culture and exercises.

Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Senate Bill No 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food and sanitary inspector, prescribing his duties, powers, and compensation.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American war.

Senate Bill No 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 899—An Act amending the Civil Code by adding thereto a new section, number 605, authorizing corporations now or hereafter organized for purposes other than profit, to consolidate their debts, property, assets, and franchises.

Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Assembly Bill No. 685—An Act making an appropriation of $500 for the purpose of carpeting, repairing, and repainting furniture in, and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Senate Bill No. 593—An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 414—An Act to appropriate $40,000 out of any money in the State treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the amendments be adopted; but your committee make no recommendation as to the passage of said bill.

DUNLAP, Chairman.

Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read first time, and, on motion of Mr. Prescott, ordered on Senate special file, being identical with Assembly Bill No. 714, which was withdrawn by author.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiners, making an appropriation for that purpose and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Read first time, and, on motion of Mr. Prescott, ordered on Senate special file, being identical with Assembly Bill No. 742, which was withdrawn by author.

Senate Bill No. 367—An Act to amend Section 1668 of the Political Code, relating to physical culture and exercises.

Read first time, and referred to Committee on Education.

Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read first time, and referred to Committee on Agriculture.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read first time, and, on motion of Mr. King, ordered on Senate special file, being identical with Assembly Bill No. 848, which was withdrawn by author.

Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Read first time, and, on motion of Mr. King, ordered on Senate special file, being identical with Assembly Bill No. 760, which was withdrawn by author.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food and sanitary inspector, prescribing his duties, powers, and compensation.

Read first time, and, on motion of Mr. Drew, ordered on Senate special file, being identical with Assembly Bill No. 395, which was withdrawn by author.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 899—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises, with another like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

Read first time, and referred to Committee on Corporations.

Senate Bill No. 507—An Act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Read first time, and referred to Committee on Judiciary.

Assembly Bill No. 685 ordered to enrollment.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Read first time, and referred to Committee on County and Township Governments.

Assembly Bill No. 414 ordered to enrollment.

## BILL WITHDRAWN FROM SENATE SPECIAL FILE AND RE-REFERRED.

Mr. Olmsted moved that Senate Bill No. 445 be withdrawn from Senate special file, and referred to Committee on Ways and Means, and that Assembly Bill No. 814 retain its place on file.

Motion carried.

## LEAVE OF ABSENCE.

Upon the request of Mr. Foster, leave of absence was granted Mr. John until Monday, March 9, 1903.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS AND RESOLUTIONS.

Mr. Goodrich asked permission to introduce the accompanying resolution, the title of which reads as follows:

"Assembly Concurrent Resolution No. —, relative to the consent of the Legislature to absence from the State of California of Assemblymen J. A. Goodrich, J. P. Transue, P. A. Stanton, J. V. Snyder, and E. R. Amerige for a period not exceeding 180 days."

Request and proposed resolution referred to Committee on Introduction of Bills.

Mr. Olmsted asked permission to introduce the accompanying bill, the title of which reads as follows:

"An Act making an appropriation to pay the claim of the County of Marin against the State of California."

Request and proposed bill referred to Committee on Introduction of Bills.

Mr. Dunlap asked permission to introduce the accompanying bill, the title of which reads as follows:

"An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations."

Request and proposed bill referred to Committee on Introduction of Bills.

RESOLUTION.

By Mr. Wanzer:

*Resolved*, That the Controller be and is hereby directed to draw his warrant on the Contingent Fund of the Assembly for $24 in favor of C. S. MacMullan, in payment for services rendered at the desk during the recent illness of Minute Clerk Wood. The Treasurer is directed to pay the same.

Mr. Wanzer moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—Messrs. Dougherty, Dunbar, and Mattos—3

UNFINISHED BUSINESS.

Mr. Cromwell moved that the Assembly do now consider Assembly Bill No. 23, for the purpose of concurring in Senate amendment thereto.

Motion carried.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

SENATE AMENDMENT.

Amend by striking out the word "six," in section six, line one, second page, printed bill, and inserting in lieu thereof the word "five." Also, strike out the word "three," in section six, line one, second page, and insert in lieu thereof the word "two."

Mr. Cromwell moved that the Assembly do now concur in the Senate amendment to Assembly Bill No. 23.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.
NOES—None.

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 139, for the purpose of concurring in Senate amendments thereto.

Motion carried.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

SENATE AMENDMENT No. 1.

After the word "for," in line eleven, section one, page one, printed bill, insert the following: "*provided*, that nothing in this Act shall prevent the medical or surgical treatment of stock by the owners, or employés of owners, or by neighbors who do not assume to be practitioners of veterinary medicine or surgery."

SENATE AMENDMENT No. 2.

On page two, line eighteen of printed bill, strike out the word "March," and in lieu thereof insert the word "September."

SENATE AMENDMENT No. 3.

On page two, lines seventeen and eighteen, strike out the words "twenty-first day of December, nineteen hundred and four," and insert in lieu thereof the following: "eighteenth day of March, nineteen hundred and three."

Mr. Greer moved that the Assembly concur in the Senate amendments to Assembly Bill No. 139.

The question being, "Shall the Assembly concur?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—63.
NOES—None.

SPECIAL ORDER.

Senate Bill No. 792—An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act.

Read third time.

Mr. Allen moved that a select committee of one be appointed to amend Senate Bill No. 792, as follows:

Strike out the words "and allow of his reversing his vote in case of mistake or desire to change," in lines twenty-four and twenty-five, section four, page four of the printed bill.

Motion lost.

Mr. Knight moved that a select committee of one be appointed to amend Senate Bill No. 792, as follows:

Insert next after the word "vote" in line twenty-five, page four of amended bill, the following: "before he leaves the booth."

Motion lost.

At eleven o'clock and twenty minutes A. M., Speaker Fisk called Mr. Johnson to the chair.

Mr. Camp moved that the further consideration of Senate Bill No. 792 be continued until three o'clock P. M.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—69

NOES—Messrs. Allen, Dorsey, and Knight—3.

Title read and approved.

EXPLANATION OF VOTE.

Knowing my vote was not needed to pass it, I voted "no" on Senate Bill No 792 solely because I believe the words, "and allow of his reversing his vote," are of such general import, when standing without some such amendment as that proposed by me to limit the time within which a change may be made, as to render the Act either impossible of being complied with or of doubtful constitutionality, because not properly safeguarding the rights of voters.

E. D. KNIGHT.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Read second time.

Mr. Stanton moved that a select committee of one be appointed to amend Senate Bill No. 793, as follows:

AMENDMENT No. 1.

Amend in line forty, page two, the printed bill, by striking out the words "to be elected" and inserting in lieu thereof "vote for two." Also, amend the form of ballot between pages six and seven of printed bill by striking out the words "to be elected" wherever those words occur, and inserting in lieu thereof the words "vote for two." Also, by striking out the words "four to be elected" wherever those words occur, and by inserting in lieu thereof the words "vote for four."

AMENDMENT No. 2.

Amend by inserting after line fifteen, section three, page eight of the printed bill three new subdivisions, to be numbered three, four, and five, to read as follows:

3. If a voter stamps in a circle at the head of one of the party columns, and also stamps in the voting square after the name of any candidate in the same or any other column, or writes the name of a person for such office in the blank column, such act does not invalidate his ballot, but his vote must be counted for the candidate opposite whose name the cross is made, or for the person whose name is so written in the blank column, and as to all other offices, the ballot must be counted as a straight party vote for the candidates for the offices under the circle stamped; where, however, there are two or more persons to be elected to the same office, and the voter places a cross opposite the name of a candidate not in the party column beneath the circle so stamped, or writes a name in the blank column, for such office, then the ballot cannot be counted as the candidates for such office designated in the voters party column, except in favor of those opposite whose names he also stamps a cross.

4. No mark upon a ballot which is unauthorized by this Act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot.

5. Amend by inserting after the word "candidates" in lines one hundred and one hundred and one, page four of the printed bill: "If the name of the same person is printed more than once on a ballot, as a candidate for the same office, the placing of a cross opposite such name in more than one of the different places where it is so printed must not be regarded as putting a distinguishing mark on the ballot, and it must be counted as one vote for such person."

AMENDMENT No. 3.

Strike out all after the word "office" in line one hundred and eighty-five, also all of lines one hundred and eighty-six, one hundred and eighty-seven, and one hundred and eighty-eight, on page six, printed bill, and insert in lieu thereof the following:

"If any ticket or list of candidates contains more candidates for any office than there are persons to be elected to such office, it shall be deemed that no nomination has been made for such office."

AMENDMENT No. 4.

Amend page five, printed bill, as follows: Strike out lines one hundred and thirty-three, one hundred and thirty-four, and one hundred and thirty-five, to and including the word "vote," and insert as follows:

"To vote a split ticket, that is, for candidates of different parties, stamp a cross (X) in the voting circle at the head of your party ticket, and a cross (X) after each candidate for whom you desire to vote or stamp a cross (X) for each individual candidate, without stamping the circle.

"Where two or more candidates for the same office are to be elected and you desire to vote for a candidate of some other party, stamp a cross (X) after the names of all candidates for such office you desire to vote for."

AMENDMENT No. 5.

Amend page seven after the word "written," in line nineteen, by inserting the following:

"Where a party ticket does not contain the names of candidates for all offices for which the voter may vote, he may vote a straight ticket of such party, vote for candidates for such offices so omitted by stamping a cross (X) in the voting square opposite the names of the candidates for such offices on any other ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

"Where two or more candidates for the same office are to be elected and the voter desires to vote for a candidate of some other party, he must stamp a cross (X) after the names of all candidates for such office he desires to vote for."

AMENDMENT No. 6.

Amend page five, printed bill, by striking out lines one hundred and forty-nine to one hundred and fifty-two, inclusive, and inserting in lieu thereof as follows:

"ALL MARKS EXCEPT THE CROSS (X) ARE FORBIDDEN. ALL DISTINGUISHING MARKS OR ERASURES ARE FORBIDDEN."

Also amend the form of the ballot to conform with these instructions.

AMENDMENT No. 7.

On page five, printed bill, line one hundred and fifty-seven, strike out the word "forty," and insert in lieu thereof the word "twenty-four." Also, in line one hundred and fifty-eight, page five, printed bill, strike out the word "ten," and insert in lieu thereof the word "twelve" Also, in line one hundred and fifty-nine, page five, printed bill, strike out the word "gothic," and insert in lieu thereof the words "body type."

So ordered.

Mr. Stanton moved that a select committee of one be appointed to amend Senate Bill No. 793, as follows:

Strike out the word "printed," in line one hundred and ninety-three, page six, printed bill, and insert in lieu thereof the word "designated."

Strike out the form of ballot inserted between pages six and seven, printed bill, and substitute the following form of ballot: [See accompanying folder.]

So ordered.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting—with instructions, does now report that the instructions of the Assembly have been carried out.

STANTON, Committee.

Report adopted.

Ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Mr. Stanton, Senate Bill No. 793 was made a special order for Monday, March 9, 1903, at two o'clock P. M.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Allen asked permission to introduce the accompanying bill, the title of which reads as follows:

"An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524*a*, relating to the powers of the Board of State Harbor Commissioners."

Request and proposed bill referred to Committee on Introduction of Bills.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School.

Assembly Bill No. 956—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an amendment thereto, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Assembly Bill No. 961—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended, and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer, and fixing his compensation.

AMERIGE, Chairman.

SPECIAL ORDER RESET.

Mr. Dunlap moved that Senate Bill No. 425, heretofore made a special order for this hour, be made a special order for Monday, March 9, 1903, at eleven o'clock A. M.

Motion carried.

Mr. Fisk moved that when the Assembly reconvene after the noon recess the hour from two o'clock until three o'clock be spent in considering the bills on the special file.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule for the conduct of the business of the Assembly:

*Resolved*, That there shall be prepared at once by the Committee on Rules and Regulations a special urgency file, to consist of bills to be selected in the following manner:

Each member shall present to the Committee on Rules and Regulations the number of any one particular bill which he desires to be taken up, such bill to be selected from any file, and when such list of bills shall have been completed, the Committee on Rules and Regulations, in the presence of the House, shall cause the names of all the members to be placed in a hat, and they shall be drawn therefrom by chance.

The bills shall then be arranged in the order in which the names are drawn, and a special urgency file shall thus be made. Such file shall be considered at evening sessions commencing on Monday, March 9, 1903, and shall be continued at evening sessions until all of such bills have been acted upon.

During the consideration of such special urgency file no bill shall be considered if objection thereto is made by at least seven members of the Assembly. But if a bill is

thus objected to by seven members, the member who has placed such bill upon the file shall have the right to call up another bill in its place, under the same regulation as to objections.

Debate upon bills upon such special urgency file shall be limited to five minutes on each bill, one half of which time shall be allowed to those favoring the bill, and the remainder of the time to those in opposition.

During the consideration of such special urgency file no other business shall be in order except by unanimous consent.

Each evening session shall last at least three hours.

BROWN, Chairman.

Mr. Brown moved that the report of the Committee on Rules be printed in the Journal and made a special order for Saturday, March 7, 1903, immediately after the reading of the Journal.

Motion carried.

RECESS.

The hour of twelve o'clock M. having arrived, Mr. Johnson, in the chair, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Duryea asked permission to introduce the accompanying bill, the title of which reads as follows:

"An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon."

Referred to Committee on Introduction of Bills.

MOTIONS.

Mr. Black moved that Senate Bill No. 78 be placed on Senate special file.

So ordered.

Mr. Cromwell moved that Senate Bill No. 327 be recalled from Committee on State Hospitals and Asylums and placed on the Senate special file, the same being identical with Assembly Bill No. 559.

Motion carried.

Assembly Bill No. 559 withdrawn by author.

RESOLUTION.

By Mr. McMartin:

*Resolved*, That C. W. Kyle be and he is hereby appointed and employed as Reading Clerk at the desk from and after March 6, 1903, at a per diem of $6.00, and the State Controller is hereby authorized and directed to draw his warrant in favor of the said C. W. Kyle, and the State Treasurer is hereby authorized and directed to pay the same, payable out of the Contingent Fund of the Assembly.

Resolution read.

Mr. McMartin moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Carter, Cromwell, Drew, Dunlap, Duryea, Finn, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley,

Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—52.

NOES—None.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly concurrent resolutions and bills have been correctly enrolled:

Assembly Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Assembly Concurrent Resolution No. 9—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 16th day of February, 1903.

Assembly Bill No 524—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

And were presented to the Governor March 6, 1903, at twelve o'clock M.

AMERIGE, Chairman.

MOTION.

Mr. Brown moved that, in lieu of the consideration of the Senate special file, at three o'clock P. M. the Assembly consider the Assembly second-reading file, and after the consideration of said file the Assembly consider the Assembly third-reading file.

Motion carried.

SPECIAL FILE.

Mr. Johnstone moved to substitute Assembly Bill No. 203 for Assembly Constitutional Amendment No. 28.

So ordered.

Assembly Constitutional Amendment No. 28 withdrawn by author.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—Mr. Stanton—1.

Title read and approved.

Assembly Bill No. 814 passed on file.

The Chair stated that if there was no objection he would substitute on the file Senate Bill No. 291 (69 on file) for Assembly Bill No. 506 (20 on file).

So ordered.

Assembly Bill No. 506 withdrawn by author.

Senate Bill No. 291—An Act appropriating the sum of $200,000, for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Black, Burgess, Camp, Carter, Covert, Cromwell, Drew, Dunlap, Duryea, Finn, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—Messrs. Bangs and Dougherty—2.

Title read and approved.

LEAVE OF ABSENCE.

Mr. Copus was granted leave of absence until Monday, March 9, 1903.

SPECIAL FILE—(RESUMED).

Mr. Stansell moved to substitute on file Senate Bill No. 5 (60 on file) for Assembly Bill No. 31 (21 on file), the same being identical.

So ordered.

Assembly Bill No 31 withdrawn by author.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish same, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Waste, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Assembly Constitutional Amendment No. 20 passed on file.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of said Constitution by repealing Sections 4 and 5 of said article, and by amending Section 1 of said article, relating to taxation.

Constitutional amendment read.

Mr. Stanton submitted the following amendment:

Amend as follows: Strike out word "school," in line seventeen, and insert the word "county."

Amendment adopted.

Assembly Constitutional Amendment No. 21 ordered to print.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said article and amending Section 1 of said article.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and fourteen minutes P. M., Mr. Killingsworth moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called.

Pending roll call, at three o'clock and seventeen minutes P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr Speaker—64

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty-eight minutes P. M., Mr. Dunlap moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—57.

NOES—Messrs. Black, Brown, Cromwell, Houser, Howard, King, Mattos, Mott, Pyle, Snyder, Stansell, and Walsh—12.

Assembly Bills Nos. 83, 475, 50, 116, and 447 passed on file.

Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out all that portion of section two, page two, printed bill, commencing with and including the word "in," in line eleven, down to and including the word "Act" in line seventeen, section two, second page, printed bill.

Amendment adopted.

AMENDMENT No 2.

Amend by striking out the word "fifty-third" in line five, section seven, fourth page, printed bill, and inserting in lieu thereof the following: "fifty-fourth."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words and figures "ten thousand dollars ($10,000)" in line six, section seven, fourth page, printed bill, and inserting in lieu thereof the following: "three thousand dollars ($3,000)."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "fifty-fourth" in line six, section seven, fourth page, printed bill, and inserting in lieu thereof the following: "fifty-fifth."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words and figures "eight thousand ($8,000)" in line seven, section seven, fourth page, printed bill, and inserting in lieu thereof the following: "three thousand dollars ($3,000)."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "fifty-fifth" in line seven, section seven, fourth page, printed bill, and inserting in lieu thereof the following: "fifty-sixth"

Amendment adopted.

MOTION.

Mr. Steadman moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 202.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 202 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle,

dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 177, 435, 414, and 7 passed on file.

Assembly Bill No. 59 withdrawn by author.

Assembly Bills Nos. 384, 533, 266, 267, 260, 654, 767, 534, A. J. R. 12, A. B. 665, 567, and 810, passed on file.

Assembly Bill No. 505—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property exempt from execution.

Read second time.

The following committee amendment was submitted:

Strike out all after the enacting clause and insert as follows:

SECTION 1 Section six hundred and ninety of the Code of Civil Procedure is hereby amended so as to read as follows:

690 The following property is exempt from execution except as herein otherwise specially provided:

1 Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor,

2 Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing machine, stove, stove-pipes and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for the individual or family use, sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month; also, one piano, one shotgun and one rifle;

3 The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also, two oxen, or two horses, or two mules, and their harness, one cart or buggy and two wagons, and food for such oxen, horses or mules, for one month; also, all seed, grain or vegetables, actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars, and seventy-five bee hives, one horse and vehicle belonging to any person who is maimed or crippled and the same is necessary in his business,

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records, and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of his profession, with his professional library and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture, including one safe and one typewriter; also, the musical instruments of music teachers actually used by them in giving instructions, and all of the indexes, abstracts, books, papers, maps and office furniture of a searcher of records, necessary to be used in his profession; also, the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements and appliances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules, or oxen, with their harness, and food for such horses, mules or oxen for one month, when necessary to be used on any whim, windlass, derrick, car, pump or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack or carriage for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse, with vehicle and harness or other equipments used by a physician, surgeon, constable or minister of the gospel in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month;

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood;

8. Poultry not exceeding in value seventy-five dollars;

9. Seamen's and sea-going fishermen's wages and earnings not exceeding one hundred dollars;

10 The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessaries of life, or for services for manual labor performed, or have been incurred at a time when the debtor had no family residing in this State, supported in whole or in part by his labor, the one half of such earnings above mentioned is nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire-engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this State;

14. All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor;

15 All court-houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county of this State; and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this State;

16. All material, not exceeding one thousand dollars in value, purchased in good faith for use in construction, alteration, or repair of any building, mining claim, or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement;

17. All machinery, tools and implements necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum, a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars. No article, however, or species of property mentioned in this section, is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Assembly Bill No. 505 ordered to print, engrossment, and third reading.

Assembly Bills Nos. 526, 213, 39, 674, 880, 875, 853, 358, 893, 783, 803, 932, 699, and 941 passed on file.

Assembly Bill No. 951—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the racetrack inclosure, fair grounds or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 929 passed on file.

Assembly Bill No. 729—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read second time, and passed on file, pending amendment.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly re-engrossed and re-re-engrossed:

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 198 thereof, relating to the salaries and fees of county and township officers in counties of the forty-first class.

Also: Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 203 thereof, relating to the salaries and fees of county and township officers in counties of the forty-sixth class.

AMERIGE, Chairman.

Assembly Bill No. 937 passed on file.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 651 passed on file.

Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin against the State of California.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 909.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 909 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin against the State of California—and do now report the same back, and recommend that the same do pass.

FISK, Chairman

Report adopted.

Assembly Bill No. 909 ordered to engrossment and third reading.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 260, for the purpose of amendment.

So ordered.

Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read second time.

Mr. Walsh submitted the following amendments:

AMENDMENT No. 1.

Amend by striking out of section one, line four of printed bill, the word "in," after the word "forestry," and inserting in lieu thereof the words "and to establish a system of forest fire patrol to be under the supervision of."

Amendment adopted.

AMENDMENT No 2.

Amend by inserting in title, line three of printed bill, after the word "California," the words "and to maintain a forest fire patrol."

Amendment adopted.

MOTION.

Mr. Walsh moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 260.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 260 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Assembly Bill No. 260 ordered to print, engrossment, and third reading.

Mr. Steadman moved that the Assembly do now consider Assembly Bill No. 729, for the purpose of amendment.

So ordered.

Assembly Bill No. 729—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Heretofore read second time.

Mr. Steadman submitted the following amendment:

Add after the word "years" in line ten, page one, printed bill, "and not more than three hundred feet thereof to any one lessee."

Amendment adopted.

Assembly Bill No. 729 ordered to print, engrossment, and third reading.

Assembly Bills Nos. 341, 790, and 516 passed on file.

Assembly Bill No. 857—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells where the same are abandoned

or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations

Read second time, and ordered to engrossment and third reading.

Assembly Concurrent Resolution No. 10 withdrawn by author.

Assembly Bill No. 936—An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property, and providing for the disposition of the selling price.

Read second time, and ordered to engrossment and third reading.

At four o'clock and fifty minutes P. M., the Speaker called Mr. Johnson to the chair.

Assembly Bills Nos. 672, 413, and 713 passed on file.

Assembly Bill No. 911—An Act to provide for the location and acquirement of mining claims in salt marsh and tide lands owned by the State of California.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the enacting clause and inserting the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "First," "Second," and "Third" at the beginning of the several sections of the bill and inserting in lieu thereof the words and figures as follows: "Section 1," "Section 2," "Section 3"

Amendment adopted.

Ordered to print, engrossment, and third reading.

Assembly Bills Nos. 528 and 889 passed on file.

Assembly Bill No. 603—An Act to amend Section 310½ of the Penal Code, as approved March 27, 1895, relating to barber-shops, hair-dressing establishments, and bath-houses being open on Sundays and parts of holidays.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 926—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," thereon approved March 13, 1883; and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 960—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866.

Read second time, and ordered to engrossment and third reading.

Assembly Bills Nos. 917, 959, and 866 passed on file.

Mr. Stanton moved that Senate Bill No. 899 be recalled from Committee on Corporations and placed on Senate special file, the same being identical with Assembly Bill No. 942.

So ordered.

Assembly Bill No. 942 withdrawn by author.

Mr. Traber moved that Assembly Bill No. 961 (406 on file) be substituted for Assembly Bill No. 620 (157 on file).

So ordered.

Assembly Bill No 620 withdrawn by author.

Assembly Bills No. 956, 948, and 953 passed on file.

Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "its passage," in line two, section two, first page, printed bill, and inserting in lieu thereof the following: "January first, 1904."

Amendment adopted.

MOTION.

Mr. Allen moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 963.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 963 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

JOHNSON, Chairman.

Report adopted.

Assembly Bill No. 963 ordered to print, engrossment, and third reading.

Mr. Dunlap moved that the Assembly do now consider Senate Bill No. 206.

So ordered.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled

County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622, Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Palmer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9615; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 206.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 206 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California. Charles F Curry, Secretary of State of the State of California; Tirey L Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento; and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled: W. L. Wood vs State of California, No. 9555; W. L. Wood vs. State of California, No 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D O. Mills & Co vs State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver, vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs State of California, No 9611; C A. Palmer vs. State of California, No. 9610; L. C. Waite vs. State of California, No 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs State of California, No. 9615; J F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No 9617; San Francisco Law and Collection Co vs. State of California, No 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No 6871—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

RESOLUTION.

By Mr. Brown:

*Resolved*, That on Saturday, March 7, 1903, the afternoon session from two o'clock to four o'clock and thirty minutes be devoted to the consideration of the special file of Code Revision bills. That during consideration of such special file no other business shall be in order, except by unanimous consent.

Resolution read.

Mr. Brown moved the adoption of the resolution.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Houser, Dunbar, and McMartin.

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

AYES—Messrs. Allen, Brown, Camp, Duryea, Ells, Foster, Houser, Johnstone, Kelso, Knight, Lewis of San Francisco, Lumley, Mattos, McLaughlin, McMartin, Susman, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—21.

NOES—Messrs. Amerige, Bangs, Barber, Barnes, Baxter, Black, Burgess, Carter, Dorsey, Dougherty, Dunbar, Finn, Goodrich, Greer, Hart, Higgins, Howard, Killingsworth, King, Leininger, Mahany, McCartney, McConnell, McKenney, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Steadman, Traber, Transue, Weger, and Wright—42.

HOUR OF RECESS EXTENDED.

Mr. Carter moved that the time for recess be extended until the reading of the report of the Committee on Introduction of Bills was disposed of.

Motion carried.

REPORT OF STANDING COMMITTEE.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

"An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524*a*, relating to the powers of the Board of State Harbor Commissioners."

"An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, by amending Section 465, relating to the powers of Railroad Commissioners."

"An Act making an appropriation to pay the claim of the County of Marin against the State of California."

"Assembly Concurrent Resolution relative to the consent of the Legislature to absence from the State of Assemblyman J. A. Goodrich and others, etc."

"An Act to amend Section 1192 of the Code of Civil Procedure."

CARTER, Chairman.

Mr. Carter moved the adoption of the report.

The question being on the adoption of the report.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Black, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—None.

INTRODUCTION AND REFERENCE OF BILLS—(OUT OF ORDER).

By Mr. Duryea: Assembly Bill No. 972—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read first time, and referred to Committee on Judiciary.

By Mr. Allen: Assembly Bill No. 973—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Olmsted: Assembly Bill No. 974—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read first time, and referred to Committee on Ways and Means.

By Mr. Dunlap: Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Read first time, and referred to Committee on Judiciary.

By Mr. Goodrich: Assembly Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of California

of Assemblyman J. A. Goodrich and others for a period not exceeding one hundred and eighty days.

ASSEMBLY CONCURRENT RESOLUTION No. 15.

*Resolved by the Assembly and Senate concurring*: That the Legislature of the State of California does hereby consent that Assemblyman J. A. Goodrich of the Sixty-seventh Assembly District, and Assemblyman J P. Transue of the Seventy-third Assembly District, and Assemblyman P. A. Stanton of the Seventy-first Assembly District, and J. V. Snyder of the Ninth Assembly District, and E. R. Amerige of the Seventy-seventh Assembly District, may leave the State of California at any time during the remainder of his term as Assemblyman and remain absent from the State of California for a period not exceeding one hundred and eighty days from the date of his departure from the State.

Mr. Goodrich moved the adoption of the resolution.

Resolution adopted.

MESSAGES FROM THE GOVERNOR.

Mr. Amerige moved that the Assembly do now consider Governor's messages.

So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1903.

*To the Assembly of the State of California*:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 970—An Act to amend the Civil Code by adding a new section, to be numbered 580, relating to banking incorporations

Also: Assembly Bill No 12—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code, relating to the admission of children in the public schools of this State.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1903.

*To the Assembly of the State of California*:

I have the honor to respectfully return herewith, without my approval, Assembly Bill No 186, together with my reasons therefor.

The bill provides that the directors of irrigation districts may, and in cases where the canal system has not been completed shall, levy an assessment to provide for the payment of the running expenses of the district, including operation and repair of the works and salaries of officers and employés for the ensuing year. As the law stands now, such a levy cannot be made until the electors of the district, at a special election, so determine. The people living in many of these districts appear to look with great disfavor, and even fear, upon the proposed change in the law. It is claimed that the method of taxation proposed is not equitable, in that it is not graduated to correspond with benefits received from the system, and that a plan by which the expenses above mentioned would be raised by tolls collected from those using water within the district would be fairer to all concerned.

The taxation required to pay interest and principal of the bonds is borne by all the property in the district, and it may be levied without calling an election. It is claimed, and it seems to me with great justice, that the expense of distributing the water to irrigated lands should be borne by the property benefited, or, at least, if a general tax for that purpose is levied, it should not be done without the assent of the voters.

For these reasons, therefore, I return this bill without my signature.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1903.

*To the Assembly of the State of California*:

I have the honor to respectfully return herewith, without my approval, Assembly Bill No. 13, together with my reasons therefor, as follows:

Under the terms of the bill all mining machinery placed in any mining claim, under a lease or other agreement, by the terms of which such machinery shall not lose its identity as the personal property of the lessor, shall be deemed to be a fixture and shall be subject to liens for labor performed in, or materials furnished to, said mining claim,

unless such lessor shall, within three days after he obtains knowledge of said work or labor done, or materials furnished, post a notice in writing upon said claim or improvements thereon stating that he will not be responsible therefor.

It will be necessary for the lessor of said machinery, who in many cases lives many miles from the mining claim, to leave to another the actual posting of his notice of ownership, and the burden will be upon him, in case a lien is filed upon said machinery, to establish the fact of such posting. Since it is not provided in the bill that an affidavit of posting shall be evidence of such posting, the lessor must resort to oral proof to establish this fact. This in many imaginable cases it would be impossible to do.

It seems that some more reasonable method of giving notice could be devised, such as requiring the lessor to file his notice with the County Recorder; or at least that provision could have been made for filing an affidavit of posting which should constitute evidence of such posting.

To my mind this feature of the bill works an injustice upon the owner of leased or partially-paid-for machinery. And I therefore feel called upon to disapprove, and do disapprove, the bill.

GEO. C. PARDEE,
Governor of the State of California.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of $370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Assembly Bill No 427—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the University for the accommodation of the students of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23rd, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Assembly Bill No. 347—An Act to appropriate six thousand seven hundred and twenty-five dollars to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Assembly Bill No 297—An Act to appropriate the sum of fifty thousand dollars ($50,000) for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same

And were presented to the Governor March 6th, at three o'clock and five minutes P. M.

AMERIGE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment, beg leave to report that the following bill has been correctly enrolled: Assembly Bill No. 685—An Act making an appropriation of $500 00 for the purpose of carpeting, repairing and repainting furniture in, and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California—and was presented to the Governor March 6, 1903, at four o'clock and ten minutes P. M.

AMERIGE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1897.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Assembly Bill No. 502—An Act to add two new sections to the Civil Code of the State of California, to be known as and numbered 3061 and 3062, relating to liens of livery, boarding and feed stable proprietors and persons pasturing horses or stock, and providing for the sale of uncalled-for horses or stock.

Assembly Bill No. 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of the twenty-ninth class

AMERIGE, Chairman.

ON JUDICIARY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 503—An Act to amend Section 3051 of the Civil Code of the State of California, relating to liens for service—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento—report the same back, with three amendments, and recommend that it do pass as amended.

JOHNSON, Chairman.

RECESS.

At four o'clock and thirty-seven minutes P. M., Mr. Johnson, in the chair, declared a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

LEAVE OF ABSENCE.

On motion of Mr. Waste, Mr. Bates was excused until Monday, March 9, 1903.

MOTION.

Mr. Allen moved that Senate Bill No. 616 be placed on Senate special file without reference to committee, being identical with Assembly Bill No. 824.

Motion carried.

Assembly Bill No. 824 withdrawn by author.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Foster until Monday, March 9, 1903.

MOTION.

Mr. Traber moved that Senate Bill No. 246 be recalled from Committee on Agriculture and ordered placed on Senate special file, being identical with Assembly Bill No. 408.

Motion carried.

Assembly Bill No. 408 withdrawn by author.

MESSAGES FROM THE SENATE.

Mr. Knight moved that the Assembly do now consider messages from the Senate.

Motion carried.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Senate Bill No 613—An Act to appropriate the sum of $833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés.

Also (as case of urgency): Senate Bill No 914—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Senate Bill No 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons

Senate Bill No 682—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights

Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Senate Bill No 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices

Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution

Senate Bill No. 694—An Act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.

Senate Bill No. 701—An Act to amend Sections 465, 468, 481, and 489, and to repeal Section 492 of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Senate Bill No 702—An Act to amend Sections 497, 498, 501, 504, and 507 of the Civil Code, all relating to street railway corporations.

Senate Bill No 703—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations

Senate Bill No. 704—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Senate Bill No. 705—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Senate Bill No. 706—An Act to repeal Chapter VII of Title IV of Part IV of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations

Senate Bill No 707—An Act to amend Sections 549 and 551 and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositaries of money.

Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations

Senate Bill No. 710—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as XIa. relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Senate Bill No. 711—An Act to amend Sections 593, 595, and 597 of the Civil Code, all relating to benevolent corporations.

Senate Bill No. 712—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Senate Bill No. 713—An Act to amend Sections 612 and 613 and to repeal Section 616 of the Civil Code, all relating to cemetery corporations.

Senate Bill No. 714—An Act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Senate Bill No. 715—An Act to amend Sections 635, 641, 643 and to repeal Section 643½ of the Civil Code, relating to land and building corporations.

Senate Bill No. 716—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to co-operative business corporations

Senate Bill No. 717—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations.

Senate Bill No. 718—An Act to amend Sections 682, 683, 686, 702, and 703 of the Civil Code, all relating to interests in property.

Senate Bill No. 719—An Act to amend Sections 709 of the Civil Code, relating to conditions precedent.

Senate Bill No. 720—An Act to amend Section 801 of the Civil Code, relating to servitudes

Senate Bill No. 721—An Act to amend Section 832 of the Civil Code, relating to the right of coterminous owners.

Senate Bill No. 722—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Senate Bill No 723—An Act to amend Sections 857 and 859 of the Civil Code, both relating to trusts.

Senate Bill No. 724—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Senate Bill No. 725—An Act to amend Section 1055 of the Civil Code, relating to the presumption of the time of the execution of a grant.

Senate Bill No. 726—An Act to amend Section 1067 of the Civil Code, relating to the interpretation of grants.

Senate Bill No. 727—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Senate Bill No 728—An Act to amend Section 1106 of the Civil Code, relating to the effect of a transfer of real property.

Senate Bill No 729—An Act to amend Section 1149 of the Civil Code, relating to gifts.

Senate Bill No 730—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Senate Bill No. 731—An Act to amend Sections 1181, 1185, 1190, 1193, 1202, 1203, and 1207 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Senate Bill No 732—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Senate Bill No 733—An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I to take the place thereof in said code, relating to homesteads.

Senate Bill No. 734—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead

Senate Bill No. 735—An Act to add a chapter to Title V of Part IV of Division Second of the Civil Code, relating to homesteads of insane persons.

Senate Bill No. 736—An Act to amend Sections 1275, 1276, 1295, 1300, 1306, 1307, 1362, 1327, 1343, 1360, 1364, and 1376 of the the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Senate Bill No. 738—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Senate Bill No. 739—An Act to amend Sections 1473 and 1479 of the Civil Code, relating to the performance of obligations.

Senate Bill No. 740—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Senate Bill No. 741—An Act to amend Section 1691 of the Civil Code, relating to the rescission of contracts.

Senate Bill No. 742—An Act to amend Section 1715 of the Civil Code, and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste.

Senate Bill No. 743—An Act to add a new section to the Civil Code, to be numbered 1779, relating to warrants.

Senate Bill No. 744—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.

Senate Bill No. 745—An Act to amend Section 1863 of the Civil Code, relating to innkeepers.

Senate Bill No 746—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Senate Bill No. 747—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Senate Bill No. 748—An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employés.

Senate Bill No. 749—An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages.

Senate Bill No 750—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Senate Bill No 751—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Senate Bill No. 752—An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts.

Senate Bill No. 753—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Senate Bill No. 754—An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships.

Senate Bill No. 755—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Senate Bill No. 756—An Act to add a new section to the Civil Code, to be numbered 2893, relating to the enforcement of liens on personal property.

Senate Bill No. 757—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Senate Bill No. 758—An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code, and to add a new section thereto, to be numbered 2973, all relating to mortgages.

Senate Bill No 759—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Senate Bill No. 760—An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments.

Senate Bill No. 761—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages

Senate Bill No. 762—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Senate Bill No 763—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief

Senate Bill No. 764—An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts.

Senate Bill No. 765—An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts.

Senate Bill No. 766—An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers.

Senate Bill No 767—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Senate Bill No. 768—An Act to amend Section 3479 and 3503 of the Civil Code, relating to nuisances

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Read first time, and referred to Committee on Education.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof and means for the enforcement of the Act.

Ordered to enrollment.

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions for the recovery of real property.

Ordered to enrollment.

Senate Bill No. 613—An Act to appropriate the sum of $833 82 to pay the claim of Ed Fanning for money due and owing the said Ed Fanning from the State of California.

Read first time, and referred to Committee on Claims.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Read first time, and referred to Committee on Ways and Means.

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Read first time, and ordered on special file of Code Revision bills.

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Senate Bill No. 733—An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I to take the place thereof in said code, relating to homesteads.

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Senate Bill No. 736—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1326, 1327, 1343, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

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Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

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Senate Bill No. 742—An Act to amend Section 1715 of the Civil Code and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 743—An Act to add a new section to the Civil Code, to be numbered 1779, relating to warranties.

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Senate Bill No. 744—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 745—An Act to amend Section 1863 of the Civil Code, relating to innkeepers.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 746—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 747—An Act to amend Sections 1829, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 748—An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employés.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 749—An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 750—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 751—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 752—An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 753—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 754—An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 755—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 756—An Act to add a new section to the Civil Code, to be known and numbered 2893, relating to the enforcement of liens on personal property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 757—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 758—An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code, and to add a new section thereto, to be numbered 2973, all relating to mortgages.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 759—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 760—An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 761—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 762—An Act to add a new section to the Civil Code, to be numbered 3346*a*, relating to damages for negligently firing woods.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 763—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 764—An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 765—An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 766—An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 767—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Read first time, and ordered on special file of Code Revision bills.

Senate Bill No. 768—An Act to amend Sections 3479 and 3503 of the Civil Code, both relating to nuisances.

Read first time, and ordered on special file of Code Revision bills.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—and ask your honorable body to concur in said amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Assembly Bill No. 544—An Act to amend Subdivision 38 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Senate Bill No 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Senate Bill No 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Senate Bill No 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Senate Bill No 622—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Senate Bill No 431—An Act to appropriate $500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Read first time, and referred to Committee on Education.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Read first time, and referred to Committee on Education.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read first time, and ordered on Senate special file.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp, and overflowed lands, and to promote the public health in the communities in which they lie.

Read first time, and referred to Committee on Swamp and Overflowed Lands and River Improvements.

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 622—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 431—An Act to appropriate $500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners.

Read first time, and referred to Committee on Claims.

MOTION.

Mr. Knight moved that the Assembly do now consider Senate Bill No. 914.

Motion carried.

RESOLUTION.

By Mr. Knight:

*Resolved*, That Senate Bill No. 914 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. Knight moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the provisions of Section 15, Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—61.

NOES—Mr. Traber—1.

Senate Bill No. 914—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Read second time, and considered engrossed.

MOTION.

Mr. Knight moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 914.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 914—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 914—An Act to appropriate the sum of $5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Hart, Higgins, Howard, Johnstone, Kelso, Killingsworth, King, Knight, Lux, Mahany, McCartney, McKenney, McLaughlin, McMahon, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, and Waste—48.

NOES—Messrs. Black, Dunbar, and McConnell—3.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 603—An Act to amend Section 310½ of the Penal Code, as approved March 27, 1895, relating to barber-shops, hair-dressing establishments and bath-houses being open on Sundays and parts of holidays

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands, providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operators to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Assembly Bill No. 926—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," thereon approved March 13, 1883; and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class

Assembly Bill No. 936—An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property, and providing for the disposition of the selling price.

Assembly Bill No. 951—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the racetrack, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Assembly Bill No. 857—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin against the State of California.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899

Assembly Bill No. 960—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866.

AMERIGE, Chairman.

SPECIAL ORDER.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Heretofore read second time, pending amendment.

The following amendment was submitted by Mr. Drew:

Amend by striking out of section two, line ten of printed bill, after the words "pro rata," "in proportion to the priorities of such use or uses"

PREVIOUS QUESTION DEMANDED.

The previous question was moved by Messrs. Walker, Wright, and Dunbar.

Mr. Drew made the point of order that the previous question was not in order while a member had the floor.

Point of order sustained by the Chair.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Walsh, Bangs, and Drew.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Allen, Barnes, Burgess, Camp, Drew, Foster, Higgins, Johnson, Johnstone, McKenney, McNeil, Pann, Prescott, Soward, Stanton, Steadman, Traber, Transue, and Mr. Speaker—19.

NOES—Messrs. Amerige, Bangs, Barber, Baxter, Black, Brown, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Howard, Kelso, Killingsworth, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pyle, Rolley, Siskron, Snyder, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

HOUR OF ADJOURNMENT EXTENDED.

At nine o'clock and thirty-two minutes P. M., Mr. Dunlap moved that the hour of adjournment be extended until ten o'clock and thirty minutes P. M.

At nine o'clock and thirty-three minutes P. M., Speaker Fisk called Mr. Waste to the chair.

Mr. McMartin moved to amend, by making the hour of adjournment eleven o'clock and thirty minutes P. M.

Motion lost.

The question recurring on the motion of Mr. Dunlap.

Motion carried.

At ten o'clock and five minutes P. M., Speaker Fisk in the chair.

CONSIDERATION OF BILL RESUMED.

Mr. Camp submitted the following amendment:

Amend by striking out all of section ten.

Amendment lost.

Mr. Greer moved the previous question.

The question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Camp, Johnson, and Drew.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Allen, Barnes, Burgess, Camp, Drew, Foster, Higgins, Johnson, Johnstone, Kelso, McNeil, Pann, Prescott, Soward, Stanton, Traber, and Mr. Speaker—17.

NOES—Messrs. Amerige, Bangs, Baxter, Black, Boisson, Brown, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Howard, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pyle, Rolley, Siskron, Snyder, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—48

HOUR OF ADJOURNMENT EXTENDED.

At ten o'clock and twenty-five minutes P. M., Mr. Carter moved that the rules be suspended and that the hour of adjournment be extended until eleven o'clock P. M.

Mr. Snyder moved that the motion be laid on the table.

Motion lost.

The question recurring on the motion of Mr. Carter.

The ayes and noes were demanded by Messrs. Johnson, Drew, and Greer.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Amerige, Bangs, Baxter, Black, Boisson, Brown, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Finn, Gleeson, Goodrich, Greer, Hart, Howard, Kelso, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pyle, Rolley, Siskron, Snyder, Steadman, Susman, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—48.

NOES—Messrs. Allen, Barnes, Burgess, Drew, Ells, Foster, Higgins, Johnson, Johnstone, McNeil, Pann, Prescott, Soward, Stanton, and Traber—15.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other

remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employés from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employés who shall violate or attempt or threaten to violate the provisions of this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Baxter, Black, Boisson, Brown, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Howard, Kelso, Killingsworth, King, Knight, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Pann, Pyle, Rolley, Siskron, Snyder, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—49.

NOES—Messrs. Barnes, Burgess, Camp, Drew, Foster, Higgins, John, Johnstone, McKenney, McNeil, Prescott, Soward, Stanton, Steadman, and Mr. Speaker—15.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Pann gave notice that on next legislative day he would move to reconsider the vote whereby Senate Bill No. 199 was on this day passed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 11.

*Resolved by the Assembly, the Senate concurring*, That the Legislature adjourn sine die at midnight on Friday, March 6, 1903

Having had the same under consideration, report the same back and recommend that it be amended so as to read as follows:

ASSEMBLY CONCURRENT RESOLUTION NO. 11.

*Resolved by the Assembly, the Senate concurring*, That the Legislature adjourn sine die at twelve o'clock meridian Saturday, March 14, 1903.

And as amended, be adopted.

DUNLAP, Chairman.

Mr. Johnson moved the adoption of the report.

Report adopted.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Mr. Amerige, the Assembly adjourned until ten o'clock A. M. of Saturday, March 7, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 7, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment.
Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—66.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## LEAVES OF ABSENCE.

On request of Mr. Allen, leave of absence until Monday, March 9, 1903, was granted to Messrs. Knight, Susman, and McNeil.

Mr. Leininger was granted leave of absence until Monday, March 9, 1903.

## READING OF THE JOURNAL.

On motion of Mr. Pann, the further reading of the Journal was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, March 5, 1903, was read, corrected, and approved.

## SPECIAL ORDER.

Resolutions with reference to Jessup Fund and reporters' fees in State Prison special committee of investigation.

Made special order for Saturday, March 7, 1903, at eleven o'clock A. M.

## SPECIAL ORDER RESET.

Mr. Dunlap moved that the consideration of the special order for this time be postponed until Monday, March 9, 1903, immediately after the reading of the Journal.

So ordered.

## SPECIAL ORDER.

Report of Committee on Rules, special order for Saturday, March 7, 1903, after reading of Journal.

Mr. Brown moved the adoption of the report of the Committee on Rules.

Report adopted.

In conformity with the adoption of the report, the Clerk was instructed to prepare a special urgency file during the noon recess.

## REPORTS OF STANDING COMMITTEES.

### ON SWAMP AND OVERFLOWED LANDS AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and River Improvements, to whom was referred Senate Bill No 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

MOORE, Chairman.

### ON PUBLIC WORKS, STATE CAPITOL, AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR SPEAKER: Your Committee on Public Works, State Capitol, and Parks, to whom was referred Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of resetting and repairing the steam pipes and radiators now in the Capitol, and for laying the necessary new pipes and placing the necessary new radiators in the several rooms and corridors to properly heat said rooms and corridors of the Capitol by steam—have had the same under consideration, and respecttully report the same back, and recommend that it do pass.

ROLLEY, Chairman.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers

Also: Assembly Bill No 943—An Act to amend Section 4119 of the Political Code, relating to the residence of certain county officers.

Report the same back, with the recommendation that they do pass.

Also: Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," relative to prize-fighting—report the same back, with two amendments, and a majority recommend its passage as amended.

Also: Assembly Bill No 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court—report the same back, and a majority recommend that it do pass.

Also. Senate Bill No. 507—An Act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health and county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions—report the same back, with the recommendation that it do pass.

JOHNSON, Chairman.

### ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it be placed on Senate special file, being identical with Assembly Bill No. 896 (16 on file).

OLMSTED, Chairman.

### ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 598—An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, with an amendment, and recommend that the same do pass as amended.

FOSTER, Chairman.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DUNLAP, Chairman.

MOTION TO CONSIDER BILL.

Mr. Dunlap moved that the Assembly do now consider Senate Bill No. 305 for the purpose of adopting the amendment thereto.

So ordered.

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Read second time.

The following amendment was submitted:

Amend by striking out the figures "1904," in line two, section four, first page, printed bill, and inserting in lieu thereof the following: "1905."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 305.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 305 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Senate Bill No. 305 ordered to print and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROMWELL, Chairman.

MESSAGES FROM THE SENATE.

Mr. Goodrich moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day herewith returns to your honorable body, as per your request, Assembly Bill No 701—An Act to provide for the holding of annual conventions of county and city and county Supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Also: Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county Supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Ordered to enrollment.

Assembly Bill No. 600—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Ordered to enrollment.

Assembly Bill No. 601—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Assembly Bill No 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer

Assembly Bill No 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction,

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

F. J BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read first time, and, on motion of Mr. Goodrich, ordered on Senate special file, being identical with Assembly Bill No. 294, which was withdrawn by author.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer and fixing the compensation of such stenographer.

Ordered to enrollment.

Assembly Bill No. 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Ordered to enrollment.

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and, on motion of Mr. Allen, ordered on Senate special file, being identical with Assembly Bill No. 956, which was withdrawn by author.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Ordered to enrollment.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Read first time, and referred to Committee on Claims.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read first time, and referred to Committee on Claims.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Read first time, and referred to Committee on Election Laws.

MOTION TO REFER BILL.

Mr. Higgins moved that Senate Bill No. 423 be placed on the Senate special file, being identical with Assembly Bill No. 456.

So ordered.

Assembly Bill No. 456 withdrawn by author.

Mr. Dunlap moved that the Assembly do now consider motion to reconsider the vote whereby Senate Bill No. 199 was on yesterday passed.

Mr. Brown moved that the motion be laid on the table.

The question being on the motion of Mr. Brown.

The ayes and noes were demanded by Messrs. Johnson, Pann, and Traber.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bangs, Barber, Baxter, Black, Brown, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ellis, Goodrich, Houser, Howard, Kelso, Killingsworth, King, Lumley, Mattos, McLaughlin, Moore, Mott, Olmsted, Pyle, Snyder, Walker, Walsh, Wanzer, Waste, and Weger—30.

NOES—Messrs Allen, Barnes, Boisson, Burgess, Camp, Carter, Drew, Finn, Gleeson, Greer, Hart, Higgins, Johnson, Johnstone, Lewis of San Francisco, Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Murphy, Pann, Prescott, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Wright, and Mr. Speaker—34.

Mr. Johnson moved that the question of reconsideration be made a special order for Tuesday, March 10, 1903, immediately after the reading of the Journal.

The ayes and noes were demanded by Messrs. Brown, Dunlap, and Mott.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Allen, Barnes, Boisson, Burgess, Camp, Carter, Dorsey, Drew, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Johnson, Johnstone, Lewis of San Francisco, Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Pann, Prescott, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Wright, and Mr. Speaker—36.

NOES—Messrs. Bangs, Barber, Baxter, Black, Brown, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Houser, Howard, Kelso, Killingsworth, King, Lumley, Mattos, McLaughlin, Moore, Mott, Murphy, Olmsted, Pyle, Snyder, Walker, Walsh, Wanzer, Waste, and Weger—29.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

F. J. BRANDON, Secretary of the Senate.
By I S. LOGAN, Assistant Secretary

Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

Read first time, and referred to Committee on County and Township Governments.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor—and respectfully ask your honorable body to concur in said amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

SENATE AMENDMENT.

Amend by striking out of section four, page two, printed bill, the words "this Act shall take effect January first, 1904," and in lieu thereof insert the following: "five thousand dollars of this appropriation shall become available July 1, 1903, and the balance January 1, 1904"

Mr. King moved that the Assembly do now concur in Senate amendment to Assembly Bill No. 201.

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 201?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Killingsworth, King, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 201 ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known as and numbered Section 365, relating to corporations, and the consolidation of any corporation incorporated under the laws of this State with one or more corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537¾, relating to defrauding the proprietors or managers of livery or feed stables kept for profit

Senate Bill No 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Roland Cowell Park," on certain conditions.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

At eleven o'clock and thirty-five minutes A. M., Speaker Fisk called Mr. Johnson to the chair.

Assembly Bills Nos. 21, 759, and 584 ordered to enrollment.

Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Roland Cowell Park," on certain conditions.

Read first time, and ordered on Senate special file.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

Read first time, and referred to Committee on Judiciary.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 544, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 544—An Act to amend Subdivision 38 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

SENATE AMENDMENT.

Amend in line four hundred and ten, twelfth page, printed bill, by inserting in said line after the word "revenue" the following: "outside of incorporated cities and towns."

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 544?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McKenney, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Transue, Walker, Wanzer, Waste, and Mr. Speaker—53.

NOES—Messrs. Stansell and Stanton—2.

Assembly Bill No. 544 ordered to re-engrossment and enrollment.

Mr. McKenney moved that the Assembly do now consider Assembly Bill No. 424 for the purpose of concurring in Senate amendments thereto.

So ordered.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employés of State institutions.

SENATE AMENDMENT No. 1.

Amend by adding to section one the following: "*provided*, that this Act shall not prevent repairing of any kind nor the employment of such inmates in household or domestic work connected with such institutions."

SENATE AMENDMENT No. 2.

Amend by inserting the word "represented" in enacting clause after the word "California."

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 424?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Greer, Higgins, Houser, Howard, Johnson, Kelso, Killingsworth, King, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Traber, Transue, Walker, Wanzer, Waste, and Wright—49.

NOES—None.

Assembly Bill No. 424 ordered to re-engrossment and enrollment.

Mr. Brown moved to extend the hour of recess until the consideration of messages from the Senate had been completed and the drawing of names for the special urgency file concluded.

Motion lost.

RECESS.

The hour of twelve o'clock M. having arrived, Mr. Johnson, in the chair, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 694—An Act to provide for locating and surveying a proposed highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Also: Assembly Bill No. 501—An Act relating to the justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation.

Also: Amended, and passed as amended, the following:

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Also: Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Also: Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Ordered to enrollment.

Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation.

Ordered to enrollment.

Mr. Waste moved that the Assembly do now consider Assembly Bill No. 521, for the purpose of concurring in Senate amendments thereto.

So ordered.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*. relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

SENATE AMENDMENT NO. 1.

Amend by striking out the comma after the word "secretary" in line ten, section one of printed bill.

SENATE AMENDMENT NO. 2.

Amend by striking out the word "for" in line twenty-nine, page two, and inserting in lieu thereof the word "of"; also, strike out the word "of" where it last appears in line twenty-nine page two, and insert in lieu thereof the word "for."

SENATE AMENDMENT NO. 3.

Amend by striking out the final letter "s" appearing in the word "expenses," between the words "the" and "of," in line forty-one, page two.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 521?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Traber, Transue, Walker, Wanzer, Waste, and Weger—51.

NOES—None.

Assembly Bill No. 521 ordered to re-engrossment and enrollment.

Mr. Lewis of Riverside moved that the Assembly do now consider Assembly Bill No. 686 for the purpose of concurring in Senate amendment thereto.

So ordered.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

SENATE AMENDMENT.

Amend by inserting in the title of the Act the following: "and amended March 23, 1901," after the figures "1897."

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 686?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Killingsworth, King, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Pyle, Siskron, Soward, Stansell, Stanton, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—51.

NOES—None.

Assembly Bill No. 686 ordered to re-engrossment and enrollment.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Mr. Brown moved that the Assembly do now consider Assembly Bill No. 398, for the purpose of concurring in Senate amendments thereto.

So ordered.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

SENATE AMENDMENT NO. 1.

Amend by striking out in line one, section one, page two, printed bill, the words and figures "fifty (50)" and inserting in lieu thereof the words and figures "twenty (20)."

SENATE AMENDMENT NO. 2.

Add at the end of section four, line seven, page two, printed bill, the following: "The amount hereby appropriated shall not be available until January 1, 1904."

SENATE AMENDMENT NO. 3.

Strike out all of section six, printed bill.

The question being, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 398?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunbar, Duryea, Finn, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, King, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—51.

NOES—None.

Assembly Bill No. 398 ordered to re-engrossment and enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to registration of voters—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STANTON, Chairman.

LEAVES OF ABSENCE.

Messrs. Allen, Pann, and Foster were granted leaves of absence until Monday, March 9, 1903.

RESOLUTION.

By Mr. Carter:

*Resolved*, That no bill placed on the special urgency file shall lose its place by reason thereof on the file where the same has been taken from, but shall retain its place on such file until final passage of the bill.

Resolution read.

Mr. Carter moved the adoption of the resolution.

Resolution adopted.

Mr. Mott moved that the Assembly do now reconsider the vote whereby the resolution was adopted.

Motion carried.

Mr. Carter withdrew the resolution.

WITHDRAWAL OF BILL FROM COMMITTEE.

Mr. Duryea moved that Senate Bill No. 43, now in Assembly Committee on Ways and Means, be withdrawn from that committee and placed upon Senate special file on second reading, it being identical with Assembly Bill No. 413, which had already been reported upon by said committee.

So ordered.

POSITION OF MEMBERS ON SPECIAL URGENCY FILE.

Selected as per resolution by Committee on Rules.

1. Bliss
2. Mattos
3. Duryea
4. Greer
5. McLaughlin
6. Barber
7. Transue
8. Lumley
9. McMartin
10. Killingsworth
11. Baxter
12. Wright
13. Wanzer
14. Ellis
15. Stansell
16. Burgess
17. Foster
18. Lewis of Riverside
19. Dunbar
20. Drew
21. Mahany
22. Walker
23. Knight
24 Hart
25. Pyle
26. Covert
27 Howard
28. Grotefend
29. Goodrich
30. Mr. Speaker
31 McNeil
32 Weger
33. Dougherty
34. Kerrigan
35. Allen
36. Camp
37. McKenney
38. Stanton
39. Leininger
40. Mott
41. Barnes
42. Carter
43. Siskron
44. Lux
45 Copus
46. Olmsted
47. Murphy
48. McCartney
49 Moore
50. Dorsey
51. King
52. Kelso
53 Walsh
54. Lewis of San Francisco
55. Susman
56 Bates
57. Higgins
58. McConnell
59. Snyder
60. Steadman
61 John
62 Gleeson
63. Boisson
64. Amerige
65. Brown
66. Soward
67. Finn
68. Prescott
69. Dunlap
70 Cromwell
71. Black
72. Johnson
73. McMahon
74. Johnstone
75. Rolley
76. Bangs
77 Waste
78. Pann
79. Traber
80. Houser

CONSIDERATION OF GOVERNOR'S VETO.

Assembly Bill No. 186 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 186 become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—Messrs Bangs and Johnson—2.

NOES—Messrs. Allen, Barnes, Baxter, Black, Brown, Burgess, Camp, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Goodrich, Greer, Higgins, Howard,

Johnstone, Kelso, Killingsworth, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stanton, Steadman, Traber, Transue, Wanzer, Waste, Wright, and Mr. Speaker—43.

Assembly Bill No. 13 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 13 become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—None.

NOES—Messrs. Allen, Bangs, Barnes, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Killingsworth, King, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Wanzer, and Waste—46.

At three o'clock and ten minutes P. M., Speaker Fisk called Mr. Waste to the chair.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 974—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Also: Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Report for the two weeks ending Saturday, March 7, 1903, as follows:

*Bills Referred to this Committee Since Last Report.*

| | | |
|---|---|---|
| Feb. 21, | Assembly Bill No 814—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners | $10,000 00 |
| 21, | Assembly Bill No. 837—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at said hospital | 3,000 00 |
| 21, | Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements, etc. | 4,000 00 |
| 21, | Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements | 6,000 00 |
| 21, | Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements, etc. | 8,000 00 |
| 23, | Assembly Bill No. 76—An Act to pay the claim of John W. Bird | 600 00 |
| 23, | Assembly Bill No. 488—An Act to pay the claim of Julius A. Hult | 7,500 00 |
| 23, | Assembly Bill No. 581—An Act for the protection of the viticultural interests of the State | 10,000 00 |
| 23, | Assembly Bill No 654—An Act to pay the claim of James Donahue against the State | 1,742 00 |
| 23, | Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells | 1,700 00 |
| 23, | Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, etc., for camp of N. G. C. at Santa Cruz | 10,000 00 |
| 23, | Assembly Bill No. 886—An Act to provide for the issuance and the sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall in the City and County of San Francisco, etc. | 1,000 00 |
| 23, | Assembly Bill No. 871—An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State for the support of orphans, half orphans, and abandoned children | 1,060 80 |
| 23, | Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez | 140 00 |
| 24, | Senate Bill No. 129—An Act to pay the claim of John F. Forward | 4,333 75 |

Feb. 24, Assembly Bill No. 909—An Act to pay the claim of S. P. Maslin..... $4,800 00
25, Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, etc. ..... 5,000 00
25, Assembly Bill No. 877—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin..... 5,000 00
25, Assembly Bill No. 896—An Act to provide for the building of an assembly hall for the State Prison at San Quentin..... 2,000 00
25, Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session..... 35,000 00
Mar. 2, Assembly Bill No 803—An Act to pay the claim of M. F. Cochrane. 276 90
2, Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy 15,000 00
2, Assembly Bill No. 927—An Act to pay the claim of John C. Pelton 5,000 00
2, Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman 300 00
2, Assembly Bill No. 941—An Act to provide for the purchase of the painting "Departure of the First California Regiment from San Francisco, May 25, 1898," by the State Board of Examiners ..... 1,500 00
3, Senate Bill No 291—An Act appropriating the sum of $200,000 for the purchase of a site, and for the erection, equipment, etc., for the use of the State Normal School at San Francisco ..... 200,000 00
3, Senate Bill No. 189—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco..... 10,000 00
3, Senate Bill No 206—An Act making an appropriation to pay the claim of Devlin & Devlin..... 8,524 00
3, Senate Bill No. 212—An Act to appropriate $55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs The State of California"..... 55 00
3, Senate Bill No 255—An Act to appropriate $2,400 to pay the judgment in favor of James T. Laird..... 2,400 00
3, Senate Bill No 275—An Act to appropriate $500 to pay the claim of Charles Williams..... 500 00
3, Senate Bill No 299—An Act making an appropriation to pay the judgment of $1,125 in favor of John Raggio ..... 1,125 00
3, Senate Bill No. 305—An Act to pay the claim of Julius A. Hult..... 5,000 00
3, Senate Bill No. 309—An Act making an appropriation to pay the judgment of $370 in favor of Joseph Quirolo..... 370 00
3, Senate Bill No 313—An Act making an appropriation to pay the judgment of $550 in favor of William Going..... 550 00
3, Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage and to purchase the necessary machinery and appliances therefor and to improve and rectify a water channel and to do all necessary work in connection therewith..... 200 000 00
3, Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the constructing and furnishing of a residence of the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith, which became a law under constitutional provision without the Governor's approval on March 7, 1899, and the several Acts amendatory of and supplemental thereto..... ---
3, Senate Bill No. 481—An Act making an appropriation to pay the judgment in favor of Oscar R. Brown..... 1,035 00
3, Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905..... 40,000 00
4, Senate Bill No. 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin... 5,000 00
4, Assembly Bill No 875—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the county of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park..... 3,000 00
4, Assembly Bill No. 880—An Act authorizing and directing the Commissioner of Public Works to perform certain duties relating to drainage and to ascertain the cost and the feasibility of diverting the storm and flood waters of the Sacramento River by a relief canal, and making an appropriation of money for the purposes of this Act..... 50,000 00
5, Senate Bill No. 866—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bails in criminal cases..... 50,000 00

| | | |
|---|---|---|
| Mar 5, | Senate Bill No. 102—An Act to appropriate money to pay the claim of William Fahey | $2,218 50 |
| 5, | Senate Bill No. 273—An Act for the relief of Charles D. Douglas | 5,531 00 |
| 5, | Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same | 20,000 00 |
| 5, | Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County | 15,500 00 |
| 5, | Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water | 10,000 00 |
| 5, | Senate Bill No. 634—An Act to create a State commission of horticulture, etc. | 4,000 00 |
| 5, | Senate Bill No. 637—An Act to pay the claim of William M. Sullivan | 5,000 00 |
| 5, | Assembly Bill No. 341—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat, etc. | 10,000 00 |
| 5, | Assembly Bill No. 413—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State road, etc. | 25,000 00 |
| 5, | Assembly Bill No. 516—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California | 20,000 00 |
| 5, | Assembly Bill No. 672—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad, near the mouth of Slate Creek, etc. | 15,500 00 |
| 5, | Assembly Bill No. 713—An Act to declare the Alturas and Lakeview wagon road, etc, a State highway | 20,000 00 |
| 5, | Assembly Bill No. 917—An Act to provide for the completion and publication of the work of "The Commissioners for the Revision and Reform of the Law," etc. | |
| 5, | Assembly Bill No. 959—An Act to establish a California State dairy school and experimental farm | 50,000 00 |
| 5, | Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road | 25,000 00 |
| 5, | Senate Bill No. 202—An Act appropriating money to pay the expense of erecting and maintaining a building, etc, at the Louisiana Purchase Exposition, St. Louis, 1904 | 150,000 00 |
| 5, | Assembly Bill No. 962—An Act to appropriate money for the purchase of a silver service for the cruiser "California" | 10,000 00 |
| 5, | Assembly Bill No. 965—An Act making an appropriation to pay the claim of the county of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children | 12,134 43 |
| 5, | Assembly Bill No. 967—An Act making an appropriation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children | 2,120 85 |
| Feb. 18, | A. B. No 500—An Act to appropriate money for the support of aged persons in indigent circumstances | |
| Mar. 6, | Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War | 100 00 |
| 6, | Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor | 20,000 00 |

*Bills Reported by this Committee.*

| | | |
|---|---|---|
| Feb. 23, | Assembly Bill No. 924 | 5,525,946 00 |
| Mar. 2, | Assembly Bill No. 957 | |
| | | $6,668,568 23 |

*Bills Reported Favorably.*

| | | |
|---|---|---|
| Feb. 23, | Assembly Bill No. 136 | $15,000 00 |
| 23, | Assembly Bill No. 203 | 12,000 00 |
| 23, | Assembly Bill No 1 | 87,500 00 |
| 23, | Assembly Bill No. 298 | 8,524 00 |
| 23, | Assembly Bill No. 238 | 650 00 |

| | | |
|---|---|---|
| Feb. 23, | Assembly Bill No. 296 | $1,000 00 |
| 23, | Assembly Bill No 489 | 6,000 00 |
| 23, | Assembly Bill No 229 | 150,000 00 |
| 23, | Assembly Bill No. 31 | 28,500 00 |
| 23, | Assembly Bill No. 719 | 40,000 00 |
| 23, | Assembly Bill No. 560 | 16,500 00 |
| 23, | Assembly Bill No. 315 | 700 00 |
| 23, | Assembly Bill No. 833 | 5,000 00 |
| 23, | Assembly Bill No. 814 | 10,000 00 |
| 23, | Assembly Bill No 838 | 4,000 00 |
| 23, | Assembly Bill No 839 | 6,000 00 |
| 23, | Assembly Bill No 840 | 8,000 00 |
| 23, | Assembly Bill No. 581 | 10,000 00 |
| 23, | Assembly Bill No. 886 | 1,000 00 |
| 23, | Assembly Bill No 872 | 140 00 |
| 23, | Assembly Bill No 924 | 5,525,946 00 |
| 25, | Assembly Bill No 524 | 27,985 00 |
| 25, | Assembly Bill No. 242 | 126 10 |
| 25, | Assembly Bill No 558 | 8,000 00 |
| 25, | Assembly Bill No 166 | 300 00 |
| 25, | Assembly Bill No. 821 | 40,000 00 |
| 25, | Assembly Bill No. 76 | 600 00 |
| 25, | Assembly Bill No. 488 | 5,000 00 |
| 25, | Assembly Bill No 832 | 1,700 00 |
| 25, | Assembly Bill No 895 | 35,000 00 |
| Mar. 2, | Assembly Bill No. 550 | 9,000 00 |
| 2, | Assembly Bill No. 202 | 7,500 00 |
| 2, | Senate Bill No 509 | 142 50 |
| 2, | Assembly Bill No. 928 | 300 00 |
| 2, | Assembly Bill No. 957 | |
| 3, | Assembly Bill No. 870 | 10,000 00 |
| 3, | Assembly Bill No. 909 | 4,800 00 |
| 3, | Assembly Bill No. 896 | 2,000 00 |
| 3, | Senate Bill No. 291 | 200,000 00 |
| 3, | Senate Bill No. 189 | 10,000 00 |
| 3, | Senate Bill No. 389 | 200,000 00 |
| 3, | Senate Bill No. 399 | |
| 5, | Senate Bill No. 634 | 4,000 00 |
| 5, | Senate Bill No 202 | 130,000 00 |
| | | $6,632,913 60 |

*Bills Reported Unfavorably.*

| | | |
|---|---|---|
| Feb. 23, | Assembly Bill No. 837 | $3,000 00 |
| 25, | Assembly Bill No. 847 | 5,000 00 |
| Mar 2, | Assembly Bill No 884 | 15,000 00 |
| 2, | Assembly Bill No. 927 | 5,000 00 |
| 2, | Assembly Bill No 941 | 1,500 00 |
| | | $29,500 00 |

*Bills Recalled.*

| | | |
|---|---|---|
| Feb. 26, | Senate Bill No. 41 | $2,345 75 |
| 23, | Senate Bill No. 24 | 250 00 |
| 27, | Senate Bill No. 382 | 21,000 00 |
| Mar. 5, | Senate Bill No. 323 | 20,000 00 |
| 6, | Senate Bill No. 206 | 8,524 00 |
| 6, | Senate Bill No. 102 | 2,218 50 |
| 5, | Senate Bill No. 637 | 5,000 00 |
| | | $59,338 25 |

*Bills Reported with Recommendation that they be Withdrawn.*

| | | |
|---|---|---|
| Feb 25, | Assembly Bill No. 818 | $6,000 00 |

*Bills Reported Without Recommendation.*

| | | |
|---|---|---|
| Feb. 23, | Assembly Bill No 455 | |
| 25, | Assembly Bill No. 414 | $11,000 00 |
| Mar. 2, | Assembly Bill No. 260 | 25,000 00 |
| 5, | Senate Bill No. 129 | 4,333 75 |
| 5, | Senate Bill No. 345 | 15,500 00 |
| 5, | Assembly Bill No. 413 | 25,000 00 |
| | | $80,833 75 |

*Recapitulation.*

| | |
|---|---|
| Total appropriations referred to this committee to date | $10,279,853 97 |
| Total appropriations reported favorably | 8,316,121 75 |
| Total appropriations reported unfavorably | 351,250 00 |

| | |
|---|---|
| Total appropriations reported without recommendation | $97,633 75 |
| Total appropriations reported with recommendation that they be withdrawn | 6,000 00 |
| Total appropriations recalled | 174,254 75 |
| Total appropriations reported with recommendation that they be referred to Judiciary Committee | 4,340 00 |
| Total reductions in appropriations | 409,783 99 |
| Total appropriations remaining in the hands of the committee | 920,469 73 |

Respectfully submitted.

DUNLAP, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 367—An Act to amend Section 1663 of the Political Code of the State of California, relating to physical culture and exercises—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MATTOS, Chairman.

Mr. Fisk moved that when the Assembly adjourn this day it be until eleven o'clock A. M. of Monday, March 9, 1903.

Motion carried.

At three o'clock and fifteen minutes P. M., Mr. Fisk moved that the Assembly do now adjourn.

The ayes and noes were demanded by Messrs. Wanzer, Higgins, and Drew.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Baxter, Brown, Burgess, Covert, Duryea, Ells, Howard, Johnson, Lewis of Riverside, Lumley, McConnell, McKenney, McLaughlin, McMartin, Olmsted, Prescott, Pyle, Snyder, Traber, Transue, Waste, Weger, and Mr. Speaker—24

NOES—Messrs. Allen, Bangs, Black, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Goodrich, Greer, Higgins, Houser, Johnstone, Kelso, Killingsworth, King, Lux, Mattos, McCartney, Moore, Mott, Soward, Stanton, Steadman, Walker, Wanzer, and Wright—30.

Mr. Brown moved that the Assembly do now consider the special file of Code Revision bills.

The ayes and noes were demanded by Messrs. Brown, Fisk, and Houser.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Brown, Camp, Duryea, Houser, Johnson, Johnstone, Lewis of Riverside, Lumley, McKenney, McLaughlin, McMartin, Soward, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—17.

NOES—Messrs. Allen, Bangs, Barnes, Baxter, Black, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Ells, Goodrich, Greer, Higgins, Howard, Kelso, Killingsworth, King, Lux, Mattos, McCartney, McConnell, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Stanton, Walker, Weger, and Wright—35.

At three o'clock and twenty-five minutes P. M., Mr. Lewis of Riverside moved that the Assembly do now adjourn.

The ayes and noes were demanded by Messrs. Lewis of Riverside, McKenney, and Brown.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and thirty minutes P. M., Mr. Stanton moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs Allen, Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Goodrich, Greer,

Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—54.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., Mr. Brown moved that further proceedings under call of the House be dispensed with.

So ordered

ROLL CALL RESUMED.

The roll was called, and the motion to adjourn carried by the following vote:

AYES—Messrs. Barnes, Baxter, Brown, Burgess, Covert, Dougherty, Duryea, Ells, Howard, Lewis of Riverside, Lumley, Lux, McKenney, McLaughlin, McMartin, Moore, Olmsted, Prescott, Pyle, Snyder, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—28

NOES—Messrs. Allen, Bangs, Black, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, King, Mattos, McCartney, McConnell, Mott, Soward, Stanton, Steadman, and Walsh—27.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., the Assembly adjourned until eleven o'clock A. M. of Monday, March 9, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 9, 1903.

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Allen, the further reading of the Journal of Saturday, March 7, 1903, was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, March 6, 1903, was read, corrected, and approved.

RESOLUTION.

By Mr. Wanzer:

*Resolved*, That Assembly Bill No 966 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Wanzer moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the provisions of Section 15, Article IV, of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

Read second time, and considered engrossed.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 85.

So ordered.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County. of Sacramento.

Heretofore read third time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend section one of said Act by adding the following: "*provided, however*, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom."

Amendment adopted.

AMENDMENT No. 2.

Amend section two of said Act as follows: Before the words "the State Controller" in line one of section two, insert the following words: "under the conditions and after the

date and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest."

Amendment adopted.

AMENDMENT No. 3.

Amend said Act by adding thereto a new section, to be numbered section four, as follows:

"SEC. 4. This Act shall take effect immediately."

Amendment adopted.

Mr. Johnson moved that Assembly Bill No. 85 be ordered to print with a rush order, and that it be made a special order for Tuesday, March 10, 1903, at eleven o'clock A. M.

So ordered.

SPECIAL ORDER SET.

Mr. Allen moved that Assembly Bill No. 963 be made a special order for two o'clock this afternoon.

So ordered.

BILL RECALLED AND RE-REFERRED.

Mr. Mott moved that Senate Bill No. 625 be recalled from Committee on Claims and re-referred to Committee on Ways and Means.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

And were presented to the Governor March 7, 1903, at three o'clock and thirty minutes P. M.

Also: Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Also: Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Assembly Bill No 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés

And were presented to the Governor March 7, 1903, at four o'clock and fifteen minutes P. M.

BAXTER, Acting Chairman.

ON COMMERCE AND NAVIGATION—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 973—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524*a*, relating to the powers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOISSON, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a

department or course of instruction in navigation and nautical astronomy at the University of California—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

BOISSON, Chairman.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred and twenty-five dollars ($625), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| F. R. Pulford | $20 00 |
| Tom Scott | 38 30 |
| John Breuner Company | 26 90 |
| Capital Manufacturing Company | 45 00 |
| Yost Writing Machine Company | 67 50 |
| D. Johnston & Co. | 213 55 |
| Wyckoff, Seamans & Benedict | 3 75 |
| George B. Stack | 40 25 |
| Brown Bros. | 5 00 |
| A. J. Wilson | 16 50 |
| Capital Telephone and Telegraph Company | 6 15 |
| Mrs. C. McCall | 12 50 |
| R. O. Kimbrough | 5 20 |
| Gus Ahl | 35 90 |
| Gus Meckfessel | 88 50 |
| | $625 00 |

On motion of Mr. Higgins, resolution ordered printed in the Journal.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No 273—An Act for the relief of Charles D. Douglas—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

SPECIAL ORDERS.

Resolutions with reference to Jessup Fund and reporters' fees in State Prison Special Committee of Investigation.

Report read.

The question being on the adoption of the report in so far as it pertained to the Jessup Fund.

Report adopted.

The question recurring on the adoption of the resolution directing the Controller to draw his warrants for the claims contained in the report of the Committee on Investigation of the Jessup Fund.

Mr. Olmsted submitted the following amendment:

Amend by striking out the figures "$195" in the amount allowed E. T. Wolcott, and inserting the following: "$150."

Amendment adopted.

The question recurring on the adoption of the resolution as amended.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eleven o'clock and thirty-five minutes A. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Durvea, Ells, Gleeson, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeal, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., Mr. Dunlap moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

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

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Boisson, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Durvea, Ells, Gleeson, Goodrich, Higgins, Howard, Johnstone, Kerrigan, Killingsworth, King, Leminger, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Wanzer, Waste, Wright, and Mr. Speaker—54

NOES—Messrs. Allen, Amerige, Black, Covert, Dougherty, Greer, Houser, Johnson, Kelso, Mattos, Snyder, Stanton, Walker, and Weger—14.

SPECIAL ORDER SET.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

On motion of Mr. Dunlap, made a special order for Tuesday, March 10, 1903, at eleven o'clock A. M.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations—report the same back, with recommendation that it do pass.

JOHNSON, Chairman.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 975 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Bangs, Barnes, Baxter, Brown, Camp, Covert, Cromwell, Dorsey, Dougherty, Dunlap, Ells, Gleeson, Goodrich, Higgins, Howard, John, Johnson, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, McConnell, McLaugh-

lin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Snyder, Soward, Stansell, Steadman, Susman, Walker, Wanzer, Waste, and Wright—40.

NOES—Messrs. Allen, Amerige, Black, Burgess, Drew, Dunbar, Duryea, Finn, Greer, Houser, Kelso, King, Lumley, McCartney, McKenney, Pyle, Rolley, Siskron, Stanton, Traber, Transue, Weger, and Mr. Speaker—23.

At eleven o'clock and forty-seven minutes P. M., Speaker Fisk called Mr. Killingsworth to the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That the order of business for this afternoon session be as follows:

That from two o'clock to three o'clock the third-reading file be considered; and that from three o'clock to four o'clock and thirty minutes the special file of Senate bills be considered; and that during said session no other business shall be considered except by unanimous consent.

BROWN, Chairman.

Mr. Brown moved the adoption of the report.

Report adopted.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 260—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and to maintain a forest fire patrol, and providing for the payment of such appropriation.

Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

AMERIGE, Chairman.

REQUEST FOR PERMISSION TO INTRODUCE CONCURRENT RESOLUTION.

Mr. Prescott asked permission to introduce the accompanying Assembly Concurrent Resolution, the title of which reads as follows: "Relative to the consent of the Legislature to absence from the State of State Treasurer Truman Reeves for a period not to exceed three months."

Request and proposed resolution referred to Committee on Introduction of Bills.

RESOLUTION.

By Mr. Goodrich:

*Resolved*, That the Secretary of State be and he is hereby requested to furnish to each member of the Assembly, one set of "Reports of Constitutional Convention of 1879."

Mr. Wanzer moved the adoption of the resolution.

Resolution adopted.

RECESS.

The hour of twelve o'clock M. having arrived, Mr. Killingsworth, in the chair, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

MOTION.

Mr. Stanton moved that Senate Bill No. 793, special order for two o'clock P. M., be temporarily passed, pending preparation of amendments.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Burgess, Carter, Covert, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Howard, John, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Mr. Speaker—55.

NOES—None.

Title read and approved.

BILL RECALLED FROM COMMITTEE AND ORDERED ON SENATE SPECIAL FILE.

Mr. Mott moved that Senate Bill No. 553 be recalled from Committee on Judiciary and ordered on the Senate special file.

So ordered.

Mr. Murphy moved to substitute Assembly Bill No. 693 (361 on file) for Assembly Bill No. 399 (223 on file).

So ordered.

Assembly Bill No. 693—An Act regulating the hours of employment in underground mines, in smelting and ore reduction works, and of hoisting in and about mines.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Boisson, Brown, Carter, Dorsey, Dougherty, Dunbar, Ells, Finn, Gleeson, Greer, Hart, Higgins, Howard, John, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Susman, Walker, Weger, Wright, and Mr. Speaker—43.

NOES—Messrs. Amerige, Bates, Baxter, Black, Burgess, Camp, Covert, Drew, Dunlap, Duryea, Foster, Goodrich, Johnson, Johnstone, Lewis of Riverside, Lux, McKenney, McLaughlin, McNeil, Moore, Olmsted, Soward, Stansell, Steadman, Transue, Wanzer, and Waste—27.

Title read and approved.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, at three o'clock and fifteen minutes P. M., Mr. Wright moved a call of the House.

Motion lost.

ROLL CALL RESUMED.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Camp, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Hart, Higgins, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lumley, Mahany, McCartney, McConnell,

McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Pann, Pyle, Siskron, Snyder, Susman, Walsh, Waste, Weger, Wright, and Mr. Speaker—44.

NOES—Messrs. Amerige, Bates, Brown, Burgess, Carter, Drew, Foster, Greer, Houser, Howard, John, Johnson, Johnstone, King, Lewis of Riverside, Lux, Mattos, McNeil, Mott, Olmsted, Prescott, Rolley, Soward, Stansell, Steadman, Transue, and Wanzer—27.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Allen gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 406 was on this day passed.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No 911—An Act to provide for the location and acquirement of mining claims on salt marsh and tide lands owned by the State of California.

Assembly Bill No. 729—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Assembly Bill No. 202—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor.

Assembly Bill No. 505—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property exempt from execution.

AMERIGE, Chairman.

Mr. Wright moved to substitute Assembly Bill No. 405 (275 on file) for Assembly Bill No. 172 (225 on file).

So ordered.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged land.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Baxter, Black, Boisson, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Rolley, Siskron, Steadman, Susman, Weger, and Wright—41.

NOES—Messrs. Allen, Amerige, Barnes, Bates, Brown, Burgess, Dorsey, Dunlap, Foster, Houser, Howard, John, Johnson, King, Mattos, McLaughlin, McNeil, Pann, Prescott, Pyle, Soward, Stansell, Walker, Waste, and Mr. Speaker—25.

Title read and approved.

MESSAGE FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider message from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read first time.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, that Senate Bill No. 912 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the provisions of Section 15, Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Boisson, Brown, Burgess, Carter, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Kerrigan, Killingsworth, King, Leininger, Lewis of San Francisco, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—None.

Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 912.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 912 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Carter, Covert, Dougherty, Drew, Dunlap, Ellis, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann,

Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Mr. Dunlap moved that Senate Bill No. 912 be immediately transmitted to the Senate.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 584—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537¾, relating to misdemeanors.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State with one or more corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities and assets, of every kind and description.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Assembly Bill No. 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Assembly Bill No 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898*a*, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employés of State institutions.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor.

Assembly Bill No. 501—An Act relating to the justices' courts in cities and counties of more than two hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Assembly Bill No. 694—An Act to provide for locating and surveying a proposed highway from a point on the Trinity River, in Trinity County, near the Town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

And were presented to the Governor, March 9, 1903, at two o'clock and twenty minutes P. M.

AMERIGE, Chairman.

SENATE SPECIAL FILE.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Passed on file.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Read second time.

The following committee amendment was submitted:

Amend by adding after the word "force," in line nine of section one, page one of the printed bill, the words "*and further provided*, that all forfeitures and fines collected in any city justice's court shall be paid over to the City Treasurer of the city in which such city justice's court is located"

Amendment adopted.

Ordered to print and third reading.

Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by inserting after the word "collected" in line nine of section one, page one of the printed bill, the words "for the violation of any State law in any city justice's court in any city having no police court, and."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "force," in line eleven of section one, page one of the printed bill, the words "and in which city such city justice's court is located."

Amendment adopted.

Ordered to print and third reading.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Passed on file.

Senate Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1st, 1897, and 2003, duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "July," in line one, and the words "nineteen hundred and three," in line two, section sixteen, tenth page, printed bill, and inserting in lieu thereof the following: "January, nineteen hundred and four."

Mr. King asked permission to withdraw the amendment.

So ordered.

Ordered to third reading.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Read second time.

The following amendment was offered by Mr. Olmsted:

Amend by inserting after the word "that," in line three, page two of printed bill, the following: "the said electors request that."

Amendment adopted.

Ordered to print and third reading.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Ells gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 693 was on this day passed.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Mr. Speaker—57.

NOES—Messrs. Covert and Mattos—2.

Title read and approved.

At three o'clock and forty-five minutes P. M., Speaker Fisk called Speaker pro tem. Carter to the chair.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities

and towns of the State of California." which Act became a law under the provisions of the Constitution, without the Governor's approval.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Carter, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—58

NOES—Mr. Amerige—1.

Title read and approved.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act and repealing all laws in conflict therewith.

Read third time.

Mr. Prescott moved that a select committee of one be appointed to amend Senate Bill No. 568, as follows:

AMENDMENT No. 1.

After section four of printed bill insert the following:

"SEC. 5. In the office of the County Clerk of counties of the tenth class a filing clerk shall be appointed by and hold office at the pleasure of the County Clerk, and the compensation of such filing clerk shall be nine hundred dollars per annum."

AMENDMENT No. 2.

In section five, line one of printed bill, strike out figure "5," and insert in lieu thereof figure "6."

AMENDMENT No 3

In section four, line two of printed bill, strike out the word "to," and insert in lieu thereof the word "shall."

AMENDMENT No. 4.

In section four, line three of printed bill, strike out the word "whose," and insert in lieu thereof the words "and the."

AMENDMENT No 5.

In section four, line three, after the word "compensation," insert the words "of such cashier"

AMENDMENT No. 6.

Amend the title by adding after the word "collector" the words "and a file clerk in the office of the County Clerk."

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith—with instructions, does now report that the instructions of the Assembly have been carried out.

PRESCOTT, Committee.

Report adopted.

RUSH ORDER TO PRINT.

Mr. Prescott moved that Senate Bill No. 568 be ordered to print with rush order.

So ordered.

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read second time, and ordered to third reading.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Transue, Walker, Wanzer, Waste, Weger, and Wright—61.

NOES—Messrs. Susman and Traber—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Dunlap gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 567 was on this day passed.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—58.

NOES—Mr. Leininger—1.

Title read and approved.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Duryea, Finn, Foster, Gleeson, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.

NOES—None.

Mr. Waste moved that a select committee of one be appointed to amend title of Senate Bill No. 13, as follows:

Strike out of line two of title the word "acquisition," and insert in lieu thereof the word "leasing."

The question being, "Shall a select committee be appointed?"
Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—with instructions, does now report that the instructions of the Assembly have been carried out.

WASTE, Committee.

Report adopted.
Senate Bill No. 13 ordered to print.

HOUR OF RECESS EXTENDED.

At four o'clock and twenty-five minutes P. M., Mr. Higgins moved that the time for recess be extended until the completion of the consideration of Senate Bills Nos. 561 and 793.
Motion carried.
Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.
Read third time.
The question being on the final passage of the bill.
The roll was called.

CALL OF THE HOUSE.

Pending roll call, at four o'clock and thirty minutes P. M., Mr. McMartin moved a call of the House.
Motion carried.
The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—73.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and forty minutes P. M., Mr. Higgins moved that further proceedings under call of the House be dispensed with.
Motion carried.

ROLL CALL RESUMED.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Baxter, Boisson, Brown, Copus, Dorsey, Dougherty, Duryea, Gleeson, Goodrich, Hart, Houser, Howard, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin,

Moore, Murphy, Olmsted, Pann, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Transue, Walker, Wanzer, Weger, and Mr. Speaker—46.

NOES—Messrs. Allen, Bangs, Bates, Black, Burgess, Camp, Carter, Covert, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Kelso, King, McKenney, McNeil, Prescott, Rolley, Stanton, Traber, Waste, and Wright—26.

Title read and approved.

SPECIAL ORDER.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Heretofore read third time.

Mr. Stanton moved that a select committee of one be appointed to amend Senate Bill No. 793, as follows:

AMENDMENT No. 1.

Strike out on page four of the printed bill all the words after the word "dates" in line one hundred and one, to and including the word "person" in line one hundred and six.

AMENDMENT No. 2.

Amend by adding a new subdivision to follow line thirty-five on page nine of printed bill, to read:

"5. If the name of the same person is printed more than once on a ballot as a candidate for the same office, the placing of a cross opposite such name in more than one of the different places where it is so printed must not be regarded as putting a distinguishing mark on the ballot, and must be counted only as one vote for such person."

AMENDMENT No. 3.

Insert the words "not on your party ticket" after the word "candidate," in line one hundred and forty-one, page five of printed bill.

AMENDMENT No. 4.

Amend by striking out the words "without stamping the circle" in line one hundred and forty-three, on page five of printed bill, and inserting in lieu thereof the words "for whom you desire to vote and DO NOT STAMP your party voting circle."

Also: Amend by adding after the word "forbidden" in line one hundred and sixty-two, page five, printed bill, the words "AND MAKE THE BALLOT VOID."

AMENDMENT No. 5.

Amend by striking out from and including the word "where" in line one hundred and forty-four, page five of printed bill, to and including the word "for" in line one hundred and forty-seven of printed bill, and inserting in lieu thereof the words "Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, whether they be on your party ticket or not."

AMENDMENT No. 6.

Amend by striking out from caption of "Instructions to Voters" all the words in line four of said caption and inserting in lieu thereof the following words:

"Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, whether they be on your party ticket or not."

AMENDMENT No. 7.

Amend by adding the words "not on your party ticket" after the word "candidate," in printed line two of caption "Instructions to Voters" on the form of ballot attached in the bill between pages six and seven.

Also: Amend line three of caption "Instructions to Voters" in the ballot by striking out the words "without stamping the circle" and inserting in lieu thereof "for whom you desire to vote, and DO NOT STAMP your party voting circle."

Also: Amend caption "Instructions to Voters" on the form of ballot attached in the bill between pages six and seven by inserting after the word "forbidden" in line nine the following words: "and makes the ballot void."

AMENDMENT No. 8.

Amend by striking out in line one hundred and sixty-seven, page five of printed bill, the words "twenty-four," and inserting in lieu thereof the word "forty."

Also: Amend by striking out the words "twelve-point lower-case body type," in line one hundred and sixty-nine, page five of printed bill, and inserting in lieu thereof the words "ten-point lower-case gothic."

AMENDMENT No. 9.

Amend by striking out the word "and," commencing in line thirty-seven, page two of printed bill, and inserting in lieu thereof the word "with."

AMENDMENT No. 10.

Amend by inserting a comma after the words "candidates" and "only" in line eleven, page seven of the printed bill.

AMENDMENT No. 11.

Amend by striking out lines twenty-eight, twenty-nine, thirty, and thirty-one, on page seven of the printed bill, and inserting in lieu thereof the following words:

"Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office who are on the voter's party ticket and also for candidates for that office who are not on such ticket, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, whether they be on his party ticket or not."

AMENDMENT No. 12.

Amend by striking out the word "as" in line twenty-nine, page nine of the printed bill, and inserting in lieu thereof the word "for."

AMENDMENT No. 13.

Amend by striking out the word "voters" in line thirty, page nine of the printed bill, and inserting in lieu thereof the word "voter's."

The question being, "Shall a select committee be appointed?"

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting—with instructions, does now report that the instructions of the Assembly have been carried out.

STANTON, Committee.

Report adopted.

MOTION.

Mr. Stanton moved that Senate Bill No. 793 be ordered to printer, with rush order, and made a special order for Tuesday, March 10, 1903, at two o'clock P. M.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Mr. Dorsey gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 561 was this day passed.

Notice declared out of order by the Chair.

RECESS.

At four o'clock and fifty-seven minutes P. M., Speaker pro tem. Carter declared a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Steadman asked permission to introduce the accompanying bill, the title of which reads as follows: "An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same."

Referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

*Report of Visit to Preston School of Industry at Ione.*

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on State Prisons and Reformatories, in accordance with instructions contained in a resolution of this House, visited the Preston School of Industry at Ione, on Saturday, February 21, 1903, and begs to submit the following report:

Upon our arrival we were met by Superintendent Reddick and the officers, and were courteously shown the various buildings and other properties of the State, and had the cadets brought before us on dress parade.

The property of the State consists of a farm of about 600 acres, well fenced and equipped with appropriate and substantial buildings, most of which are in exceptionally good repair. Also belonging to the State is a water-right which furnishes water for use of the institution and for power to operate dynamos and other machinery. This right is made available by reservoirs, ditches and pipe-lines which have been constructed at times past, but now require the investment of some moneys to make them more efficient.

The farm, properly tilled, is capable of producing many of the vegetables that are consumed on the tables of the institution, as well as hay for cattle and horses.

The buildings consist of the administration building, used for the officers, dormitories, kitchen and dining-room, assembly rooms, and class-rooms; the industrial building, in which are the carpenter-shop, the shoeshop, the tailor-shop, and printing office (in disuse); the blacksmith-shop stands near this building and is also in disuse; the power house, in which are the dynamos; the commissary building, in which supplies are stored, the upper part of which is used as a cell-house. On the grounds are four cottages, only one of which is furnished and in use. There are substantial barns, stables and outhouses.

All of the structures on the property are in fair repair, except possibly parts of the roof of the administration building.

There are in the institution at the present time 120 cadets, according to the report of the Superintendent, about 100 of whom are housed in the administration building under the so-called congregate plan, and about 25 in the furnished cottage, under the so-called cottage plan of conducting industrial or reform institutions for boys. When the three cottages are furnished the institution will be equipped to accommodate two or three times as many cadets as are now there.

One of the principal objects of this institution is to teach the boys some trade by which they will be able to earn an honorable livelihood after being discharged or paroled. More attention should be paid to this feature. In the carpenter-shop only six boys are employed—three in the forenoon, and a like number in the afternoon. About the same number are employed in the blacksmith-shop, engineering department, shoeshop and tailor-shop, and only fourteen in the farm work. A paper is published for the school, it being printed at Stockton at an expense of $40 or $50 per month, while the printing office at the institution is idle. If the work was done at the institution, boys would be able to learn a useful trade, and that is the only necessity we can see for such a publication.

The same condition prevails to a certain extent in the baking of bread. Instead of employing the boys at that work, the bread is purchased at Stockton. The Superintendent claims he can purchase the bread cheaper than it can be baked at the institution. This hardly seems reasonable, but if true, the extra expense would be justified by the benefit which the boys would receive.

This institution ought to be made of as great benefit to the wayward youth of California as similar institutions in the older States are to the wayward youth of those States, and your committee believes it can be so made if men who have had successful practical experience in such institutions, or men whose abilities are recognized and whose life-work is not nearly over, be selected to administer its affairs.

OLMSTED, Chairman.

Ordered printed in the Journal.

SPECIAL URGENCY FILE.

Bliss (1) passed on file.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—59.

NOES—None.

Title read and approved.

Mr. Greer asked permission to withdraw Assembly Bill No. 416 (112 on file) and to substitute therefor Senate Bill No. 206 (52 on file).

So ordered.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry

T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California, Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs State of California, No. 9611; C. A. Palmer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Covert, Dorsey, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—58.

NOES—Messrs. Carter, Dunbar, Finn, Mahany, McMahon, Snyder, and Weger—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Dorsey gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 561 was on this day passed.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the thirty-seventh class.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer,

Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Stansell, Steadman, Susman, Traber, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Read third time.

Mr. Transue moved that a select committee of one be appointed to amend Senate Bill No. 202, as follows:

Amend by inserting the word "and" after the word month, in line three of third page, printed bill, section seven.

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER. Your select committee of one, to whom was referred Senate Bill No 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés—with instructions, does now report that the instructions of the Assembly have been carried out.

TRANSUE, Committee.

Report adopted.

RUSH ORDER TO PRINT.

Senate Bill No. 202 ordered to print, with rush order.

Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Assembly Bill No. 337—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict therewith, and providing a penalty for the violation of the provisions thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bangs, Barber, Bates, Black, Brown, Drew, Dunbar, Duryea, Finn, Foster, Gleeson, Greer, Hart, Johnson, Johnstone, Kerrigan, King, Leininger, Lux, Mahany, McLaughlin, McMahon, Murphy, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Walker, and Wright—31.

NOES—Messrs. Baxter, Burgess, Camp, Carter, Covert, Ells, Higgins, Houser, Howard, John, Killingsworth, Lewis of San Francisco, McCartney, McConnell, McKenney, McMartin, Moore, Mott, Olmsted, Snyder, Stanton, Steadman, Susman, Transue, Wanzer, and Mr. Speaker—26.

NOTICE OF MOTION TO RECONSIDER.

Mr. McMartin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 337 was this day refused passage.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Read third time, and passed on file.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Read third time.

Mr. McMartin moved that a select committee of one be appointed to amend Assembly Bill No. 829, as follows:

In line fourteen, page two, amend by striking out the period after the words "per diem," and inserting a semicolon, and the words "*provided*, that the provisions of the charter of the City and County of San Francisco, in regard to the limitation of office hours of the county officers thereof, shall not apply to the official reporters created by this Act."

The question being, "Shall a select committee of one be appointed?"

Motion lost.

Mr. McMartin moved that a select committee of one be appointed to amend Assembly Bill No. 829, as follows:

Amend in line thirteen, page one, by striking out the period after the word "court" and inserting a semicolon and the words "*provided*, that the provisions of the law in regard to the limitation of office hours of the county officers of this State shall not apply to the official reporters created by this Act."

The question being, "Shall a select committee of one be appointed?"

Motion lost.

Mr. Mattos moved that a select committee of one be appointed to amend Assembly Bill No. 829, as follows:

Strike out lines sixteen and seventeen and insert in lieu thereof "In counties of the third class, ten dollars per diem."

The question being, "Shall a select committee of one be appointed?" Motion lost.

PREVIOUS QUESTION DEMANDED.

The previous question was demanded by Messrs. Soward, Burgess, and McCartney.

The question being, "Shall the main question be now put?"

Previous question ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Goodrich, Houser, Howard, John, Johnstone, Kelso, King, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Rolley, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Weger, and Wright—45.

NOES—Messrs. Bates, Boisson, Copus, Dougherty, Finn, Foster, Gleeson, Greer, Hart, Higgins, Kerrigan, Killingsworth, Knight, Lewis of San Francisco, Lux, Mahany, McMahon, McMartin, Mott, Murphy, Pyle, Stansell, Susman, and Mr Speaker—24.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mattos gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 829 was this day passed.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed: Assembly Bill No. 85—An Act to appropriate $8,875.00 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

AMERIGE, Chairman.

At nine o'clock and thirty minutes P. M., Speaker Fisk called Mr. Higgins to the chair.

Assembly Bill No. 922—An Act providing that in any city, or city and county, in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language; and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the

guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply; and providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violations of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read third time.

PROTEST AGAINST CONSIDERATION OF BILL.

MR. SPEAKER: We, the undersigned, object to the consideration of Assembly Bill No. 922 (395 on file, Special Urgency File No. 12).

CARTER
HOUSER.
JOHNSTONE.
KELSO.
AMERIGE.
CAMP.
TRANSUE.
GOODRICH
BURGESS.

Mr. Knight made the point of order that the protest was out of order, because of the reason that it had not been presented before the consideration of the bill was begun.

Point of order overruled.

Mr. Knight appealed from the decision of the Chair.

Mr. Houser moved that the appeal be laid upon the table.

Motion carried.

Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of the Supreme Court.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 889—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Weger—58.

NOES—None.

Title read and approved.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Mr. Killingsworth moved that a select committee of one be appointed to amend Assembly Bill No. 762, as follows:

After the enacting clause insert:
"SECTION 1. Section 1415 of the Civil Code is hereby amended so as to read as follows:"
Also: Strike out of line one, section one, page one of the printed bill, the figure "1," and insert in lieu thereof the following: "1415"

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water—with instructions, does now report that the instructions of the Assembly have been carried out

KILLINGSWORTH, Committee.

Report adopted.

Assembly Bill No. 762 ordered to print and re-engrossment.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Mr. Drew moved that a select committee of one be appointed to amend Assembly Bill No. 791, as follows:

Insert in line four hundred and ten, page twelve of the printed bill, after the word "license," the following: "outside of incorporated cities and towns"; also strike out of line four hundred and ninety-one, page fourteen, the words "outside of any incorporated city or town."

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board—with instructions, does now report that the instructions of the Assembly have been carried out.

DREW, Committee.

Report adopted.

RUSH ORDER TO PRINT.

Mr. Drew moved that Assembly Bill No. 791 be ordered to print with rush order, and afterward to re-engrossment.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Mr. Killingsworth gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 405 was this day passed, and that Assembly Bill No. 405 be recalled from the Senate.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Heretofore read third time.

Mr. Mattos moved that a select committee of one be appointed to amend Assembly Bill No. 288, as follows:

Strike out after semicolon in line thirty-seven, page two, all to and including line forty-three.

The question being, "Shall a select committee of one be appointed?" Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Dougherty, Drew, Dunbar, Finn, Foster, Goodrich, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McNeil, Mott, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Walker, Wanzer, and Waste—46.

NOES—Messrs. Covert, Cromwell, Dorsey, Dunlap, Duryea, Ells, John, King, McLaughlin, Olmsted, Pann, Steadman, Traber, and Transue—14.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mattos gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 288 was this day passed.

Assembly Bill No. 778—An Act to amend Section 2955 of the Civil Code of California, relating to the mortgaging of personal property.

Read third time.

Mr. Burgess moved that a select committee of one be appointed to amend Assembly Bill No. 778, as follows:

Strike out the letter "s" at the end of the word "machinists" in line nine, printed bill, and insert in lieu thereof a comma.

The question being, "Shall a select committee of one be appointed?" Motion lost.

OBJECTION.

The undersigned hereby object to the consideration, on the Assembly Special Urgency File, of Assembly Bill No. 778 (124 on file).

LEO H. SUSMAN
E. D. KNIGHT.
J. D. HART.
WM. H. R McMARTIN
ABNER McMAHON.
WM H. GLEESON,
M. J. KERRIGAN.

At ten o'clock and five minutes P. M., Speaker Fisk in the chair.

Assembly Bill No. 684—An Act to prevent the propagation by seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Heretofore read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Finn, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mattos, McCartney, McConnell, McKenney,

McLaughlin, McMahon, McNeil, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—57.
NOES—Messrs. Bangs, Dorsey, Lumley, and Snyder—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Covert gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 684 was on this day passed.

Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

Read third time.

Mr. Burgess moved that a select committee of one be appointed to amend Assembly Bill No. 812, as follows:

Amend by striking out of section one, line five, the words: "Marine, life, accident or health."

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance—with instructions, does now report that the instructions of the Assembly have been carried out.

BURGESS, Committee.

Report adopted.

RUSH ORDER TO PRINT.

Mr. Burgess moved that Assembly Bill No. 812 be ordered to print, with rush order, and to re-engrossment.

So ordered.

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr Speaker—63.
NOES—None.

Title read and approved.

At ten o'clock and twenty-nine minutes P. M., Mr. McCartney moved that the hour of adjournment be extended ten minutes.

So ordered.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class,

to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lewis of Riverside, Lux, Mahany, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—51.

NOES—Mr. Stanton—1.

Title read and approved.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., the Assembly adjourned until ten o'clock A. M. of Tuesday, March 10, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 10, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Kelso, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Saturday, March 7, 1903, was read, corrected, and approved.

MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

F. J BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 238—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 238—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read first time, and ordered on Senate special file without reference to committee, being identical with Assembly Bill No. 435.

Assembly Bill No. 435 withdrawn.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Senate Bill No 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Assembly Bill No 4—An Act making an appropriation to pay a judgment for the sum of $8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No 20 of Department One of said Superior Court, at page 221.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Read first time, and referred to Committee on Judiciary.

Senate Bill No 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Read first time, and ordered on Senate special file without reference to committee.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Ordered to enrollment.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of $8,625 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus the State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Ordered to enrollment.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus the State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Ordered to enrollment.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Ordered to enrollment.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Ordered to enrollment.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No 179—An Act making an appropriation for the California Polytechnic School—and respectfully ask your honorable body to concur in said amendment

Also: Passed the following: Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Assembly Bill No 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Ordered to enrollment.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California

Assembly Bill No 40—An Act to amend subdivision five of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property, and directing how growing crops may be attached.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

And respectfully request your honorable body to concur in said amendments.

Also: Passed the following: Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same demeanor

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Read first time, and referred to Committee on Judiciary.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

Ordered to enrollment.

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Ordered to enrollment.

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness and to consent to a judgment in favor of the holders of the same.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891

Assembly Bill No 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

And respectfully ask your honorable body to concur in said amendments.

Also: Refused adoption to Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XX, by adding a new section thereto, to be known as Section No. 22, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

Also: Passed the following: Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

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Ordered to enrollment.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Ordered to enrollment.

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) the following:

Senate Bill No 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Senate Bill No 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583*a*, relating to banks and banking.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583*a*, relating to banks and banking.

Read first time, and ordered on Senate special file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

F J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Also request your honorable body to return to the Senate Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by infiltration or intrusion of water therein.

Read first time, and referred to Committee on Mines and Mining.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read first time, and ordered on special urgency file.

Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Ordered returned to Senate.

MOTIONS.

Mr. Howard moved that Senate Bill No. 550 be recalled from Committee on County and Township Governments and ordered on Senate special file.

So ordered.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 65 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

SENATE AMENDMENT.

Amend by inserting in line one, page one, printed bill, before the word "Section," the word and figure "Sec. 1."

The question being, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 65?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Camp, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lumley, Lux, Mattos, McConnell, McKinney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 65 ordered to re-engrossment and enrollment.

REPORT OF SELECT COMMITTEE ON STATE PRISONS AND REFORMATORY INSTITUTIONS—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: The select committee appointed pursuant to resolution adopted by the Assembly on the 18th day of February, 1903, report as follows:

The appointment is the outgrowth of a resolution offered by Mr. Brown and adopted January 31, 1903, as follows:

"*Resolved*, That the Committee on State Prisons and Reformatory Institutions are hereby instructed and empowered to inquire whether prisoners confined in San Quentin and Folsom State prisons are now or have been within the last year subjected to cruel and unusual punishments, and especially to what extent the strait-jacket is being used at said prisons upon prisoners confined in said prisons for the purpose of discipline or punishment; that said committee make this inquiry during their visit to said prisons which they have been directed to make by this Assembly, and said committee is hereby directed to report to the Assembly, in writing, the result of their investigations as soon as practicable."

On February 13, 1903, the Committee on State Prisons and Reformatory Institutions reported, recommending the appointment of a special committee to "inquire into and investigate the management of said prisons, to the end that a more humane mode of punishment may be prescribed and a better system of management evolved."

In pursuance of this recommendation, a resolution was adopted as follows:

"WHEREAS, The Committee on State Prisons and Reformatory Institutions of the Assembly, after a partial investigation, have reported to the Assembly that certain abuses exist in the State Prisons at San Quentin and Folsom, and a majority have recommended the appointment of a select committee to thoroughly investigate the said prisons; and

"WHEREAS, It appears from said report that the administration of said prisons is inefficient, and that the system and methods of discipline are, in many instances, inhuman and cruel, and in need of immediate improvement and reform; now, therefore, be it

"*Resolved*, That a select committee of seven (7) members of the Assembly be appointed by the Speaker to immediately and fully investigate the administration and condition of both of said prisons; the methods of discipline and punishment used therein, and any and all charges that may be made against the officers thereof, and to report its findings to this House, and that said committee have full power to subpœna witnesses, administer oaths, take testimony, send for persons, books, and papers; that a clerk, stenographer, and sergeant-at-arms be assigned to said committee, and that it have leave to sit at San Quentin and Folsom prisons, and at the City and County of San Francisco, during the session of the Assembly, together with such other powers as shall be necessary for full performance of its duties, and to report fully and as speedily as possible to the Assembly, with such recommendations as to necessary legislation and rules and regulations for the conduct and management of said prisons as it may deem necessary."

And thereupon you appointed the present committee.

We have examined a considerable number of convicts, three members of the Board of Prison Directors, the two Wardens, and a number of subordinate officers. Recognizing the generally unreliable character of convict testimony, we have based our report chiefly on the testimony of the Directors, Wardens, and officers, and on our personal observations

We have made no inquiry (there being no time therefor) into the management of the prison-mill and rock-crusher, nor into the purchase of prison supplies.

For a complete investigation of the matters stated in the last-quoted resolution, weeks and months, rather than days, would be required We realize that any inquiry made in the midst of a session of the Legislature by members thereof, busy with the work of the session, must be scanty and superficial, where the subject is one so large, so complex, and so debatable as the management of prisons There is danger that by conclusions hastily drawn and boldly expressed grave injustice may be done to worthy men, and that suggestions and recommendations may be made that if followed would do mischief rather than good.

But there are certain facts, patent to any man who looks into the matter at all, conceded and emphasized by the men best acquainted with the State prisons of California—the men in charge of them—facts that ought to be proclaimed to every man and woman in the State until public opinion is thoroughly roused. Our two prisons are no credit to the State. California boasts its place in the front rank of States, but her prisons lag a generation behind the better class of Eastern penitentiaries. The two prisons are schools of vice and universities of crime. Sodomy is common in them and the more hideous form of the same vice mentioned in Assembly Bill No. 933 is practiced. Boys and young men, guilty of one offense against the laws, but not yet hardened in crime, are sent to these prisons not to be reclaimed, but to be systematically seduced and debased by utterly degraded convicts Associated for a term of years with men whose villainy is their boast, young men graduate from these institutions fully-equipped enemies of society. Thus the State trains its criminals. They leave the prisons only to return, and statistics show that the proportion of "second-termers" is increasing at an alarming rate

The responsibility for this great wrong rests primarily not with the Wardens, nor yet with the Board of Prison Directors, but upon the people of California, who have fol-

lowed a false idea of economy, and, steeped in neglect of public affairs, have failed to provide means for the proper conduct of these institutions. California, vaunting her wealth, ostentatious in hospitality, self-complacent, has left the beautiful shore at San Quentin, looking out on Berkeley, Oakland and the Bay of San Francisco, to become an overgrown county jail of the old style, a jumble of buildings of all shapes and no shape, without method or design, where fifteen hundred convicts are housed at night in six hundred and forty cells, and huddled by day, when not at work, in a small yard, like a drove of cattle, with no attempt to segregate young from old, nor bad from worse: with no attempt to classify, and virtually no effort to reclaim.

Folsom is not, like San Quentin, an accident. The buildings are good and in accordance with a plan, but there are no single cells, except those used for incorrigibles and for those condemned to death There is probably more sodomy more shamelessly practiced at Folsom than at San Quentin; the introduction of boy prisoners has been the occasion of fights for their possession. There are two boys now at San Quentin under sixteen years of age, whom the Warden has humanely lodged in the hospital, and has not permitted to step into the yard where the convicts are herded; he told a member of your committee that he might as well send in two girls.

Such, Mr. Speaker, are some of the things that follow the miserable economy that has failed to provide a separate cell for every prisoner, and means for classifying and grading the State convicts, so as to keep by themselves those that are believed to be not yet wholly beyond hope of reclamation. Money is needed for this, and if there be to-day a demand on the State treasury more urgent, more righteous and more promising of returns, we do not know it

So huge a fault of the State itself overshadows the failures of this man and of that. But we think that the Prison Directors have been remiss in not more persistently and emphatically urging the needs of the prisons upon the people and the Legislature, in not making more continuous effort to awaken interest in the subject. Surely the duties of a Director do not end with auditing bills and having friends appointed to office under the Wardens. We wish to do the present members of the board no injustice, but we think that they have by no means met the requirements of their important office. They are busy men and receive no salary, but a Californian ought not to be content to see the institutions with whose conduct he is charged rest at a stage long since passed by our progressive sister States; he not only ought not to be content to see this, but he ought not to quit fighting and working for what he knows ought to be done. The people of California, once they realize the situation, will find the funds for the needed changes.

We recommend that the appropriation for maintenance of the San Quentin prison be raised from $50,000 to $150,000, and that the accumulated profits of the jute mill be not used for maintenance as now proposed, but be set aside for improvements, to be expended in accordance with plans adopted by the Board of Directors, approved by the Governor and the State Board of Charities, if such board be established; such improvements to include a jute warehouse at a cost not to exceed $5,000, an assembly hall (intended for use as a public school, the pupils being most of them children of prison officers), to cost not more than $2,000. All the rest to be used in increasing cell room or yard room, or both; except that not more than $15,000 be used in erecting at Folsom a building for all insane convicts in either prison. But if it be decided that the profits of the jute mill must now be used for maintenance, we recommend that Senate Bill No. 445 for the erection of a building at Folsom for insane convicts be passed, likewise Senate Bill No. 661 for a jute warehouse at San Quentin.

In the debates on the present Constitution, it was argued in favor of an unsalaried Board of Prison Directors, that men of leisure, means, and public spirit would be appointed, who would be glad to devote their time and thought to the prisons; that thus the prisons would be taken out of the currents of party politics, and conducted on a high plane of philanthropy, with an eye single to the general good. It is needless to say that the dream has not come true; there have usually been selected men full of business cares and active in party politics. Within less than three years after the adoption of the Constitution, in an elaborate report to the Governor, a commission, headed by W. H. Mills, showed conclusively that the Prison Directors were using their office to provide places for friends. More or less, that has been the case ever since. Theoretically and constitutionally, the Warden appoints and dismisses at his pleasure, practically, he appoints at the suggestion of a member of the board, or sometimes at the request of the Governor, or some other State officer, and often dare not dismiss. A general overseer was appointed at Folsom at the request of a recent Governor, a request being equivalent to a command. The appointment thus obtained, placed the overseer under no sense of obligation to the Warden. There was no feeling of loyalty, or sense of subordination; a relation of open hostility soon developed between them. The inferior, secure in his position, snapped his fingers at his superior, and criticised and condemned him openly. At the same time, the commissary, theoretically holding at the Warden's pleasure, but actually secure because the brother of a Director, was likewise at sword's point with his superior. Such a condition of things is insufferable; discipline is impossible; the officers are the laughing stock of the convicts. The real remedy for this is a thorough system of civil service in the prisons; appointment on competitive tests of fitness; appointment of men only to lowest grade, so far as practicable, and with prospect of promotion for faithfulness and efficiency. In that way, we believe that a better class of men could be had for guards, and for officers generally. But under the Constitution, as it now is, such a system can probably not be adopted in the prisons.

The next best plan is to put the actual power of appointment and removal where in theory it is—in the hands of the Warden. The Warden should be master of the situation and held fully responsible. We therefore think it should be ground for removal from office for any Prison Director hereafter to recommend or suggest, directly or indirectly, the appointment of a person by a Warden to an office or employment; and that it should be ground for impeachment of a Governor to make a similar suggestion or recommendation. The Governor, under like penalty, should keep hands off in the matter of appointing Wardens

The Warden at Folsom has not had a free hand in his office, and has been so situated as not to have a fair chance We believe that he is a kind and careful man, that he has been constant and faithful in his office and has done his best, but we think he has made too much of some convicts, causing jealousies and dissatisfaction. His clerk is a convict, and we find that this clerk is generally distrusted and disliked, and by many is regarded with marked hostility and contempt.

We cannot learn that the strait-jacket is used as a means of punishment anywhere except at San Quentin.

The majority of your committee (Bates, Baxter, Rolley, and Soward) recommend that the use of the strait-jacket be not abolished by law. One reason for this is that the present backward state of our prisons necessitates more drastic means of discipline than are found necessary elsewhere. They find that the jacket, as a means of punishment in a penitentiary, is neither cruel nor inhuman when judiciously used and its use regulated by proper restrictions. But the Prison Directors should by rule require that no convict be punished until after a physician has, by a physical examination then had, determined that such convict is physically able to undergo the proposed punishment.

The Directors should also require the attendance of a physician upon a convict during the time the jacket is being placed upon him and while undergoing physical punishment, at least as often as once in every six hours. Such physician should have power at any time to release the convict from further physical punishment. For every use of the jacket there should be an order signed by the Warden or General Overseer, and countersigned by the prison physician.

The jacket should be used only to punish offenses of the most serious kind, such as riot, assault, sodomy, carrying weapons, smuggling opium, or refusing to work

The strait-jacket has not at all times heretofore been used judiciously at the Folsom and San Quentin prisons, notably in the cases of convicts Shaughnessy and Thompson at San Quentin, and Deare, Smith and Weitz at Folsom. And for this, the officers should be censured. Officer Randolph at San Quentin should not again be allowed to assist in punishing a prisoner.

The majority therefore recommend that Assembly Bill No. 792 be not passed.

All of your committee agree that punishments, and severe punishments, are absolutely necessary; not so much to protect the officers as to save peaceable and docile prisoners from assault, and to prevent a spirit of insubordination from spreading among the convicts. But we recommend that the practice of having a convict assist at the punishment of a fellow convict be discontinued.

It appears to be the fact that several causes, prominent among them the antiquated system of our prisons, the good food and free and easy association of all the convicts, have made California the happy hunting ground of professional criminals; so that the Wardens have perhaps more men hard to handle than are to be found in other penitentiaries. Punishments that are not effective are worse than useless.

It has been found that at both prisons, convicts sometimes prefer loafing in a cool dungeon to working in the hot sun, especially at Folsom. We think it might be well to try, as a remedy for refusal to work, the English method of the treadmill, or some other device that will compel work—the most appropriate way to punish a man for refusing to labor being either to deprive him of bed and board, the fruits of toil, or to place him in a position where he has no alternative but work, and work a little harder than that which he refused to do

We find that the prisoners are not overworked; that their tasks are easily performed in six or seven hours a day, without working Sundays or holidays

We find that at San Quentin the supply of food is sufficient in quantity and of as good quality as ought to be furnished, but it has been at times not quite sufficient in quantity or quality at Folsom for men performing hard work. The kitchen there is too much in the charge of convicts. It should be always in charge of an officer.

The testimony tends to show that there has been under the present Warden at Folsom, at times, an economy a little too close in the matter of clothing and bedding for convicts. They need more blankets.

It is not wise to make prison life attractive or easy. The prisoner should be made to understand, especially for the first year, that he is not only in confinement, but undergoing punishment. But we believe experience in other states and countries proves that (after the first months of severe treatment) by a system of marks and credits, and a chance for earning better conditions by good behavior, prisoners can be controlled with less punishment, and ways of industry and of self-government instilled into a considerable proportion of them, which may, in time, enable them to return to society safe and useful men. We agree with Mr. Chamberlain, Warden of Michigan State Prison, as quoted in the Journal of Prison Discipline, 1896-7, page 63, that "No methods of discipline that tend to debase the man should ever be resorted to in prison discipline." Some years

ago General Brinkerhoff stated that "In Europe, upon the Continent, corporal punishments are prohibited. The most severe punishment is the dark cell, and that is seldom used. The main reliance is upon deprivation of privileges."

The use of any punishment to extort confessions or evidence is a crime and cannot be condoned for a moment. That punishment has been so used occasionally at San Quentin is admitted.

We find that opium is largely used at Folsom, and is very effectually excluded from San Quentin. It has never been kept out of San Quentin except by the present Warden, who has made a persistent, successful fight against the drug. And we heartily commend the discipline and good spirit maintained by Warden Aguirre; he seems to have the confidence and respect of the prisoners. The use of opium in the prison affects badly not only the health of the convicts but their behavior. It leads to quarrels, fights, insolence and insubordination A wall about Folsom might possibly render the introduction of the drug more difficult; it would, at least, make it easier to guard the prisoners.

The position of a physician in a prison must be one of great difficulty; he is constantly approached by fakirs and feigners of aches, pains and illness; he is dealing with victims of various vices, with persons of weak or disordered intellect, men ignorant and often disgusting It is not to be wondered at if, under these conditions, a prison doctor becomes rather harsh, suspicious and unsympathetic, sometimes neglecting a deserving patient. We think that such is the case with the physicians now employed at the two prisons. We say this with some hesitancy, because our information is derived from convicts.

We found sixty-two Federal prisoners at San Quentin; two of them boys under sixteen We strongly recommend that no more prisoners be admitted from Federal courts to either prison until the State shall have provided adequate accommodations for its own convicts We would go further and ask that the United States be requested to remove its prisoners from San Quentin. The little profit of keeping these convicts cannot be counted against the wrong done to them and to the State from that much more crowding of the place

We recommend the introduction and passage of an Act as follows: "Males convicted of a felony in any court of this State who have before such conviction been imprisoned in any State prison or penitentiary of this or any other State or country shall, if sentenced to imprisonment, be sent to and confined in the State prison at Folsom All others convicted of a felony in any court of this State shall, if sentenced to imprisonment, be sent to and confined in the State prison at San Quentin But nothing in this Act shall take away or limit the power of the Board of Prison Directors to transfer convicts from one of said prisons to the other."

This is the suggestion of Chaplain August Drahms of San Quentin, perhaps the best authority in the State on criminology. And we recommend that the Prison Directors consider if it is not advisable to transfer to Folsom all recidivists at San Quentin, taking back an equal number of "first termers."

We do not attempt to recommend in detail a method of classification and segregation, because such classification, etc., must be worked out and developed as accommodations and opportunities are provided, and will require careful study by experts We simply follow the almost unanimous opinion of experts in saying that classification and segregation are necessary to bring our prisons up to date "In Europe as a rule" (and Europe is confessedly much in advance of the United States in prison matters), "first offenders under less than three years' sentence, are kept in separate cells, where they are supposed not to see or know any other prisoner."

We recommend that one of the Governor's secretaries visit each prison once a month, be permitted to see every convict and to receive from any one any communication in writing addressed to the Governor. Any communication seeming to the Governor to be worthy of further consideration may be investigated by such persons or persons, possibly members of the State Board of Charities, as the Governor may choose. At the present time a letter-box is provided at each prison to which only the Board of Prison Directors are supposed to have access We are not able to decide whether or not other keys exist; but the prisoners generally believe that other keys exist, and have no confidence in the security of their communications.

We recommend that any person hereafter appointed Warden be required to spend at least three months, at the State's expense, in visiting and studying prisons in other States before entering upon the discharge of the duties of his office. "In France there are officers' schools in the chief prisons. The chief warders are sent to a prison class in Paris for half a year's special instruction"—Howard Association Report, October, 1892.

We hope that Assembly Bill No. 424, which has passed both houses, forbidding employment of inmates of State institutions in the manufacture of articles for the use of State officers, or officers and employés of State institutions, may become a law.

We recommend the passage of Assembly Bill No. 18, providing for a State Board of Charities and Reforms. We understand that the plan has worked well elsewhere, and think that it is worthy of a trial here Such a board could do thoroughly what your committee has had to attempt hurriedly and unsatisfactorily; it could investigate, not at all in a spirit hostile to the prison management, but in hearty sympathy, seeking to aid in making plans for improvement, and in so presenting the needs of prisons and asylums that sufficient funds would be provided, wise plans adopted, and some consistent policy pursued.

A transcript in duplicate of the testimony taken by your committee will be filed with the clerk, and we recommend that one copy thereof be delivered to the Governor.

Your committee could not, in the few remaining days of the session, hope to make further investigation, and therefore, upon the filing of the transcript and expense account, will ask to be discharged.

Respectfully submitted.

CAMP.
BATES.
SOWARD.
ROLLEY.
BAXTER.

My understanding is that the question of the further use of the strait-jacket for punishment was foreclosed by the adoption of the report of the standing committee, recommending that such punishment be abolished by law. I see no reason for reconsidering that action. In addition to what is said in the report, I would recommend to permit as punishment the dungeon, on short allowance of food, and in extreme cases tricing up, as practiced at Folsom.

Messrs. Finn and Traber will file a minority report covering points whereon they do not concur in the foregoing report.

CAMP

MINORITY REPORT OF SELECT COMMITTEE ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

MR SPEAKER: We, the undersigned members of your Special Committee on Prison Investigation, being a minority of said committee, do report as follows:

That the report of the majority of said committee is in some respects in consonance with the conclusions arrived at by the undersigned, and in regard to those features we make no comment, and hereby adopt such report in those respects as our own In some features, however, we cannot agree with the majority, and herewith submit our minority report, and ask that the same be adopted:

First—We recommend that the strait-jacket, as a means of punishment and discipline, be abolished by law, for the reason that its use is cruel and inhuman, even when used in the most moderate way possible, and that it should not be allowed by any civilized people in any institution as a means of punishment. In this behalf we submit that the strait-jacket, as used, is such that when a convict is placed in the strait-jacket he is compelled to lie helpless in his own filth, with no recourse, a condition we would hesitate to place a brute beast in; and, besides, in the hands of men prejudiced, as the prison officials often are, it becomes an instrument of torture the inhumanity of which cannot be pictured. Our investigation shows that, in many instances, men not in authority, purely subordinate, have had the sole power to punish by this means. The disposition of the Warden, the subordinate officers, and the doctors to treat the convicts as not deserving of consideration or pity, and only worthy of treatment accorded to brutes, leads us to the conclusion that the strait-jacket is a dangerous instrument to leave in the hands of ordinary men subject to ordinary human passions

The only argument advanced for the retention of the strait-jacket is that there must be some means of punishment of which the convicts stand in fear, and that the strait-jacket is the only one found effective for the purpose In contradiction of this statement, we wish to submit that, so far as we can learn, California is the only State where such punishment is practiced or allowed, and yet records and statistics show that in discipline, management and control, the California prisons rank lower than those of any other State. And as further proof, we submit that the present administrations are the first in the history of California prison management where the use of the strait-jacket was resorted to, and that discipline under former Wardens, notably Warden Aull, was better than any under the present administrations. The prison records at San Quentin show that the strait-jacket is used as a punishment not only for a breach of the rules, but also as a punishment for failure or inability on the part of the convicts to do or perform tasks or stints imposed and for putting out poor work. This is certainly inhuman and brutal, and is almost beyond reasonable belief

We submit that the total abolition of the strait-jacket is the only remedy for this abuse, and therefore recommend that Assembly Bill No. 792 be made an urgency matter and passed.

Second—In the majority report, the discipline maintained by the Warden at San Quentin has been praised With this we disagree. We find that though the discipline maintained at San Quentin is good, it is a discipline induced by fear of the Warden alone, and not by reason of confidence or respect on the part of the convicts toward the Warden. Our observations lead us to believe that the Warden has, by working on the fears of the convicts of their being killed or permanently disabled, and by the use of the strait-jacket, so cowed the convicts that there is a show of confidence and respect, but that it is only induced by fear. The Warden at San Quentin has as officers under him close friends, and they all stand close with the Warden. It is our belief, based on what we have seen and heard, that many cruelties have been practiced in that institution, that your committee could not, or did not, hear of because the convicts feared for themselves if they revealed the true state of affairs, and because of the cordon of his friends with which the Warden has surrounded the secrets of the institution.

We wish further to add that the doctors at both prisons are incompetent, careless and harsh, and negligent of their duties—they seem to think that prisoners have no right to be sick, and are not deserving of treatment, and in our judgment many men needing treatment are neglected, simply because the doctors fear they will be imposed upon by some prisoner faking illness.

Third—We consider that the Board of Prison Directors have been extremely derelict in their duties It appears that they have held their meetings very irregularly, and at these times have only vised the accounts, etc., and have not made inquiries regarding the actual needs of the prison—its discipline and the abuse of the prisoners. They should be compelled to attend to their duties or be removed from office, and men who are competent and willing to perform their duties put in their places.

We base our conclusions upon many things heard at both prisons, but the sources of which we dare not reveal for fear that vengeance will be wreaked upon the persons who revealed the information; and feeling it to be our duty to protect these helpless people, we withhold the sources from which we derived our information

Respectfully submitted

J. O. TRABER,
T. F. FINN.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 20 for the purpose of concurring in Senate amendment thereto.

So ordered.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

SENATE AMENDMENT.

Amend by striking out of section one, line four, the words and figures "1624 What contracts must be written."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 20?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Burgess, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Kerrigan, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 20 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 270 for the purpose of concurring in the Senate amendment thereto:

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said Society," approved March 25, 1901.

SENATE AMENDMENT.

Amend section one, line thirteen, page one, printed bill, by inserting after the word "society" the following: "Said sum shall be paid as follows: Thirty-nine thousand and six hundred and fifty ($39,650) dollars to the National Bank of D. O. Mills and Company, for the payment of amount due on notes of the said society indorsed by directors and officers of said society in office at the time said notes were executed. Five thousand and three hundred and fifty ($5,350) dollars to the National Bank of D O. Mills and Company for due bills of the said society owned and appropriated or authorized to be paid by the terms of this Act held by said bank. No money shall be paid for any other purpose The Controller of the State is hereby directed to draw his warrant for the sum above named, payable to the persons and in the manner herein provided, and the Treasurer is hereby directed to pay the same"

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 270?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barnes, Bates, Black, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Good-

rich, Greer, Hart, Higgins, Howard, John, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63

NOES—Mr Houser—1.

Assembly Bill No. 270 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 537 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

SENATE AMENDMENT.

Amend by striking out the word "the" before the word "Senate" in the enacting clause of the printed bill. Also adding to the title the words "relating to operating cars by street railroad corporations."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 537?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Drew, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—60

NOES—None.

Assembly Bill No. 537 ordered to re-engrossment and enrollment.

MOTION.

Mr. Walsh moved that the further consideration of messages from the Senate be dispensed with until the consideration of Senate Bill No. 199 was concluded.

The ayes and noes were demanded by Messrs Walsh, Mott, and Copus.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Black, Bliss, Brown, Copus, Covert, Dougherty, Dunbar, Dunlap, Finn, Gleeson, Hart, Houser, Kerrigan, Killingsworth, Lumley, Lux, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pyle, Rolley, Siskron, Snyder, Walker, Walsh, Wanzer, Waste, Weger, and Wright—35.

NOES—Messrs. Allen, Barnes, Bates, Boisson, Burgess, Camp, Carter, Dorsey, Drew, Duryea, Ellis, Foster, Goodrich, Greer, Higgins, Howard, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, McCartney, McConnell, McKenney, McLaughlin, McNeil, Pann, Prescott, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, and Mr. Speaker—39.

Mr. Walsh moved that Senate Bill No. 199 be made a special order for two o'clock and thirty minutes P. M.

Mr. Johnson moved to amend by making the bill a special order for eleven o'clock and thirty minutes A. M.

Mr. Carter moved as an amendment to the amendment making the bill a special order immediately after the completion of Senate messages.

The question being on the amendment to the amendment.

Amendment carried.

The question being on the amendment as amended.

Amendment carried.

The question recurring on the motion as amended.

Motion carried.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 205 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

SENATE AMENDMENT.

Amend by inserting before the word "section," line one, page one, printed bill, the word and figure "Sec. 1."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 205?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Boisson, Brown, Burgess, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—64.

NOES—None.

Assembly Bill No. 205 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 179 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

SENATE AMENDMENTS.

Amend by striking out the words "its passage," in section four, in line two, page one, printed bill, and inserting in lieu thereof the following: "July 1, 1903."

On page two, printed bill, section four, line two, strike out the words and figures "July 1st, 1903," and insert in lieu thereof the following: "its passage"

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 179?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—67.

NOES—None

Assembly Bill No. 179 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 576 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

SENATE AMENDMENT.

Strike out all after section two and insert in lieu thereof the following: "This Act shall take effect January 5, 1905"

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 576?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.
NOES—None.

Assembly Bill No. 576 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 227 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

SENATE AMENDMENT.

Amend by striking out before the enacting clause the words "Section 1," and inserting the following in line three, after the figure "3," the words "Section 1."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 227?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Leininger, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.
NOES—None.

Assembly Bill No. 227 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 75 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof, appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

SENATE AMENDMENT

Amend by striking out of the title the words "appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 75?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Brown, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56.
NOES—None.

Assembly Bill No. 75 ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 212 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

SENATE AMENDMENT NO. 1.

Amend by striking out of section one, page two, all of lines twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two, and inserting in lieu thereof the following:

8. The assessor, eight thousand seven hundred dollars per annum, and the said assessor may appoint one chief deputy assessor, and one draughtsman for the assessor, which said officers of chief deputy assessor and draughtsman for the assessor are hereby created, who shall hold said offices of chief deputy assessor and draughtsman for the assessor, respectively, for the period of four years from and after their several appointments, and who shall receive as compensation the sum of twelve hundred dollars each, per annum, payable at the same time and in the same manner as the salaries of other county officers. And the assessor may also appoint each year two temporary deputies, who shall serve as such during the months of March, April, May, and June of the year for which they are appointed, which said offices of temporary deputy assessors are hereby created, who shall receive as compensation the sum of eighty dollars each per month, during the four months which they shall serve as such deputies, payable at the same time and in the same manner as the salaries of other county officers

SENATE AMENDMENT NO. 2.

Amend by striking out of section one all of line nineteen, and inserting in lieu thereof the following:

3. The recorder, eight thousand dollars per annum; and the said recorder may appoint one chief deputy, which said office of chief deputy recorder is hereby created, who shall hold said office of chief deputy recorder for a period of four years from and after his appointment, and who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

SENATE AMENDMENT NO. 3.

Amend by striking out of section one all of lines fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, and sixty-six, on page three, and inserting in lieu thereof the following:

13. The county surveyor, the sum of two thousand four hundred dollars per annum; and said surveyor may appoint one assistant surveyor, which said office of assistant surveyor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers All fees now or which may hereafter be allowed by law, and which shall be earned by the county surveyor in the official discharge of his duties, shall be paid into the county treasury for the benefit of the county, accompanied with a sworn and itemized statement of such fees earned, on or before the first Monday of each month.

SENATE AMENDMENT NO. 4.

Amend by striking out of section one, line thirteen, page two, the words "where the same is not a charge against his county," and inserting the following: "and all expenses incurred in criminal cases, and also the mileage for services of papers or process issued by any court of this State, and all fees for services of papers or process in actions arising outside of his county."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 212?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Bates Black, Bliss, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lux, Mahany, McConnell, McKenney, McMahon, McMartin, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—57.

NOES—None.

Assembly Bill No. 212 ordered to re-engrossment and enrollment.

Mr. Drew moved that the Assembly do now consider Assembly Bill No. 40 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

SENATE AMENDMENT

On page one, section one, line one, strike out the figures "542" and insert the figure "1."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 40?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 40 ordered to re-engrossment and enrollment.

Mr. Goodrich moved that the Assembly do now consider Assembly Bill No. 493 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California, by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

SENATE AMENDMENT.

Amend by adding in line one, page one, before capital "A," the following: "Section 1."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 493?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—66.

NOES—None.

Assembly Bill No. 493 ordered to re-engrossment and enrollment.

## REPORTS OF STANDING COMMITTEES.

### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

"*Resolved*, That at two o'clock the Assembly special file be first considered; that after said file is disposed of, the third-reading file be considered until three o'clock; from three o'clock to four o'clock and thirty minutes the special file of Senate bills be considered;

and that during said session no other business shall be considered except by unanimous consent Debate during said session on all bills shall be limited to ten minutes, to be divided equally between those favoring and those opposing the bill."

BROWN, Chairman

Mr. Brown moved the adoption of the report.

Report adopted.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed Assembly bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court.

AMERIGE, Chairman.

At eleven o'clock and forty-five minutes A. M., Mr. Brown moved that the hour of recess be extended until twelve o'clock and thirty minutes P. M.

So ordered.

RECONSIDERATION DENIED.

Mr. Pann moved that the Assembly do now reconsider the vote whereby Senate Bill No. 199 was on a previous day passed.

Mr. Walker moved that the motion be laid on the table.

The ayes and noes were demanded by Messrs. Lewis, Walsh, and Copus.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Black, Brown, Carter, Copus, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Ells, Finn, Gleeson, Goodrich, Hart, Houser, Howard, John, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pyle, Rolley, Siskron, Snyder, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—50.

NOES—Messrs Allen, Barnes, Bates, Bliss, Boisson, Burgess, Camp, Dorsey, Drew, Duryea, Foster, Greer, Higgins, Johnson, Johnstone, Lewis of Riverside, McConnell, McKenney, McNeil, Pann, Prescott, Soward, Stanton, Steadman, Traber, Transue, and Mr. Speaker—27.

ANNOUNCEMENT BY SPEAKER.

The Chair announced that E. T. Wolcott had not yet turned over to the committee the testimony taken in the Jessup Fund investigation.

Mr. Brown moved that Mr. Wolcott be given until three o'clock P. M. in which to produce the testimony.

Motion carried.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, Speaker Fisk declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

Mr. McNeil moved that the Assembly do now consider Senate Bill No. 779.

So ordered.

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands—report the same back, with the recommendation that it do pass

Also: Senate Bill No 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds—report the same back, and a majority recommend that it do not pass

Also: Assembly Bill No. 972—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon—report the same back, with one amendment, and recommend its passage as amended

Also: Assembly Bill No 272—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing for the destruction and a mode of condemnation thereof.

Also: Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution

Report the same back, with the recommendation that they do pass.

Also: Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts—report the same back, and a majority recommend that it do pass.

JOHNSON, Chairman

MOTION.

Mr. Duryea moved that the Assembly do now consider Assembly Bill No. 972.

So ordered.

Assembly Bill No. 972—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read second time.

The following committee amendment was submitted:

Amend by striking out all of lines thirty-four, thirty-five, thirty-six, thirty-seven, and thirty-eight, page two of the printed bill, and inserting in lieu thereof the following: "Ten days after the delivery of such machinery, file and record in the office of the County Recorder of the county in which such machinery shall be used as aforesaid, a notice of such lease or other agreement, and that such lessor will not be responsible for such lien or liens"

Amendment adopted.

Assembly Bill No. 972 ordered to print, engrossment, and third reading.

Mr. Duryea moved that Assembly Bill No. 972 be ordered to print, with rush order.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the laws of 1889, and Chapter CXCIV of the Laws of 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by Committee on Ways and Means.

TRABER, Chairman.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend page two, section one, line eighteen of the printed bill, by striking out the word "clerk" down to the word "one," line nineteen, and inserting therein "at a salary of."

Amendment adopted.

AMENDMENT No. 2.

Amend page two, section one, line thirty-eight of printed bill, by striking out the words "in Sacramento" and the comma.

Amendment adopted.

AMENDMENT No. 3.

Amend page three, section one, line forty-seven of the printed bill, by striking out all after the comma down to and including the word "month," in line forty-eight, and inserting the following: "and shall fix the monthly compensation of such deputy at $200 per month"

Amendment adopted.

AMENDMENT No. 4.

Amend page three, section one, line sixty-nine of the printed bill, after the period, by striking out down to and including the period in line seventy.

Amendment adopted.

AMENDMENT No. 5.

Amend page eight, section twelve, line three of the printed bill, after the word "made," by inserting the words "or may be appropriated."

Amendment adopted.

Senate Bill No. 634 ordered to print and third reading, and on return from printer to go on Senate special file.

## RECONSIDERATION DENIED.

Mr. Mattos moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 829 was on yesterday passed.

Mr. Mattos moved that the motion be laid on the table.

Motion carried.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

### ON CONTESTED ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. SPEAKER: Your Committee on Contested Elections having had under consideration the contest of Franklin versus Murphy for a seat in this Assembly from the Twenty-eighth Assembly District, which contest was referred to your committee by the Assembly, now beg leave to report as follows:

By a resolution adopted by the Assembly, your committee was instructed to count the ballots in this and similar cases, and report the result to the Assembly. Your committee has complied with this direction of the Assembly, after considerable delay and several extended sessions.

There were three candidates for the Assembly in the said Twenty-eighth Assembly District; but as the only issue was between the contestant, Franklin, and the contestee

Murphy, who was returned as elected, and who now holds the seat, your committee has not taken account of the votes cast for the third candidate, treating the ballots having his name on them as blank.

The ballots were brought before your committee by the Registrar of Voters of San Francisco on the order of the committee, and were all examined and counted by the committee in the presence of the parties in interest or their counsel. It was found that in addition to the ballots cast for the third candidate, so treated as blank ballots, there were a considerable number of ballots which were clearly illegal under decisions of the Supreme Court. These were excluded. There were also fifty-two other ballots not found to be otherwise illegal, which were challenged by contestant, of which particular mention will be made presently.

Of the ballots cast for the contestant and contestee, which your committee found to be legal, leaving aside the fifty-two ballots just mentioned, your committee report the following result:

| | |
|---|---|
| Murphy | 865 |
| Franklin | 805 |
| Plurality for Murphy | 60 |

The fifty-two ballots above mentioned were ballots on which the voters voted twice for the same candidate in instances where the candidate's name was printed twice on the ticket in different party columns. On forty-four of these ballots Murphy was voted for, while Franklin was voted for on the remaining eight. Counsel for contestant challenged these ballots, contending that they were illegal, while counsel for contestee resisted this challenge, contending that the ballots were legal.

Your committee have not passed upon this question, and report that it is not necessary to do so in this case. The counting or rejection of these ballots cannot affect the result.

Your committee recommend that John M. Murphy be confirmed in his seat as Assemblyman for the Twenty-eighth Assembly District.

WRIGHT, Chairman.

Also:

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the contest of Franklin vs. Murphy for a seat in this Assembly, from the Twenty-eighth Assembly District of the State of California, have had the same under consideration, and a majority thereof beg leave to submit the following:

*Expense Account of Charles R. Franklin, contestant, as allowed by your Committee:*

| | |
|---|---|
| County Clerk's fees, filing statement | $6 00 |
| Notary fee, affidavit to statement | 50 |
| Sheriff's fee, serving notice of contest | 1 30 |
| Witness fees, as follows: | |
| J. H. Zemansky, one day | 2 00 |
| John Reynolds, one day | 2 00 |
| George W. Pratt, one day | 2 00 |
| George F. Gasper, two days | 4 00 |
| Expressage, forwarding papers to Sacramento | 25 |
| H. C. Dibble, attorney's fees | 125 00 |
| Frank Drury, attorney's fees | 125 00 |

*Expense Account of John Murphy, contestee, as allowed by your Committee:*

| | |
|---|---|
| County Clerk's fees, first appearance | $2 00 |
| Notary fees, verification to answer | 50 |
| Witness fees, as follows: | |
| Neal McGillivray, two days | 4 00 |
| Philip Foley, two days | 4 00 |
| Kierce & Gillogley, attorneys' fees | 500 00 |

*Expense Account of Contestant and Contestee, as allowed by your Committee:*

| | |
|---|---|
| M. V. Collins, shorthand reporter: | |
| To reporting testimony | $40 00 |
| To typewriting 276 folios | 55 20 |
| To one copy of testimony to contestant | 27 60 |
| To one copy of testimony to contestee | 27 60 |

*Expense Account of Thomas J. Walsh, Registrar, as allowed by your Committee:*

| | |
|---|---|
| Mileage from San Francisco and return, 180 miles, Feb. 19th and 20th | $18 00 |
| Mileage from San Francisco and return, 180 miles, March 4th | 18 00 |
| Per diem, February 19th and 20th, 2 days | 20 00 |
| Per diem, February 26, 27, 28, March 1, 2, 3 and 4 | 70 00 |
| Expressage on ballots, San Francisco and return, February 19th | 2 50 |
| Expressage on ballots, San Francisco and return, February 26th—March 4th, respectively | 2 50 |
| Actual traveling expenses of Deputy Registrar, 2 trips | 10 00 |

*Expense Account of J. T. Stafford, Sergeant-at-Arms of Assembly, as allowed by your Committee*

| | |
|---|---|
| To mileage, serving summons on T. J. Walsh, Registrar at San Francisco | $16 80 |
| Carriage hire | 2 50 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following-named persons for the amounts set after their respective names:

| | |
|---|---|
| H. C. Dibble | $143 05 |
| Kierce & Gillogley | 510 50 |
| Thomas J. Walsh | 141 00 |
| Frank Drury | 125 00 |
| M. V. Collins | 150 40 |
| J. T. Stafford | 19 30 |

DUNBAR, Acting Chairman.

Also:

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the contest of Franklin vs. Murphy for a seat in this Assembly, from the Twenty-eighth Assembly District of the State of California, have had the same under consideration, and a minority thereof beg leave to submit the following:

*Expense Account of Charles R. Franklin, contestant, as allowed by Minority of your Committee.*

| | |
|---|---|
| County Clerk's fees, filing statement | $6 00 |
| Notary's fee, affidavit to statement | 50 |
| Sheriff's fee, serving notice of contest | 1 30 |
| Witness fees, as follows: | |
| J. H. Zemansky, one day | 2 00 |
| John Reynolds, one day | 2 00 |
| George W. Pratt, one day | 2 00 |
| George F. Gasper, two days | 4 00 |
| Expressage, forwarding papers to Sacramento | 25 |
| H. C. Dibble, attorney's fee | 100 00 |
| Frank Drury, attorney's fee | 100 00 |

*Expense Account of John Murphy, contestee, as allowed by Minority of your Committee:*

| | |
|---|---|
| County Clerk's fees, first appearance | $2 00 |
| Notary's fees, verification to answer | 50 |
| Witness fees, as follows: | |
| Neal McGillivay, two days | 4 00 |
| Philip Foley, two days | 4 00 |
| Kierce & Gillogley, attorneys' fees | 200 00 |

*Expense Account of Contestant and Contestee, as allowed by Minority of your Committee:*

| | |
|---|---|
| M. V. Collins, shorthand reporter: | |
| To reporting testimony | $40 00 |
| To typewriting 276 folios | 55 20 |
| To one copy of testimony to contestant | 27 60 |
| To one copy of testimony to contestee | 27 60 |

*Expense Account of Thomas J. Walsh, Registrar, as allowed by Minority of your Committee:*

| | |
|---|---|
| Mileage from San Francisco and return, 180 miles, Feb. 19th and 20th | $18 00 |
| Mileage to San Francisco and return, 180 miles, March 4th | 18 00 |
| Per diem February 19th and 20th, 2 days | 20 00 |
| Per diem February 26, 27, 28, March 1, 2, 3, and 4 | 70 00 |
| Expressage on ballots, San Francisco and return, February 19 | 2 50 |
| Expressage on ballots, San Francisco and return, February 26, March 4, respectively | 2 50 |
| Actual traveling expenses of Deputy Registrar, 2 trips | 10 00 |

*Expense Account of J. T. Stafford, Sergeant-at-Arms of Assembly, as allowed by Minority of Committee:*

| | |
|---|---|
| To mileage, serving summons on T. J. Walsh, Registrar at San Francisco | $16 80 |
| Carriage hire | 2 50 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following-named persons for the amounts set after their respective names:

| | |
|---|---|
| H. C. Dibble | $118 05 |
| Kierce & Gillogley | 210 50 |
| Thomas J. Walsh | 141 00 |
| Frank Drury | 100 00 |
| M. V. Collins | 150 40 |
| J. T. Stafford | 19 30 |

ELI WRIGHT.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 900—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 1474*a*, relating to commissions for University of California cadets who served in the United States army or navy during the Spanish-American War—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children—have had the same under consideration, and respectfully report the same back without recommendation.

KING, Chairman.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Heretofore read second time.

MOTION.

Mr. Killingsworth moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 634.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 634 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Senate Bill No. 634 ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 930—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by adding a new section thereto, to be numbered Section 13—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman

Mr. Prescott moved that the Assembly do now consider Senate Bill No. 109.

So ordered.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read second time, and ordered to third reading.

RECONSIDERATION DENIED.

Mr. Mattos moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 288 was on a previous day passed.

Mr. Stansell moved that the motion be laid on the table.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following:

*Resolved*, That the Chief Clerk of the Assembly provide Assemblymen LUX, Moore, Wanzer, Weger, and Grotefend with the codes as provided the other members of the Assembly. These codes are to replace those stolen from the desk of the Chief Clerk, and the Controller is authorized to draw his warrant for the same, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back with the following recommendation, to wit:

The Controller is hereby authorized to draw his warrant and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly, in favor of the H. S. Crocker Co. for eighty-four dollars, in payment for books ordered purchased by resolution of February 25th.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the report.

Report adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DUNLAP, Chairman.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "twenty thousand five" in line one, section two, first page, printed bill, and inserting in lieu thereof the following: "twenty-five thousand."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 445.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 445 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman.

Report adopted.

Senate Bill No. 445 ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DUNLAP, Chairman.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing, also, for the compensation and the expenses of said commissioner and secretary.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "thirty," in line five, section five, second page, printed bill, and inserting in lieu thereof the following: "twelve thousand five hundred."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "five," in line seven, section five, second page, printed bill, and inserting in lieu thereof the following: "thirty-five hundred."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "forty-five," in line twelve, section five, third page, printed bill, and inserting in lieu thereof the following: "thirty-five."

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 547.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 547 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing, also, for the compensation and the expenses of said commissioner and secretary—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman

Report adopted.

Senate Bill No. 547 ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps

Also: Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of resetting and repairing the steam pipes and radiators now in the Capitol, and for laying the necessary new pipes and placing the necessary new radiators in the several rooms and corridors to properly heat said rooms and corridors of the Capitol by steam.

Also: Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkling protection, and providing necessary water supplies for same

Also: Senate Bill No. 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Assembly Bill No. 516—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended by Committee on Universities.

Also: Senate Bill No. 153—An Act to appropriate money to pay the claim of T. W. Spring Co for blankets supplied the State militia of the State of California during the railroad strike of 1895—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No 965—An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Assembly Bill No. 967—An Act making an appropriation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Assembly Bill No. 871—An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the amendments be adopted; but your committee make no recommendation as to the passage of the bills.

DUNLAP, Chairman.

At two o'clock and thirty-five minutes P. M., Speaker Fisk called Speaker pro tem. Carter to the chair.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Wright—60.

NOES—None.

Title read and approved.

MOTIONS.

Mr. Foster moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 684 was on yesterday passed.

Mr. Foster moved that the motion be laid on the table.

Motion carried.

Mr. Dunlap moved that Assembly Bills Nos. 925 and 937 be made a special order for two o'clock P. M. Wednesday, March 11, 1903.

So ordered.

Mr. Allen moved that the Assembly do now consider the vote whereby Assembly Bill No. 406 was on yesterday passed.

Mr. Allen moved that the motion be laid on the table.

Motion carried.

Mr. Wright moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 405 was on yesterday passed.

Mr. Wright moved that the vote be laid on the table.

Motion carried.

Mr. Dorsey moved that the Assembly do now reconsider the vote whereby Senate Bill No. 561 was on yesterday passed.

Mr. McMartin moved that the motion be laid on the table.

The ayes and noes were demanded by Messrs. Dorsey, Bangs, and Traber.

The roll was called.

CALL OF THE HOUSE DENIED.

At three o'clock and fifty-five minutes P. M., Mr. Dorsey moved a call of the House.

Motion lost.

The Speaker announced the motion to lay on the table carried by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Baxter, Black, Bliss, Brown, Dougherty, Duryea, Goodrich, Hart, Houser, Howard, Johnstone, Kelso, Kerrigan, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Murphy, Olmsted, Pann, Pyle, Siskron, Stansell, Steadman, Susman, Transue, Walker, and Wanzer—38.

NOES—Messrs. Allen, Bangs, Bates, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, John, Johnson, Killingsworth, King, Mahany, McKenney, McNeil, Moore, Mott, Prescott, Rolley, Snyder, Soward, Stanton, Traber, Walsh, Waste, and Wright—36.

MOTION.

Mr. Knight moved that the Assembly do now reconsider the vote whereby Senate Bill No. 567 was on yesterday passed.

Mr. Dunbar moved that the motion be laid on the table.

Motion carried.

COMMUNICATION.

SACRAMENTO, March 9, 1903.

HON. A. G. FISK, *Speaker of Assembly*.

SIR: I will deliver testimony in Jessup Fund matter forthwith.

Yours, E. T. WOLCOTT.

Read, and ordered printed in the Journal.

RESOLUTION OF URGENCY.

By Mr. Dunlap:

*Resolved*, That Senate Bills Nos. 916 and 917 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Brown, Carter, Covert, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—60.

NOES—Mr. Houser—1.

Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Read second and third times.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dunlap, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—59.

NOES—Messrs. Dougherty and Dunbar—2

Title read and approved.

Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583*a*, relating to banks and banking.

Read second time.

The following amendments were submitted by Mr. Dunlap:

AMENDMENT No. 1.

Amend section five, line two, page two, by striking out the letter "*a*," after the figures "583."

Amendment adopted.

AMENDMENT No. 2.

Also strike out the letter "*b*," after the figures "583," in section four, line two, page two, and insert in lieu thereof the letter "*a*."

Amendment adopted.

Senate Bill No. 917 ordered to print with rush order, and made a special order immediately after the reading of the Journal, Wednesday, March 11, 1903.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Read third time, and passed on file.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—55.

NOES—None.

Title read and approved.

Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 13, 1872," approved March 11, 1874.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and thirty-five minutes P. M., Mr. McMartin moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Fran-

cisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—69.

At three o'clock and thirty-eight minutes P. M., Speaker Fisk in the chair.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-two minutes P. M., Mr. McMartin moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Bliss, Boisson, Burgess, Carter, Dorsey, Drew, Duryea, Ells, Greer, Higgins, John, Johnson, Kelso, Kerrigan, Knight, Leininger, Lewis of San Francisco, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wright, and Mr. Speaker—44.

NOES—Messrs. Bangs, Bates, Black, Brown, Camp, Copus, Covert, Dougherty, Dunbar, Dunlap, Foster, Goodrich, Houser, Howard, Killingsworth, King, Mahany, Mattos, McMahon, Moore, Murphy, Olmsted, Snyder, Soward, and Waste—25.

Title read and approved.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Gleeson, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, Knight Leininger, Lux, Mattos, McCartney, McLaughlin, McMahon, McNeil, Mott, Olmsted Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Mr. Knight moved that the Assembly do now suspend the rules and consider Senate Bill No. 27.

Motion lost.

Senate Bill No. 509—An Act to appropriate the sum of $142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Senate Bill No. 22—An Act to appropriate $35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to

purchase furniture and furnish the building so to be erected by the Board of Managers of said State hospital; to appropriate money therefor and provide for the expenditure of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Senate Bill No. 37—An Act to appropriate the sum of $7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital and for the development of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Mr Speaker—59.

NOES—None.

Title read and approved.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lumley, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Mr. Speaker—55.

NOES—Mr Dougherty—1

Title read and approved.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Read second time.

MOTION.

Mr. Bangs moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 470.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 470 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Covert, Cromwell, Dorsey, Dunbar, Duryea, Finn, Foster, Goodrich, Higgins, Howard, John, Kelso, Killingsworth, Lumley, Lux, McKenney, McLaughlin, McMartin, McNeil, Moore, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—49.

NOES—Messrs. Amerige, Black, Camp, Dougherty, Drew, Gleeson, Kerrigan, Mattos, McMahon, and Murphy—10

Title read and approved.

MOTION.

At four o'clock and twenty-eight minutes P. M., Mr. Johnson moved that the hour of recess be extended until five o'clock P. M.

Motion carried.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Lumley, Lux, Mahany, McLaughlin, McMartin, McNeil, Moore, Mott, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Susman, Walker, Walsh, Wanzer, Waste, and Wright—49.

NOES—Messrs. Allen, Bliss, Dougherty, Greer, John, King, McMahon, Murphy, Olmsted, Pyle, Steadman, and Traber—12.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly re-engrossed:

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Also: Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Also: Assembly Bill No. 812—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

AMERIGE, Chairman.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 85.

Motion carried.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Bliss, Brown, Burgess, Covert, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Gleeson, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Susman, Traber, Walker, Walsh, Wanzer, Waste, and Wright—48.

NOES—Messrs Cromwell, Dunbar, Finn, Kerrigan, King, Rolley, and Stanton—7.

Title read and approved.

MOTIONS.

Mr. Olmsted moved to take up Senate messages.

Motion lost.

Mr. Mattos moved that the Assembly take a recess until seven o'clock and thirty minutes P. M.

Motion lost.

Mr. Dunlap moved that the Assembly urgency file be considered and the bills on second-reading file be read second time.

Motion lost.

Mr. Johnson moved that the rules be suspended, and that the Assembly do now consider Assembly Bill No. 844.

Motion carried.

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells where the same are abandoned or operations have ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five

(5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—63.

NOES—None.

Title read and approved.

MOTION.

Mr. Carter moved that the Assembly do now consider Assembly Bill No. 136.

Motion carried.

Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, John, Johnson, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Walker, Wanzer, Waste, Wright, and Mr. Speaker—54.

NOES—Mr. Dunlap—1.

Title read and approved.

COMMUNICATION.

BERKELEY, CAL., March 9, 1903.

*To the Honorable Members of the House of Representatives and the Senate of the State of California:*

GENTLEMEN: Senate Constitutional Amendment No 22, proposed by Senator Oneal, has been carefully examined and scrutinized by the educators of the State. It is certain that some sort of an amendment to the Constitution is necessary in order to transact the educational business of the State.

The State Board as at present constituted is too cumbersome and too expensive. In order to have a meeting, members have to travel from the farther ends of the State to get to the State Capitol, and as present constituted, there are too many members—there being nine members on the board. When attending meetings, they arrive at Sacramento, many times on late trains, work for two or three hours, and hurry away again to their respective posts without giving the necessary attention to the educational matters of the State.

Therefore, your constituents sincerely hope that this amendment will be submitted to the people, and give them an opportunity to vote on same.

Most respectfully submitted.

COMMITTEE FROM THE TEACHERS OF THE STATE OF CALIFORNIA.

RECESS.

At five o'clock P. M., the Speaker declared the Assembly at recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

Mr. Pann moved that Assembly Bill No. 271 be made a special order for Wednesday, March 11, 1903, at eleven o'clock A. M.

Motion carried.

Mr. Bates asked unanimous consent to take up Senate Bill No. 13 for the purpose of approving the title.

So ordered.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Title read and approved.

SPECIAL URGENCY FILE.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Drew, Dunbar, Duryea, Ells, Foster, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Susman, Traber, Walker, Wanzer, Waste, and Wright—47.

NOES—None.

Title read and approved.

Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I thereof, a new section, numbered 496½, relating to the punishment of attempts to commit grand or petit larceny.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Camp, Carter, Copus, Drew, Dunbar, Duryea, Ells, Foster, Hart, Higgins, Howard, John, Johnson, Killingsworth, King, Knight, Mahany, Mattos, McCartney, McConnell, McKenney, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Susman, Traber, Walker, Waste, Wright, and Mr. Speaker—44.

NOES—Messrs. Burgess, Houser, Lumley, and Wanzer—4.

Title read and approved.

Mr. Walker asked permission to withdraw Assembly Bill No. 726 (117 on file) and substitute therefor Assembly Bill No. 72 (207 on file).

So ordered.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Dunbar, Duryea, Ellis, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—62.

NOES—Messrs. Amerige, Baxter, and Drew—3.

Title read and approved.

Mr. Knight moved that Assembly Bill No. 922 (372 on file) be placed on the special urgency file.

So ordered.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and, providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read third time.

Mr. Knight moved that a select committee of one be appointed to amend Assembly Bill No. 922, as follows:

Insert next after the word "city" first appearing in line one of section one of the printed bill the words "of the first class."

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter and repeal the same, and to prescribe penalties for

the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and, providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed—with instructions, does now report that the instructions of the Assembly have been carried out.

KNIGHT, Committee.

Report adopted.

Assembly Bill No. 922 ordered to print and re-engrossment.

RUSH ORDER TO PRINT.

Mr. Knight moved that Assembly Bill No. 922 be ordered to print, with rush order.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof and for the payment of extra labor employed therein—report the same back, with the recommendation that it do pass.

JOHNSON, Chairman.

Mr. Hart asked permission to substitute Assembly Bill No. 853 for Assembly Bill No. 470 (119 on the special urgency file).

So ordered.

Assembly Bill No. 470 ordered to foot of third-reading file.

Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof and for the payment of extra labor employed therein.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the common council, boards of trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Hart, Higgins, Howard, John, Johnson, Kelso, Killingsworth, King, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—Messrs. Houser, Traber, and Wanzer—3.

Title read and approved.

Mr. Bliss asked unanimous consent to place Assembly Bill No. 868 (271 on file) on the special urgency file.

So ordered.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Mr. Allen moved that a select committee of one be appointed to amend Assembly Bill No. 868, as follows:

Strike out of line nineteen, et seq., section one, page two of the printed bill, all after the words "set forth," and insert in lieu thereof a period.

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 868—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations—with instructions, does now report that the instructions of the Assembly have been carried out.

ALLEN, Committee.

Report adopted.

Assembly Bill No. 868 ordered to print and re-engrossment.

RUSH ORDER TO PRINT.

Mr. Bliss moved that Assembly Bill No. 868 be ordered to print, with rush order.

So ordered.

PROTEST.

By Mr. Mott:

I do hereby protest against the action of this House in passing Assembly Bill No. 85, owing to the fact that the said bill has not been read in full the three separate times as required by Section 15, Article IV of the State Constitution, and in fact never having been read in full.

Ordered printed in Journal.

Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Carter, Copus, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mattos, McCartney, McConnell, McKenney, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Steadman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—55.

NOES—Mr. Stanton—1.

Title read and approved.

Mr. McMartin moved to reconsider the vote whereby Assembly Bill No. 337 was on a previous day passed.

Mr. Dunbar moved that reconsideration be postponed until eleven o'clock A. M. Wednesday, March 11, 1903.

So ordered.

Mr. Ells moved to reconsider the vote whereby Assembly Bill No. 693 was on a previous day passed.

Mr. Olmsted moved that reconsideration be postponed until Wednesday, March 11, 1903, at eleven o'clock A. M.

Mr. Mahany moved to lay the motion on the table.

Motion carried.

Mr. Mott moved that the motion to reconsider be laid on the table.

Motion carried.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Read third time.

The question being on the passage of the bill

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, King, Leininger, Mahany, Mattos, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Walker, Wanzer, Waste, Wright, and Mr. Speaker—52.

NOES—Messrs. Dougherty, Olmsted, Stanton, and Traber—4.

Title read and approved.

At eight o'clock and fifty minutes P. M., Speaker Fisk called Mr. Camp to the chair.

Assembly Bill No. 928—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read third time.

Mr. Leininger asked permission to recall Senate Bill No. 889 from Committee on Claims, and substitute the same for Assembly Bill No. 928 (123 on the special urgency file).

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No 613—An Act to appropriate the sum of $432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Also: Senate Bill No 651—An Act to pay the claim of James T Boyd.

Also: Senate Bill No. 431—An Act to appropriate $500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney at law, for the State Board of Examiners.

Also: Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DORSEY, Chairman,

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Camp in the chair, for the purpose of considering Senate Bill No. 889.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Camp in the chair.

Senate Bill No. 889 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Camp in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass

CAMP, Chairman.

Report adopted.

Senate Bill No. 889 ordered to third reading.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read second time.

The following amendment was submitted by Mr. Goodrich:

Amend by stiking out of section one, line thirty-one of printed bill, the word "hereto," and inserting the following: "thereto."

Amendment adopted.

Senate Bill No. 243 ordered to print and third reading.

Mr. Goodrich moved that Senate Bill No. 243 be ordered to print with rush order.

So ordered.

Mr. Fisk asked unanimous consent to place on the special urgency file Assembly Bill No. 626.

So ordered.

Assembly Bill No. 626—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Read third time.

Mr. Fisk asked unanimous consent to have the rules suspended to allow an extension of the time for debate on either side.

So ordered.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Barnes, Baxter, Burgess, Camp, Covert, Dougherty, Ells, Finn, Foster, Goodrich, Johnstone, Kelso, Killingsworth, Lumley, Mahany, McCartney, Moore, Olmsted, Siskron, Snyder, Stansell, Stanton, Transue, Weger, and Mr. Speaker—26.

NOES—Messrs. Allen, Bangs, Bates, Black, Brown, Carter, Copus, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Greer, Higgins, Houser, Howard, Johnson, King, Leininger, Mattos, McConnell, McKenney, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Soward, Steadman, Walker, Walsh, Wanzer, Waste, and Wright—37.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney,

McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Walker, Walsh, Wanzer, Waste, and Wright—55.
NOES—None.

Title read and approved.

At nine o'clock and fifty minutes P. M., Speaker Fisk in the chair.

Mr. Dunbar asked permission to substitute Senate Bill No. 327 (88 on file) for Assembly Bill No. 801 (127 on file).

So ordered.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read second time.

MOTION.

Mr. Dunbar moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 327.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 327 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 327 ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following rule:

*Resolved*, That on March 11, 1903, at eleven o'clock A. M., the Assembly special file shall be taken up, and be considered until twelve o'clock M., unless all bills upon the same are sooner disposed of.

BROWN, Chairman

Mr. Brown moved the adoption of the report.

Report adopted.

Mr. Dunlap asked permission to substitute Assembly Bill No. 368 (223 on file) at 128 on file.

So ordered.

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Black, Brown, Camp, Carter, Copus, Cromwell, Drew, Dunlap, Duryea, Ells, Finn, Foster, Higgins, Houser, John, Kelso, Killingsworth, Knight, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Snyder, Stansell, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—46.

NOES—Messrs. Dunbar, Johnson, King, Stanton, and Transue—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. McCartney gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 368 was on this day passed.

Mr. Finn asked permission to place Assembly Bill No. 832 (341 on file) on the special urgency file.

So ordered.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barnes, Bates, Black, Brown, Burgess, Camp, Copus, Covert, Drew, Dunbar, Duryea, Ells, Finn, Foster, Greer, Higgins, Howard, Kelso, Killingsworth, King, Knight, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walker, Waste, and Mr. Speaker—44.

NOES—Mr. Houser—1.

Title read and approved.

Mr. Allen asked permission to place Senate Bill No. 616 (92 on file) on the special urgency file.

So ordered.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read second time, and ordered to third reading.

Mr. Camp asked permission to place Assembly Bill No. 787 (359 on file) on the special urgency file.

So ordered.

Assembly Bill No. 787—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bangs, Camp, Covert, Dougherty, Dunlap, Foster, Greer, Higgins, Howard, Killingsworth, King, Mahany, Mattos, McConnell, McMahon, Mott, Murphy, Pyle, Siskron, Snyder, Walsh, and Waste—22.

NOES—Messrs. Allen, Amerige, Barnes, Baxter, Brown, Copus, Cromwell, Dorsey, Drew, Duryea, Ells, John, Johnson, Lumley, McCartney, McKenney, McLaughlin, McNeil, Olmsted, Prescott, Soward, Stansell, Stanton, Steadman, Traber, Walker, Wanzer, and Mr. Speaker—28.

NOTICE OF MOTION TO RECONSIDER.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 787 was on this day refused passage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR SPEAKER: Your Committee on Judiciary, having had under consideration Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination—report the same back with the recommendation that it do pass.

JOHNSON, Chairman.

ADJOURNMENT.

The hour of ten o'clock and thirty minutes P. M. having arrived, Speaker Fisk declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Wednesday, March 11, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 11, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leminger, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—64.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. King until two o'clock P. M.

READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Monday, March 9, 1903, was read, corrected, and approved.

COMMUNICATIONS.

We, the undersigned, Abstract companies doing business in Los Angeles County, Cal., and being the employers of nearly all Searchers of Records in said county, hereby express our approval of the bill authorizing the Board of Supervisors to close the county offices at twelve o'clock noon on Saturdays. We believe that such closing will afford much-needed rest to the large number of Abstract companies' employés, as well as officials and their deputies, and will result in no inconvenience to the general public.

(Signed:) Title Insurance and Trust Company, by O. S. Brant, Vice-President; by O. P. Clark, Secretary; The Fidelity Abstract Co., by J. H. Mellvill, Secretary; Title Abstract and Trust Co., by Allin L. Rhodes, Secretary; Title Guarantee and Trust Company, by E. W. Sargent, Vice-President, by L. C. Brand, Secretary; Los Angeles Abstract and Trust Co., by H. A. Cowan, Secretary.

Ordered printed in the Journal.

The following communications were presented by Mr. Foster and ordered printed in the Journal:

ALAMEDA, CAL., March 10, 1903.

HON. N. K. FOSTER, M.D., *Assembly Chamber, Sacramento, Cal.*

The legislative committee of the California State Homeopathic Medical Society with a membership of four hundred desire to express their satisfaction with the present medical law and earnestly protest against any change in the law as contemplated in Senate Bill No. 365.

H. R. ARNDT, Secretary.

SAN FRANCISCO, March 9, 1903.

HON. N. K. FOSTER, M.D., *Assembly Chamber, Sacramento*:

Resolution adopted by the faculty of the Hahnemann Medical College of the Pacific:

*Resolved*, That we heartily indorse the law now in force in reference to the practice of medicine and surgery in California; that we are fully satisfied with the board of examiners as now constituted, and with the rules and regulations adopted by them; that we deem the present manner of appointing the board more satisfactory than that proposed in Senate Bill No. 365, and that we respectfully ask that the present law remain unchanged.

GEORGE H PALMER, President.
EDGAR R. BRYANT, Secretary.
JAMES W. WARD, Dean

SAN FRANCISCO, March 9, 1903.

HON. N. K. FOSTER, M.D., *Assembly Chamber, Sacramento*

The San Francisco County Homeopathic Medical Society is perfectly satisfied with the present medical law and earnestly protests against Senate Bill No. 365.

GUY E. MANNING, President.
L. B. HURD, Secretary.

REPORTS OF STANDING COMMITTEES.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901—have had the same under consideration, and respectfully report the same back, with an amendment, and recommend that the same do pass as amended.

McLAUGHLIN, Chairman.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 859—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 666—An Act to add a new section to the Political Code of the State of California, to be known as Section 1891, providing for the heating, lighting and ventilating of public

school-houses, and fixing penalties for a violation of the provisions thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MATTOS, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 17—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Joint Resolution No. 16—Relative to alleviating distress in the Philippines.

Also: Senate Joint Resolution No 9—Relative to claim of Jessie Benton Fremont's heirs.

Have had the same under consideration, and respectfully report the same back without recommendation.

GOODRICH, Chairman.

MOTION.

Mr. Camp moved that Senate Joint Resolution No. 9 be now adopted by the Assembly, the same being identical with Assembly Joint Resolution No. 10.

So ordered.

SENATE JOINT RESOLUTION No. 9.

Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

WHEREAS, Certain land owned by Jessie Benton Fremont was taken by the United States for public purposes in the year 1863, and no payment therefor has ever been made; and

WHEREAS, In addition to the mere legal obligation, it cannot be forgotten that Jessie Benton Fremont was the worthy helpmate of a man whose genius and fortitude placed his country in his debt forever; yet that she died in straitened circumstances, leaving to an only daughter a noble name, poverty, and this claim; therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That we do respectfully urge the Congress of the United States to make such provisions for the payment of said claim as may now seem just.

*Resolved*, That a copy of this resolution be transmitted by mail to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from California in said Congress.

Resolution read and adopted.

STATEMENT.

SACRAMENTO, March 11, 1903.

MR. SPEAKER: The roll call on Assembly Bill No 85, found on pages 34 and 35 of the Journal of Tuesday, March 10, 1903, records me as voting in the affirmative on said bill. This is incorrect. I did not vote on the question of the passage of said bill. I do not think the Assembly has the power to correct a roll call, hence I make this statement. I think the error arose from the fact that by mistake Assemblyman Johnstone answered to my name, a natural mistake for the Clerk and member because of the similarity of names.

GROVE L. JOHNSON.

Ordered printed in the Journal.

REPORTS OF COMMITTEE ON CONTESTED ELECTIONS.

Mr. Wright called up the first report of the majority of the Committee on Contested Elections *in re* Franklin vs. Murphy, submitted Tuesday, March 10, 1903, and printed on page 22 of the Journal of that date.

Mr. Wright moved the adoption of the report.

The question being on the adoption of the report.

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

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lux,

Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright and Mr. Speaker—56.

NOES—None.

Mr. Wright called up the minority expense report of the Committee on Contested Elections *in re* Franklin vs. Murphy, submitted Tuesday, March 10, 1903, and printed on page 23 of the Journal of that date.

Mr. Wright moved the adoption of the minority expense report.

Mr. Dunbar moved to amend by adopting the majority expense report.

Mr. Dunbar moved that the rules be suspended for the purpose of considering the majority expense report.

The question being, "Shall the rules be suspended?"

The roll was called, and the motion to suspend the rules lost by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Camp, Copus, Covert, Dougherty, Dunbar, Ells Finn, Higgins, Houser, John, Kelso, Knight, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Prescott, Pyle, Rolley, Snyder, Stansell, Stanton, Steadman, Susman, Transue, Wanzer, Waste, Weger, and Mr. Speaker—38.

NOES—Messrs. Allen, Amerige, Bates, Black, Bliss, Brown, Burgess, Carter, Drew, Dunlap, Foster, Goodrich, Greer, Howard, Johnson, Johnstone, Killingsworth, King, McKenney, Olmsted, Pann, Soward, Traber, Walker, and Wright—25.

The question recurring on the adoption of the minority expense report.

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

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—58.

NOES—Messrs. Covert and Mahany—2.

RESOLUTION.

By Mr. Camp:

*Resolved*, That the Select Committee on Prisons be directed not to have transcribed any part of the testimony taken by it not already transcribed.

Resolution read.

Mr. Camp moved the adoption of the resolution.

Resolution lost.

SPECIAL ORDER SET.

Mr. Camp moved that the report of the Select Committee on State Prisons and Reformatories be made a special order for Thursday, March 12, 1903, at two o'clock P. M.

So ordered.

RESOLUTION.

By Mr. Johnson:

*Resolved*, That from this time no member shall be allowed to speak more than once or longer than five minutes on any question without permission of the Assembly.

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

SPECIAL ORDERS.

Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583*a*, relating to banks and banking.

Read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr Speaker—55

NOES—None.

Title read and approved.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr. Speaker—53.

NOES—None.

Title read and approved.

MOTION.

Mr. Black moved that the Assembly do now consider the regular order of business.

Mr. Dunlap moved that the Assembly do now consider Assembly Bill No. 368.

Mr. McCartney moved to lay the motion on the table.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND REFORMATORY INSTITUTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Ways and Means.

OLMSTED, Chairman.

MOTION.

Mr. Brown moved that the Assembly do now suspend the regular order of business for the purpose of considering messages from the Governor and messages from the Senate.

So ordered.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 10, 1903.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 138—An Act providing for an appropriation of $5,000 for the purpose of improving the grounds and improving the buildings of Sutter's Fort

Also: Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office.

Also: Assembly Bill No 499—An Act to amend Section 1359 of the Political Code, relating to primary elections.

Also: Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of the State of California, or of any political subdivision thereof.

Also: Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José.

Also: Assembly Bill No. 262—An Act to provide for the formation, government, operation, and dissolution of sanitary districts.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1903.

*To the Assembly of the State of California:*

I have the honor to respectfully return herewith, without my approval, Assembly Bill No. 70, together with my reasons therefor, as follows:

The bill provides for the payment, out of the General Fund, of a claim "for damages sustained in loss of property by breakage of Fremont Street Wharf, the property of the State of California," etc.

While it is true that the claim is backed by a judgment of court against the State, my opinion is that such claims as this should not be paid out of the General Fund, but out of the funds of the San Francisco Harbor Commission.

I therefore return the bill without my approval.

GEO. C. PARDEE,
Governor of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1903.

*To the Assembly of the State of California:*

I have the honor to respectfully return herewith, without my approval, Assembly Bill No. 612, to pay the Southern Pacific Company's claim for transporting State troops, for the reason that, in my judgment, the condition of the State Treasury will not, at this time, permit the payment of claims of this class. This is not a repudiation of the claim, but simply a postponement of its payment.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Also: Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in common schools for the instruction of the deaf.

Also: Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for fifty-third fiscal year.

Also: Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Also: Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

GEO. C. PARDEE,
Governor of the State of California.

On motion of Mr. Johnson, the consideration of Assembly Bill No. 70 and Assembly Bill No. 612 was temporarily postponed.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125, rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Senate Bill No. 20—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Ordered to enrollment.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book No. 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Ordered to enrollment.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Ordered to enrollment.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Ordered to enrollment.

Senate Bill No. 20—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read first time, and ordered on Senate special file without reference to committee, it being identical with Assembly Bill No. 260, which was withdrawn by author.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read first time, and ordered on Senate special file without reference to committee, it being identical with Assembly Bill No. 744, which was withdrawn by author.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a standing committee of the State Board of Education on school text-books; authorizing said committee, subject

to approval of the State Board of Education, to revise, compile, and manufacture school text-books, prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of State school text-books, granting powers, subject to the approval of the State Board of Education, to said committtee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series, providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of State school text-books—and respectfully ask your honorable body to concur in said amendments.

Also: Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books, granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary, prescribing the duties of such secretary, and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education, and continuing the present law for the distribution of State school text-books.

SENATE AMENDMENTS

Amend by inserting the numeral "1" after the word and figures and period "Section 1874" in line three, printed bill.

Also: Amend by striking out the word "the," the last word in line two hundred, page seven of printed bill. Also, strike out all of lines two hundred and one, two hundred

and two, and that portion of line two hundred and three, ending with the word "California" and comma, seventh page, printed bill.

Also: Amend by striking out of title, line two, page one, the word "permanent," and in lieu thereof inserting the word "standing"

Also: Amend by striking out the words "and for district school libraries," in title, in second and third lines from bottom of first page, printed bill.

Also: Amend by inserting the numeral "1" after the word and figures "Section 1874," in line three, page two, printed bill.

Also: Amend by striking out of section one, line eight, page two, the word "permanent," and in lieu thereof inserting the word "standing"

Also: Amend by striking out the words in line eight, page two, printed bill, after the word "board" down to and including the word "committee" in line fourteen, second page, printed bill, and in lieu thereof inserting the following: "to wit, the Governor, the Superintendent of Public Instruction, and one other member of said State Board of Education as a standing committee on school text-books."

Also: Amend by striking out of section one, line seventy-five, page four, the words "within ten days after organization," and substitute the following: capital "T" for lower-case "t" in same line.

Also: Amend by striking out the word "the" at the end of line two hundred; also, all of lines two hundred and one, two hundred and two, and in line two hundred and three, to and including the word "California," seventh page, printed bill

Also: Amend by striking out of section one, line two hundred and eight, page seven, the period, and in lieu thereof inserting the following: "that may be adopted and published as a book of the State series."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 37?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lumley, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

NOES—None.

Ordered to re-engrossment and enrollment.

Senate Bill No 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed a motion requesting the return of Assembly Bill No 40 and Senate Bill No. 583 to the Senate

Also: Passed Assembly Bill No 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings."

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California, relating to the definition of words.

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of Senate
By I. S. LOGAN, Assistant Secretary.

At eleven o'clock and forty minutes A. M., Speaker Fisk called Mr. Bliss to the chair.

Mr. McCartney moved that the Assembly do now consider Assembly Bill No. 35 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

SENATE AMENDMENTS.

Amend by striking out of section one, line twenty-two, the word "the," after the first word "in," and inserting in lieu thereof the word "a."

Also: In same line strike out the words "the largest," and insert in lieu thereof the word "general."

Also: Amend by adding to section one, line twenty-three, between the words "paper" and "published," the words "of general circulation."

Also: Amend by striking out of section one, line twenty, the words "the largest," and inserting the words "a general."

Also: Amend by striking out the following words appearing above the words "An Act," in title of printed bill, viz.: "Statutes of 1875-76, Chapter CCCXXV—An Act to regulate contracts on behalf of the State, in relation to erections and buildings, approved March 23, 1876. The people of the State of California, represented in Senate and Assembly, do enact as follows."

Also: Amend by striking out the period after the word "buildings" in the title and inserting in lieu thereof a comma, and adding thereto the words "approved March 23, 1876."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 35?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Killingsworth, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, and Wanzer—49.

NOES—None.

Ordered to re-engrossment and enrollment.

Mr. Mattos moved that the Assembly do now consider Assembly Bill No. 546 for the purpose of concurring in Senate amendment thereto.

So ordered.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California.

SENATE AMENDMENT.

Amend title of said bill by adding to said title the words "relating to the definition of words."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 546?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Copus, Drew, Dunbar, Dunlap, Ells, Foster, Hart, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lux, Mahany, Mattos, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, and Wright—49.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands

Also: Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Read first time, and referred to Committee on Judiciary.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read first time, and ordered on Senate special file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read first time, and ordered on Senate special file without reference to committee, it being identical with Assembly Bill No. 974, which was withdrawn by author.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos, and the construction of a new power-house at the Veterans' Home located at Yountville, Napa County, State of California—and respectfully ask your honorable body to concur in said amendment.

Also: The Senate on this day refused to concur in Assembly amendments to Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots—and herewith return the same to your honorable body, and ask you to recede from said amendments

Also: Concurred in Assembly amendments to Senate Bills Nos. 887, 606, and 396.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Mr. Olmsted moved that the Assembly do now consider Assembly Bill No. 159 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

SENATE AMENDMENT.

Amend by striking out the word "fifteen," section one, line one, page one, printed bill, and inserting in lieu thereof the word "ten."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 159?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Camp, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Ells, Finn, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Wanzer, Waste, Weger, and Mr. Speaker—56

NOES—None.

Ordered to re-engrossment and enrollment.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Amendments read.

Mr. Johnson moved that further consideration of Senate Bill No. 34 be continued until three o'clock P. M.

So ordered.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education—and request your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I S. LOGAN, Assistant Secretary.

Mr. Leininger moved that the Assembly do now consider Assembly Bill No. 345 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

SENATE AMENDMENT No. 1.

Amend by striking out the words "This Act shall take effect immediately. All Acts in conflict herewith are repealed," in lines one and two, second page, printed bill, and insert in lieu thereof the following: "Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed."

SENATE AMENDMENT No. 2.

Amend by striking out the words "appointed from persons" in line twenty-three, page two, printed bill, and insert in lieu thereof the following: "a person."

SENATE AMENDMENT No. 3.

Amend by striking out the words and commas, ", who shall be experienced teachers," in lines eighteen and nineteen, page two, printed bill.

SENATE AMENDMENT No. 4.

Amend by striking out the words and commas, ", who shall be experienced teachers," in lines fourteen and fifteen, first and second pages, printed bill.

SENATE AMENDMENT No. 5.

Amend by striking out the words and commas, ", who shall be experienced teachers," in lines twelve and thirteen, first page, printed bill.

SENATE AMENDMENT No. 6.

Amend by striking out the words "the members," in line seven, page one, printed bill, and insert in lieu thereof the following: "a majority of the members."

SENATE AMENDMENT No. 7.

Amend by inserting the word and figures, "Section 1768," at the beginning of line three, page one, printed bill.

SENATE AMENDMENT No. 8.

Amend by striking out the words "Section 1768 of the Political Code of the State of California is amended to read as follows," in lines one and two, page one, printed bill, and insert in lieu thereof the following: "Sec. 1. Section 1768 of the Political Code is hereby amended to read as follows:"

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 345?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Finn, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed a motion requesting your honorable body to return to the Senate Senate Bill No. 429.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 429 ordered returned to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General and Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Assembly Bill No. 111—An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure, by adding thereto a new section, relating to taking depositions, to be numbered 2025½

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code

Senate Bill No. 393—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Assembly Bill No. 319—An Act creating a commission, to be known as the "California Relief Commission," whose duties shall be the oversight, guidance and procuring

employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof, in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks and employés.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Ordered to enrollment.

Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Ordered to enrollment.

Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Ordered to enrollment.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Ordered to enrollment.

Senate Bill No. 393—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist, to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Read first time, and referred to Committee on Ways and Means.

Assembly Bill No. 319—An Act creating a commission, to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, etc.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Assembly Bill No 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia H. Jones, plaintiff, vs. The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California, upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Ordered to enrollment.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9674, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Ordered to enrollment.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled "Julia H. Jones, plaintiff, versus The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Ordered to enrollment.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Ordered to enrollment.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Ordered to enrollment.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Ordered to enrollment.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Ordered to enrollment.

Senate Bill No. 926 ordered on special urgency file.

RESOLUTION.

By Mr. Killingsworth:

*Resolved*, That for and by reason of services rendered the Assembly by L. A. Hilborn, at the request of the Speaker and the Chief Clerk, for the term of twenty-nine days, ending March 11, 1903, the Controller is hereby directed to draw a warrant in favor of said L. A. Hilborn in the sum of $232, and the State Treasurer is directed to pay the same out of the appropriation for the contingent expenses of the Assembly; and be it further

*Resolved*, That said L. A. Hilborn be and he is hereby appointed to continue such work at the desk, at a per diem of $8, said per diem being payable out of the appropriation for the contingent expenses of the Assembly; and be it further

*Resolved*, That said L. A. Hilborn be and he is hereby allowed that compensation provided for in Section 269 of the Political Code of the State of California, said compensation being payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Mr. Killingsworth moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Bliss, Brown, Burgess, Camp, Carter, Copus, Dorsey, Drew, Dunbar, Dunlap, Ellis, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, McCartney, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Weger, Wright, and Mr. Speaker—52.

NOES—None.

At eleven o'clock and forty-five minutes A. M., Mr. Brown moved to extend the hour of recess until twelve o'clock and thirty minutes P. M.

So ordered.

RESOLUTION.

By Mr. McCartney:

*Resolved*, That the Controller is hereby directed to draw his warrant, and the Treasurer is directed to pay the same, in favor of the Chief Clerk for the sum of $60, to pay for postage, telegraphing, and expressage, payable out of the Contingent Fund of the Assembly.

Resolution read.

Mr. Stanton moved the adoption of the resolution.

Resolution adopted.

MOTION.

Mr. Johnson moved that the consideration of the Assembly special file be continued until twelve o'clock and thirty minutes P. M.

Motion carried.

Assembly Constitutional Amendment No. 20 passed on file.

Senate Bill No. 202— An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lux, Mattos, McCartney, McKenney, McLaughlin, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Weger, and Wright—55.

NOES—Mr. Dunbar—1.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of $1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of $3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No 20 of Department One of said Superior Court, at page 221.

Assembly Bill No 4—An Act making an appropriation to pay a judgment for the sum of $8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of $5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373*a*, making the continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change

Assembly Bill No. 269—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank at Los Angeles for money due and owing the said Citizens' National Bank from the State of California

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness and to consent to a judgment in favor of the holders of the same.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

And were presented to the Governor March 11, at ten o'clock and thirty minutes A. M.

AMERIGE, Chairman.

Assembly Constitutional Amendment No. 21 withdrawn by the author.

ASSEMBLY SPECIAL FILE.

Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Pyle, Rolfey, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—54

NOES—None.

Title read and approved.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 30.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 19 of Article V, relating to the compensation of State officers.

The Legislature of the State of California, at its regular session commencing the fifth day of January, 1903, two thirds of all the members elected to each house concurring,

hereby propose that Section 19 of Article V of the Constitution of said State be amended so as to read as follows, to wit:

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Superintendent of Public Instruction, Superintendent of State Printing, and Clerk of the Supreme Court shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows:

Governor, ten thousand dollars per annum; Lieutenant-Governor, one thousand dollars per annum; the Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Superintendent of Public Instruction, Superintendent of State Printing, and Clerk of the Supreme Court, five thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have power to increase the same above the sums hereby fixed by this Constitution. None of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Amendment read.

The question being on the adoption of the amendment.

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

AYES—Messrs Allen, Amerige, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Leininger, Lux, Mahany, McCartney, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—54.

NOES—None.

Assembly Bill No. 957—An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor.

Read second time, ordered to engrossment and third reading.

Assembly Constitutional Amendment No. 31 passed on file.

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnston, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McMahon, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Wright—53.

NOES—None.

Title read and approved.

Assembly Constitutional Amendment No. 32 passed on file.

Assembly Constitutional Amendment No. 15—Relative to proposed amendment of Article IV of the Constitution, relative to providing a system of direct legislation in the State of California by means of the initiative and referendum.

The following amendment was submitted by Mr. Camp:

Amend by striking out of line forty-eight of the printed bill as amended the figures "15." and inserting in place thereof the word "twenty-five."

Amendment adopted.

Assembly Constitutional Amendment No. 15 ordered to print.

Assembly Bill No. 870 passed on file.

Assembly Bill No. 948—An Act to amend Section 36 of an Act enti-

tled "An Act to establish a uniform system of county and township governments," approved March 1, 1887.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES--Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Lumley, Mahany, Mattos, McCartney, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, and Waste—56

NOES—None.

Title read and approved.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following temporary rule:

*Resolved*, That at two o'clock the Assembly third-reading file be considered until three o'clock; from three o'clock to four o'clock and thirty minutes, the special file of Senate bills be considered; and that during said session no other business shall be considered except by unanimous consent.

BROWN, Chairman.

Mr. Brown moved the adoption of the report.

Report adopted.

## ASSEMBLY SPECIAL FILE—(RESUMED).

Assembly Bill No. 645 passed on file.

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnstone, Kelso, Kerrigan, Killingsworth, King, Mahany, Mattos, McKenney, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—54

NOES—None.

Title read and approved.

Assembly Bill No. 358 passed on file.

Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Hart, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Leininger, Lumley, Lux, Mahany, McCartney, McKenney, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Read second time.

The following amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "named in such petition" in line eleven, page one, printed bill, and inserting the word "general" after the word "any," in line ten.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "two," line three, page one, printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "five," line one, page one, printed bill, and inserting in lieu thereof the word "twenty."

Amendment adopted.

Ordered to print and third reading.

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Read second time, and ordered to third reading.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Read second time, and ordered to third reading.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 345.

So ordered.

IN COMMITTEE OF THE WHOLE,

Speaker Fisk in the chair.

Senate Bill No. 345 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 345—An Act to provide for the location, construction and maintenance of a State highway from a point on the California & Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Ordered to third reading.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, Speaker Fisk declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker pro. tem. Carter in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

ON INAUGURAL CEREMONIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration, beg leave to report that, in conjunction with the committee appointed by the Senate, they have approved bills therefor aggregating the sum of one thousand eight hundred and twenty-three and ninety one-hundredths ($1,823.90) dollars, as per Schedule "A" annexed hereto and made a part hereof. That the payment of the said sums was, under the terms of the resolution appointing your committee, to be made one half ($911.95) out of the Contingent Fund of the Assembly, and one half ($911.95) out of the Contingent Fund of the Senate. We therefore respectfully move the adoption of the following resolution:

*Resolved*, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the expenses of the said ceremonies the sum of nine hundred and eleven and ninety-five one-hundredths ($911.95) dollars, and the Controller of State is hereby requested to draw his warrant for the said sum in favor of W. W. Greer, Chairman of the Committee on Inaugural Ceremonies, and the Treasurer of State is directed to pay the same out of the Contingent Fund of the Assembly.

GREER, Chairman

(Schedule "A")

*Statement of Expenses of Inaugural Ceremonies, January 7, 1903.*

| | | |
|---|---|---|
| Southern Pacific Company—transportation furnished various companies of the National Guard of California | | $1,167 40 |
| Second Infantry Band (Wm. Hale, Manager), music | | 100 00 |
| Troop "B," Third Brigade, N. G. C., salutes | | 75 00 |
| Troop "B," Third Brigade, N. G. C., horse hire | | 74 00 |
| J. A. Blair, horse hire | | 24 00 |
| Fashion Stables (Paine & Wright), carriage hire | | 25 00 |
| A. J. Wilson, carriage hire | | 40 00 |
| J A. Lafferty & Son, carriage hire | | 20 00 |
| M Miller, carriage hire | | 10 00 |
| H. U. Hand, music | | 27 00 |
| J. T. Stafford, Sergeant-at-Arms, Assembly, to extra help, putting Assembly chambers in order for Inaugural Ceremonies, viz.: | | |
| John F. Hynes, two days at $3.00 | $6 00 | |
| Wm. Matthews, two days at $3.00 | 6 00 | |
| E. D. Young, two days at $3 00 | 6 00 | |
| Barney Hughes, two days at $3.00 | 6 00 | |
| Frank Littlejohn, two days at $3.00 | 6 00 | |
| O. T. Pierce, two days at $3.00 | 6 00 | |
| | | 36 00 |

| | | |
|---|---|---|
| J. T. Stafford, Sergeant-at-Arms, Assembly, to extra help, etc., putting Assembly chambers in order for Inaugural Ceremonies, viz.: | | |
| Gus Ahl, January 7th, to building of platform and raising of desk, and removing screen in Assembly chamber | $13 10 | |
| January 8th, to replacing of screen and moving platform | 4 50 | |
| | | $17 60 |
| Tom Scott, labor, taking down railing and putting up same | | 15 00 |
| John Breuner Co., folding chairs rented | | 40 00 |
| Inaugural Ball Decoration Committee, decorating Senate and Assembly halls and materials, help, etc., viz.: | | |
| January 6th, H. McWilliams, florist | $30 00 | |
| January 6th, Wm. Boyne, decorator | 75 00 | |
| January 6th, John Breuner Co., furnishings | 20 00 | |
| January 6th, extra labor help | 24 50 | |
| | | 149 50 |
| Telegrams | | 3 40 |
| Total | | $1,823 90 |
| Senate | $911 95 | |
| Assembly | 911 95 | |
| | $1,823 90 | |

Report and resolution read.

Mr. Greer moved the adoption of the resolution.

Resolution adopted.

MOTION.

Mr. Dunlap moved that Assembly Bills Nos. 925 and 937, heretofore made a special order for two o'clock P. M. of this day, be continued until and made a special order for eleven o'clock A. M., Thursday, March 12, 1903.

Motion carried.

STATEMENT BY MR. FISK.

I wish the Journal to show that, while I do not object to the continuance of the consideration of Assembly Bills Nos. 925 and 937, I am willing that both bills should be considered at this time, and placed upon their final passage.

SPECIAL URGENCY FILE—(RESUMED).

Mr. Waste moved that the Assembly do now consider Assembly Bill No. 764 (270 on file) in place of Assembly Bill No. 617 (195 on file).

So ordered.

Assembly Bill No. 617 passed on file.

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California, by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Dorsey, Drew, Dunbar, Dunlap, Durvea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Howard, John, Johnson, Kelso, Knight, Leininger, Lumley, Lux, Mahany, Mattos, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Wright—53.

NOES—None.

Title read and approved.

Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Bates, Baxter, Black, Brown, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Kelso, Knight, Leininger, Lumley, Lux, Mahany, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, and Weger—48.

NOES—Messrs. Bangs and Burgess—2.

Mr. Murphy moved to amend the title as follows:

Amend by inserting at the end of the title the words "and providing punishment for violation thereof."

Amendment adopted.

Ordered to print and on file as unfinished business.

Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Leininger, Lewis of Riverside, Lux, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—51.

NOES—None.

Title read and approved.

Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said code, to be numbered, consecutively, 1233 and 1234, concerning the dissolution of private corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Kelso, King, Knight, Leininger, Lux, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—55.

NOES—None

Title read and approved.

At two o'clock and thirty-five minutes P. M.. Speaker Fisk in the chair.

Mr. Goodrich moved to substitute Senate Bill No. 243 (120 on file) for Assembly Bill No. 490 (199 on file).

So ordered.

Assembly Bill No. 490 withdrawn.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read third time.

Mr. Brown moved that the hour for the consideration of the Senate special file be extended until the consideration of Senate Bill No. 243 is completed.

Mr. King moved to amend as follows: "That the time be extended until three o'clock P. M."

Motion lost.

Question recurring on Mr. Brown's motion.

Motion carried.

Mr. Dunlap moved that each side have ten minutes to debate the bill.

Motion carried.

Mr. Carter moved that a select committee of one be appointed to amend Senate Bill No. 243, as follows:

Strike out the words "have the power to" in line two, page four, section seven of printed bill.

Motion lost.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Bliss, Boisson, Burgess, Camp, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Houser, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lux, McConnell, McMahon, McMartin, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Susman, Traber, Transue, Walker, Waste, Wright, and Mr. Speaker—42.

NOES—Messrs. Bangs, Barnes, Brown, Carter, Covert, Ells, Howard, John, King, McKenney, McLaughlin, Steadman, Walsh, and Wanzer—14.

Title read and approved.

Mr. Copus moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 787 was yesterday refused final passage.

The question being, "Shall the Assembly reconsider?"

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, at three o'clock and eighteen minutes P. M., Mr. Camp moved a call of the House.

Motion lost.

ROLL CALL RESUMED.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at three o'clock and twenty-eight minutes P. M., Mr. Killingsworth moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Hart, Higgins, Houser, Howard, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and thirty minutes P. M., Mr. McCartney moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Burgess, Camp, Copus, Covert, Dougherty, Dunbar, Dunlap, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, Kerrigan, Killingsworth, King, Leininger, Lux, Mahany, Mattos, McMahon, McMartin, Moore, Murphy, Pyle, Rolley, Siskron, Soward, Susman, Walsh, Wanzer, Waste, Weger, and Wright—39.

NOES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Bliss, Brown, Carter, Cromwell, Drew, Duryea, Ellis, John, Johnson, Kelso, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McLaughlin, McNeil, Olmsted, Pann, Prescott, Stansell, Steadman, Traber, Transue, Walker, and Mr. Speaker—31.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed.

Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof, and for the payment of extra labor employed therein.

Also: Assembly Bill No. 957—An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor

Also: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Also: Assembly Bill No. 972—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Assembly Bill No. 922—An Act providing that in any city, or city and county, in the State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

AMERIGE, Chairman.

ON PUBLIC HEALTH AND QUARANTINE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act

now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, and repealing Sections 16, 17, and 18, and adding a new section, to be numbered and designated Section 21½—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FOSTER, Chairman.

MESSAGES FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider Senate messages. Motion carried.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered

Also: Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

F. J. BRANDON, Secretary of the Senate.
By I S. LOGAN, Assistant Secretary.

Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Read first time, and referred to Committee on Judiciary.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bills Nos. 202 and 13.

Also: Amended, and passed as amended, Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 261 for the purpose of concurring in Senate amendments.

So ordered.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

SENATE AMENDMENTS.

Amend by striking out of the enacting clause the word "ordain," and inserting in lieu thereof the word "enact."

Also: Add to section two: "*and provided further*, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers, subject to the provisions of section three of this Act"

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 261?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Boisson, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Howard, John, Johnson, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Prescott, Pyle, Rolley, Siskron, Transue, Walker, Walsh, Wanzer, Waste, and Wright—48.
NOES—None.

Assembly Bill No. 261 ordered to re-engrossment and enrollment.

At four o'clock and forty minutes P. M., the Speaker called Mr. Johnson to the chair.

Mr. Mahany moved that the Assembly do now consider Assembly Bill No. 426 for the purpose of concurring in Senate amendment.

So ordered.

Assembly Bill No. 426—An Act to prevent misrepresentation of employment, and making it a misdemeanor to misrepresent conditions of employment.

SENATE AMENDMENT.

Amend by striking out section two, and renumbering sections three and four so as to read sections two and three.

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 426?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Transue, Walker, and Wanzer—48.
NOES—None.

Ordered to re-engrossment and enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11—Relative to adjournment sine die.

Also: Passed Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Also: Passed Senate Bill No. 224—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Read first time.

Mr. Soward moved that Senate Bill No. 469 be placed on Senate special file, and that Assembly Bill No. 855 (151 on file) be withdrawn, the same being identical.

So ordered.

Senate Bill No. 224—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read first time, and ordered on Senate special file without reference to committee.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to vacancies in office.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency):

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Also: Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California, upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Ordered to enrollment.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Ordered to enrollment.

Mr. McCartney moved that the Assembly refuse to recede in the amendments to Senate Bill No. 34, and that a conference committee of three members from the Assembly be appointed to confer with a like committee from the Senate in regard thereto.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Barnes, Bates, Baxter, Bliss, Brown, Burgess, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pyle, Rolley, Siskron, Snyder, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, and Weger—49.

NOES—None.

Mr. Foster moved that the Assembly do now consider Assembly Bill No. 27 for the purpose of concurring in Senate amendments thereto.

So ordered.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalities for violation of the Act.

SENATE AMENDMENTS.

Amend by striking out all of section five, page four, printed bill, and inserting in lieu thereof the following:

"SEC. 5. It shall be the duty of the attendance officer to arrest during school hours, without warrant, any child between eight and fourteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department as a truant from instruction upon which he is lawfully required to attend within the city, or city and county. He shall forthwith deliver the child so arrested either to the parent, guardian, or other person having control or charge of such child, or to the teacher from whom said child is then a

truant, or if such child shall have been declared an habitual truant he shall bring such child before a magistrate for commitment by him to a parental school, as provided in this Act. The attendance officer shall report promptly such arrest, and the disposition made by him of such child, to the school authorities of such city or city and county.

"Any child may be reported as a truant, in the meaning of this Act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness.

"Any child who has once been reported as a truant and who is again absent from school without valid excuse one or more days or tardy on one or more days may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been an habitual truant and who in a succeeding year is reported as a truant from school one or more days or tardy on one or more days without valid excuse may be again declared an habitual truant."

Also:

Amend by striking out the words in line eight, section six, fourth page, printed bill, "any child shall be deemed irregular in"; also strike out all of lines nine, ten and eleven, fourth page, printed bill.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 27?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Carter, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lux, Mahany, McLaughlin, McMahon, McMartin, McNeil, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, and Waste—49.

NOES—None.

Ordered to re-engrossment and enrollment.

Mr. Johnson moved that the Assembly do now consider Senate Bill No. 153.

So ordered.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore, for blankets supplied the State militia of the State of California during the Spanish-American War.

Read second time.

The following amendments were submitted:

AMENDMENT NO. 1.

Amend the title by striking out the words "for blankets supplied the State militia of" and insert in lieu thereof the word "against" and by striking out the words "during the railroad strike of 1895" where they occur in lines three, four, five, and six of section one, page one of the printed bill.

Amendment adopted.

AMENDMENT NO. 2.

Strike out the words "the said sum being due the said T. W. Spring Co. for blankets furnished by him to the State militia of the State of California during the railroad strike of 1895."

Amendment adopted.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 153.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 153 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 153, and do now report the same back, and recommend that the same do pass as amended.

FISK, Chairman

Report adopted.

Senate Bill No. 153 ordered to print and third reading.

Mr. Johnson moved that it be made a rush order to print, and a special order for eleven o'clock Thursday, March 12, 1903.

So ordered.

At four o'clock P. M. the Speaker called Speaker pro tem. Carter to the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 866—An Act to provide for the transfer from the "Whittier State School" at Whittier of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Nevada County State School," and to make an appropriation therefor.

Also: Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

DUNLAP, Chairman.

RESOLUTION.

By Mr. Dunlap:

WHEREAS, That through a force of circumstances over which he had no control, Hon. Frederick Lux, a member of this House, was not present during the month of January, and has not received the per diem that he is entitled to as a member of the Assembly for the Forty-first Assembly District during the month of January;

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant in favor of Hon. Frederick Lux for the sum of two hundred and sixteen dollars, per diem from January 5, 1903, to January 31, 1903 (both days inclusive), said per diem being payable out of the fund for the contingent expenses of the Assembly, and the State Treasurer is directed to pay the same.

Resolution read.

Mr. Dunlap moved the adoption of the resolution.

Resolution adopted.

SENATE SPECIAL FILE.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Baxter, Boisson, Burgess, Carter, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Hart, Higgins, Houser, Howard, Kelso, Killingsworth, King, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—43.

NOES—None.

Title read and approved.

Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Read third time.

Mr. Boisson moved that a select committee of one be appointed to amend Senate Bill No. 189, as follows:

Amend by striking out of section three, line one of printed bill, the word "immediately," and insert in lieu thereof the following: "January 1, 1904."

Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco—with instructions, does now report that the instructions of the Assembly have been carried out.

BOISSON, Committee.

Report adopted.

Senate Bill No. 189 ordered to print, with rush order.

Mr. Boisson moved that Senate Bill No. 189 be made a special order for two o'clock P. M. Thursday, March 12, 1903.

Motion lost.

Mr. Dunlap moved that the Assembly do now consider Committee Substitute for Senate Bills Nos. 261, 307, and 317.

So ordered.

Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003, duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read third time.

Mr. McCartney moved that a select committee of one be appointed to amend Committee Substitute for Senate Bills Nos. 261, 307, and 317, as follows:

Amend section sixteen by striking out the words "July, nineteen hundred and three," and inserting therein instead the words "January, nineteen hundred and four."

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Bates, Baxter, Black, Camp, Carter, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Goodrich, Greer, Hart, Higgins, Houser, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pyle, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—52.

NOES—None.

Title read and approved.

Mr. Prescott moved that the Assembly do now consider Senate Bill No. 572 and Senate Bill No. 571.

So ordered.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date

of their assembling to the date of their muster into the United States service, or rejection by the medical examiners, making an appropriation for that purpose and providing for the presentation of a claim to the United States for the payment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Read second time, and ordered to third reading.

Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State, as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Read second time, and ordered to third reading.

Mr. Barnes moved that the Assembly consider Senate special file until five o'clock P. M.

So ordered.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Read second time, and ordered to third reading.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Covert, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Greer, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—52.

NOES—Messrs. Copus, Dougherty, Dunbar, Houser, Kelso, King, Mahany, and Olmsted—8.

Title read and approved.

At four o'clock and twenty-five minutes P. M., Speaker Fisk in the chair.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read second time.

The following amendment was submitted:

Amend by striking out all of line three, section seventeen, sixth page, printed bill.

Amendment lost.

Ordered to third reading.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of $50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Carter, Covert, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Howard, John, Johnson, Johnstone, Kerrigan, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Mattos, McConnell, McKenney, McLaughlin, Moore, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr. Speaker—46.

NOES—Messrs. Amerige, Camp, Dunbar, Houser, Leininger, Mahany, McCartney, McMahon, and Olmsted—9.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

Assembly Bill No 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California, relating to operating cars by street railroad corporations.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Assembly Bill No. 75—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; and making an appropriation for the expenses of such investigations.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Assembly Bill No. 40—An Act to amend Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property.

Assembly Bill No. 493—An Act to amend Article VI. of Chapter XIV, of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

And were presented to the Governor March 11, 1903, at three o'clock and fifty minutes P. M.

AMERIGE, Chairman.

SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School at San Diego, for making certain improvements, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Burgess, Carter, Drew, Dunbar, Dunlap, Foster, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—50.

NOES—Mr. Camp—1.

Title read and approved.

LEAVE OF ABSENCE.

Mr. Howard was granted leave of absence for the day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Rules and Regulations recommend the adoption of the following special joint rule, after consultation with the Committee on Rules of the Senate, and recommend that the following concurrent resolution be adopted.

ASSEMBLY CONCURRENT RESOLUTION No. 16

*Resolved by the Assembly, the Senate concurring,* That the following special joint rule be adopted:

SPECIAL JOINT RULE No 1

After twelve o'clock midnight, Thursday, March 12, 1903, no Assembly bills shall be passed by the Assembly, except Assembly bills in conference, and no Senate bills shall be passed by the Senate, except Senate bills in conference. This special joint rule shall not apply to the General Appropriation Bill, the Tax Levy Bill, or bills that have been delayed by notice of reconsideration

That no business affecting bills be transacted by either house after twelve o'clock midnight of Friday, March 13, 1903, and that both houses adjourn at midnight of Friday, March 13, 1903, until 9.30 A. M. of Saturday, March 14, 1903.

BROWN, Chairman.

Ordered printed in the Journal.

SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 664—An Act to amend Section 2517 of the Political Code, relating to the powers of the State Harbor Commissioners.

Read second time, and ordered to third reading.

At four o'clock and fifty-five minutes P. M., the Speaker called Speaker pro tem. Carter to the chair.

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read second time.

RECESS.

Pending amendment, the hour of five o'clock P. M. having arrived, the Speaker pro tem. declared the Assembly at recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker Fisk in the chair.

Mr. Traber moved that Senate Bill No. 627 be recalled from Committee on Mines and Mining Interests, being identical with Assembly Bill No. 857 (360 on file), and placed on Senate special file.

So ordered.

Assembly Bill No. 857 withdrawn.

Mr. Leininger moved that Senate Bill No. 243 be recalled from the Senate.

So ordered.

SPECIAL URGENCY FILE.

Mr. Bliss asked permission to place Assembly Bill No. 868 on the special urgency file.

So ordered.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Pann, Prescott, Siskron, Soward, Steadman, Susman, Traber, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Mr. McLaughlin asked permission to consider at this time Assembly Bill No. 670 for final passage.

So ordered.

Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the forty-fourth class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Killingsworth, King, Knight, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—57.

NOES—None.

Title read and approved.

Mr. McLaughlin moved that Assembly Bill No. 670 be immediately transmitted to the Senate.

So ordered.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Dunbar, Duryea, Finn, Foster, Goodrich, Greer, Higgins, John, Johnson,

Killingsworth, Knight, Lux, Mahany, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Wright—45.
NOES—Messrs. Camp, Drew, Dunlap, Houser, Johnstone, King, and Pann—7.

Title read and approved.

Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Carter, Copus, Dougherty, Drew, Dunbar, Duryea, Finn, Foster, Greer, Hart, Higgins, Houser, John, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lux, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Walker, Waste, Weger, Wright, and Mr. Speaker—56.
NOES—None.

Title read and approved.

At eight o'clock and ten minutes P. M., the Speaker called Mr. Bliss to the chair.

Mr. Duryea asked permission to place Senate Bill No. 43 (85 on file) on the special urgency file.

So ordered.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and make an appropriation therefor.

Read second time.

MOTION.

Mr. Duryea moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Bliss in the chair, for the purpose of considering Senate Bill No. 43.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Bliss in the chair.

Senate Bill No. 43 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Bliss in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's

Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and make an appropriation therefor—and do now report the same back, and recommend that the same do pass.

BLISS, Chairman.

Report adopted.

Senate Bill No. 43 ordered to third reading.

Mr. Leininger asked permission to place Assembly Bill No. 495 (224 on file) on the special urgency file.

So ordered.

Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school-house.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Drew, Dunbar, Dunlap, Duryea, Foster, Greer, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Mahany, Mattos, McCartney, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Soward, Stansell, Steadman, Walker. Walsh, Wanzer, Waste, and Wright—44.

NOES—Messrs. Allen, Bangs, Boisson, Dorsey, Dougherty, Finn, Gleeson, Hart, Higgins, Kerrigan, Lux, McConnell, McMahon, McMartin, Murphy, Rolley, Siskron, Susman, and Traber—19.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mott gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 495 was this day passed.

Mr. Knight asked permission to place Assembly Bill No. 922 (117 on file) on the special urgency file.

So ordered.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and, providing further, that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regula-

tions, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Camp, Carter, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Kelso, Kerrigan, Killingsworth, Knight, Leininger, Lewis of San Francisco, Lux, Mattos, McCartney, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pyle, Rolley, Siskron, Snyder, Soward, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—52.

NOES—Messrs. Amerige, Black, Houser, Johnstone, and King—5

Title read and approved.

MESSAGES FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying same.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed a motion requesting your honorable body to return to the Senate Assembly Bill No. 345.

F. J BRANDON, Secretary of the Senate.
By I S LOGAN, Assistant Secretary.

Assembly Bill No. 345 ordered returned to the Senate.

SPECIAL URGENCY FILE—(RESUMED).

Mr. John asked permission to place Assembly Bill No. 940 (320 on file) on the special urgency file.

So ordered.

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Copus, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Higgins, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Lux, Mahany, Mattos, McConnell, McLaughlin, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—56.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 949—An Act providing for an expression of opinion by electors on questions of public policy at any election.

AMERIGE, Chairman

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes. Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Gleeson, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Mattos, McCartney, McConnell, McKenny, McLaughlin, McMartin, McNeil, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Susman, Traber, Walker, Walsh, Wanzer, and Waste—50.

NOES—Messrs. Barber, Boisson, Finn, Kerrigan, Lewis of San Francisco, Lux, and Mahany—7.

Title read and approved.

Mr. Siskron asked permission to substitute Assembly Bill No. 958 (364 on file) for Assembly Bill No. 865 (129 on file).

So ordered.

Assembly Bill No. 865 ordered to foot of third-reading file.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Duryea, Finn, Gleeson, Hart, Houser, John, Johnson, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lux, Mahany, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Walsh, Wanzer, and Wright—50

NOES—None.

Title read and approved.

Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the

question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Barnes, Baxter, Dunlap, Finn, Gleeson, Hart, John, Kerrigan, Killingsworth, King, Lewis of San Francisco, Lux, McCartney, McConnell, McLaughlin, McNeil, Moore, Mott, Rolley, Siskron, Soward, Susman, Wright, and Mr. Speaker—24.

NOES—Messrs. Amerige, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Dougherty, Drew, Dunbar, Foster, Goodrich, Houser, Johnson, Johnstone, Kelso, Knight, Leininger, Mattos, McMahon, McMartin, Pann, Pyle, Snyder, Stansell, Steadman, Traber, Transue, Walker, Walsh, and Weger—32.

NOTICE OF MOTION TO RECONSIDER.

Mr. Knight gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 921 was on this day refused final passage.

Mr. Copus asked permission to place Assembly Bill No. 589 (172 on file) on the special urgency file.

PROTEST AGAINST CONSIDERATION OF BILL.

MR. SPEAKER. We, the undersigned, object to the consideration of Assembly Bill No. 589 on the special urgency file.

SOWARD.
HART.
BLISS.
LUX.
WRIGHT.
LEININGER
WANZER.

At eight o'clock and fifty-five minutes P. M., Speaker Fisk in the chair.

Mr. Copus asked permission to place Assembly Bill No. 638 (273 on file) on the special urgency file.

So ordered.

Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California, in reference to speed of street cars, and regulating the number of trucks and kinds of brakes to be used on those cars operated at a speed of more than eight miles per hour.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Johnson, Johnstone, Kerrigan, Killingsworth, King, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Weger, and Wright—43.

NOES—Messrs. Baxter and Boisson—2.

Title read and approved.

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bliss, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunlap, Ellis, Finn, Foster, Gleeson, Greer, Hart, Higgins, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, Leininger, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Weger, Wright, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Mr. Murphy asked permission to place Assembly Bill No. 741 (255 on file) on the special urgency file.

So ordered.

Assembly Bill No. 741—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen with the powers of peace officers to serve upon the premises, cars or boats of railroad and steamship companies," approved March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Copus, Dougherty, Mahany, McMahon, and Murphy—5.

NOES—Messrs. Allen, Amerige, Bangs, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Drew, Dunlap, Duryea, Ellis, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Steadman, Susman, Traber, Walker, Walsh, Waste, and Mr. Speaker—52.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 475—An Act to appropriate $10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries to collect and import into this State, for general distribution, parasitical and predaceous insects which, in those countries, prey upon such species of fruit and tree pests as abound in the orchards of this State.

Also: Senate Bill No. 393—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Also: Assembly Bill No. 177—An Act to establish a department of agriculture and to define its duties, and to provide for its support and administration, said department of agriculture to take the place of and to perform some of the duties, hereinafter designated, of the State Board of Agriculture and the State Board of Horticulture.

Also: Assembly Bill No. 588—An Act to provide for the distribution of all bills, constitutional amendments, resolutions, files, journals, and histories of the California Legislature while in session.

Also: Assembly Bill No. 803—An Act to provide for the payment of the claim of M. F. Cochrane.

Also: Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 769—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanther, for murder.

Also: Assembly Bill No. 875—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an

appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 613—An Act to appropriate the sum of $432.03, to pay the claim of Edward Fanning, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Mr. Dunlap moved that the Assembly do now consider Assembly Bill No. 140.

So ordered.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the words "fifteen thousand" in line one, section one, page one, printed bill, and inserting in lieu thereof the words "ten thousand"; also, amend by striking out the words "its passage," in line two, section four, and inserting in lieu thereof the following: "July 1st, 1903."

Mr. Dunlap moved the adoption of the amendment.

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 140.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 140 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended by the Assembly.

FISK, Chairman

Report adopted.

Assembly Bill No. 140 ordered to print and third reading.

MESSAGES FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read first time, and ordered on Senate special file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Also: Passed the following. Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secratary.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to the taxation of insurance companies other than life.

Read first time, and ordered on Senate special file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 489—An Act making an appropriation of $6,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Ordered to enrollment.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Ordered to enrollment.

Assembly Bill No. 489—An Act making an appropriation of $22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Ordered to enrollment.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Ordered to enrollment.

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Withdrawn by author.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Dunbar moved that the Assembly do now consider Assembly Bill No. 697 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

SENATE AMENDMENT.

Amend by striking out of section one, line five, the word "production," and inserting the word "protection."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 697?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Bliss, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Hart, Higgins, Houser, John, Kelso, Killingsworth, King, Knight, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walker, Walsh, Wanzer, and Waste—52.

NOES—None.

Ordered to re-engrossment and enrollment.

SPECIAL URGENCY FILE -(RESUMED).

Mr. Houser asked that Assembly Bill No. 166 (250 on file) be placed on the special urgency file.

So ordered.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—57.

NOES—Messrs. Mattos and Pann—2.

Title read and approved.

Mr. McCartney asked permission to place Assembly Bill No. 931 (325 on file) on the special urgency file.

So ordered.

Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce, or nullity of marriage, or in anywise to advertise the word divorce, or any word affecting domestic relations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Kelso, Killingsworth, King, Mattos, McCartney, McLaughlin, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—60.

NOES—Messrs. Mahany, McMahon, and McMartin—3.

Title read and approved.

Mr. Dorsey asked permission to place Senate Bill No. 926 on the special urgency file.

Passed until Thursday, March 12, 1903, at request of Mr. Dorsey.

Mr. King asked permission to place Assembly Bill No. 623 (338 on file) on the special urgency file.

So ordered.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Hart, John, Kelso, Killingsworth, King, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Wanzer, and Waste—46.

NOES—Messrs. Brown, Greer, and Walsh—3.

Title read and approved.

Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Cromwell, Dougherty, Dunbar, Duryea, Finn, Foster, Goodrich, Hart, Higgins, Houser, John, Johnstone, Kelso, Killingsworth, King, Knight, Mahany, McCartney, McLaughlin, McMahon, McMartin, Olmsted, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Mr. Walsh asked permission to place Assembly Bill No. 969 (428 on file) on the special urgency file.

So ordered.

Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," approved ———, by amending Section 412 thereof.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

After the word "a," in line twenty, page two of printed bill, insert the words "domestic incorporation."

Amendment adopted.

AMENDMENT No. 2.

Strike out the title of the printed bill, and insert in lieu thereof the following: "An Act to amend Section 412 of the Penal Code, with reference to sparring exhibitions and prize-fights."

Amendment adopted.

Ordered to third reading, and made rush order to print.

Mr. Susman asked permission to place Senate Bill No. 305 (81 on file) on the special urgency file.

So ordered.

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Bates, Baxter, Black, Boisson, Brown, Burgess, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, John, Johnson, Kelso, Killingsworth, King, Leininger, Lewis of San Francisco, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—48.

NOES—Messrs. Camp, Copus, Finn, and McMahon—4.

Title read and approved.

At ten o'clock and four minutes P. M., the Speaker called Mr. John to the chair.

Mr. Bates asked permission to place Senate Bill No. 483 (97 on file) on the special urgency file.

So ordered.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read second time, and ordered to third reading.

Mr. Higgins asked permission to place Assembly Bill No. 178 (113 on file) on the special urgency file.

So ordered.

Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Sections 779 thereof, relating to the reporters of the Supreme Court.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Bates, Baxter, Black, Boisson, Brown, Burgess, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Killingsworth, King, Leininger, Mahany, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Snyder, Soward, Stansell, Steadman, Susman, Walsh, Wanzer, Waste, and Wright—46.

NOES—Messrs. Amerige, Camp, Johnson, Kelso, McMahon, Prescott, and Transue—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Copus gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 178 was this day passed.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm and to appropriate money therefor.

Read second time.

MOTION.

Mr. McConnell moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bill No. 47.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bill No. 47 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm and to appropriate money therefor—and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bill No. 47 ordered to third reading.

Mr. Allen moved that at the hour of ten o'clock and thirty minutes the Assembly consider the Senate special file for the purpose of reading the bills thereon a second time.

So ordered.

SPECIAL URGENCY FILE —(RESUMED).

Mr. Snyder asked permission to place Assembly Bill No. 866 (417 on file) on the special urgency file.

So ordered.

Assembly Bill No. 866—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as the "Nevada County State School," and to make an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Assembly Bill No. 866.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Assembly Bill No. 866 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 866—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as the "Nevada County State School," and to make an appropriation therefor—and do now report the same back without recommendation.

JOHN, Chairman.

Report adopted.

Assembly Bill No. 866 ordered to third reading.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read second time, and ordered to third reading.

Mr. Johnson asked permission to place Assembly Bill No. 76 (265 on file) on the special urgency file.

So ordered.

Assembly Bill No. 76—An Act to pay the claim of John M. Bird, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bates, Black, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Finn, Foster, Goodrich, Houser, John,

Johnson, Kelso, King, Leininger, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Wanzer, and Waste—42.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE.

Mr. Dunlap moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed Senators Ward, Hubbell, and Sanford as a conference committee to confer with a like committee, already appointed, from your honorable body upon Assembly amendments to Senate Bill No. 34.

Also: Passed Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Assembly Bill No. 360—An Act making an appropriation of $6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor

Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

And concurred in Assembly amendments to Senate Bill No. 917.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Ordered to enrollment.

Assembly Bill No. 360—An Act making an appropriation of $6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Ordered to enrollment.

Assembly Bill 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor—and respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Wanzer moved that the Assembly do now consider the Senate amendments to Assembly Bill No. 811.

So ordered.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

SENATE AMENDMENT NO. 1.

Amend by striking out the words and figures "twenty thousand (20,000)" in line one, first page, printed bill, and inserting in lieu thereof the following: "ten thousand (10,000)."

SENATE AMENDMENT No. 2.

Amend by striking out the words and figures "twenty thousand (20,000)" in lines two and three, section two, first page, printed bill, and inserting in lieu thereof the following: "ten thousand (10,000)."

SENATE AMENDMENT No. 3.

Amend by striking out all of section four, second page, printed bill, and inserting in lieu thereof the following:

"SEC. 4. Of the sum hereby appropriated five thousand dollars shall be available on the first day of July, nineteen hundred and three, and five thousand dollars shall be available on the first day of July, nineteen hundred and four."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 811?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Black, Burgess, Camp, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Mattos, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Snyder, Soward, Stansell, Susman, Traber, Transue, Wanzer, and Waste—43.

NOES—None.

Ordered to enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Assembly Bill No 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Assembly Bill No 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Ordered to enrollment.

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Ordered to enrollment.

Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Ordered to enrollment.

SENATE SPECIAL FILE.

Senate Bill No. 102—An Act to appropriate the sum of $2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Read second time.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills No. 102 and 637.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills No. 102 and 637 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 102 and 637, and do now report them back, and recommend that they do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 102 and 637 ordered to third reading.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Passed on file.

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto, a new section to be numbered $4\frac{1}{2}$, relating to arrests for violation of Acts for prevention of cruelty to children.

Read second time, and ordered to third reading.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Read second time.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making an appropriation therefor.

Read second time.

The following committee amendment was submitted:

Amend by striking out the word "immediately" in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "January first, 1906"

Amendment adopted.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 131 and 129.

So ordered.

IN COMMITTTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 131 and 129 considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 131 and 129, and do now report the same back, and recommend that the same do pass, except that Senate Bill No. 129 pass as amended.

JOHN, Chairman.

Report adopted.

Senate Bill No. 131 ordered to third reading.

Senate Bill No. 129 ordered to print and third reading.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Read second time, and ordered to third reading.

Senate Bill No. 574—An Act to amend the Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read second time, and ordered to third reading.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiners, making an appropriation for that purpose and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Passed on file.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Passed on file.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Read second time.

Senate Bill No. 78—An Act making additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read second time.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 247, 78, and 375.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 247, 78, and 375 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 247, 78, and 375, and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 247, 78, and 375 ordered to third reading.

Senate Bill No. 899—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises with any other like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

Read second time, and ordered to third reading.

Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read second time.

Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipes, and placing in the several rooms of the State Capitol the necessary steam radiators, to properly heat said rooms by steam.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills No. 246 and 602.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 246 and 602 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 246 and 602, and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 246 and 602 ordered to third reading.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp, and overflowed lands, and to promote the public health in the communities in which they lie.

Read second time, and ordered to third reading.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read second time, and ordered to third reading.

Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of the county boards of health, or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Passed on file.

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bill No. 786.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bill No. 786 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same—and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bill No. 786 ordered to third reading.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Passed on file.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Passed on file.

Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions.

Read second time, and ordered to third reading.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Read second time, and ordered to third reading.

Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Read second time, and ordered to third reading.

Senate Bill No. 367—An Act to amend Section 1668, relating to physical culture and exercises.

Read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "in accordance with an approved and rational system under competent teachers," in lines six and seven, first page, printed bill

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all after period in line ten, first page, printed bill.

Amendment adopted.

Senate Bill No. 367 ordered to print and third reading.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Read second time.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 330 and 273.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 330 and 273 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 330 and 273, and do now report the same back and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 330 and 273 ordered to third reading.

Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of, and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Read second time.

Senate Bill No. 238—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 429 and 238.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 429 and 238 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 429 and 238, and do now report the same back, and recommend that the same do not pass.

JOHN, Chairman.

Senate Bills Nos. 429 and 238 ordered to third reading.

Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

Read second time, and ordered to third reading.

Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583*a*, relating to banks and banking.

Passed on file.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Read second time, and ordered to third reading.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlement of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Read second time, and ordered to third reading.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read second time, and ordered to third reading.

Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Read second time, and ordered to third reading.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Passed on file.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing, also, for the compensation and the expenses of said commissioner and secretary.

Read second time, and passed on file.

Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Read second time.

Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 481 and 582.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 481 and 582 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 481 and 582, and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 481 and 582 ordered to third reading.

Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipes, and placing in the several rooms of the State Capitol the necessary steam radiators, to properly heat said rooms by steam.

Passed on file.

Senate Bill No. 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Read second time.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia for the State of California during the Spanish-American War.

Passed on file.

Senate Bill No. 613—An Act to appropriate the sum of $833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Read second time.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Read second time.

Senate Bill No. 431—An Act to appropriate $500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney at law for the State Board of Examiners.

Read second time.

MOTION.

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills No. 661, 613, 651, and 431.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills No. 661, 613, 651, and 431 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 661, 613, 651, and 431, and do now report the same back, and recommend that they do pass.

JOHN, Chairman.

Report adopted.

Senate Bills Nos. 661, 613, 651, and 431 ordered to third reading.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read second time, and ordered to third reading.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Read second time.

Senate Bill No. 393—An Act to appropriate $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist, to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Read second time.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read second time.

Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with Mr. John in the chair, for the purpose of considering Senate Bills Nos. 625, 393, 323, 471, and 310.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. John in the chair.

Senate Bills Nos. 625, 393, 323, 471, and 310 were considered in Committee of the Whole.

IN ASSEMBLY.

Mr. John in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos 323, 625, 471, 310, and 393, and do now report the same back, and recommend that the same do pass.

JOHN, Chairman.

Report adopted.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read second time, and ordered to third reading.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read second time, and ordered to third reading.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by infiltration or intrusion of water therein.

Read second time, and ordered to third reading.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read second time, and ordered to third reading.

Mr. Brown moved that the Assembly do now consider Senate Bills Nos. 534 and 230 and read them a second time.

So ordered.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read second time, and ordered to third reading.

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 722—An Act creating the State Board of Examiners as an ex officio Board of Bank Commissioners, and prescribing their duties and powers—have had the same under consideration, and respectfully report the same back without recommendation.

TRANSUE, Chairman.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 938—An Act making an appropriation to pay the claim of J. W. Sibole—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DORSEY, Chairman.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock A. M. of Thursday, March 12, 1903.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 12, 1903.

The Assembly met at ten o'clock A. M., pursuant to adjournment. Speaker Fisk in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—74

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Tuesday, March 10, 1903, was read, corrected, and approved.

REPORT OF STANDING COMMITTEE.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: Concurrent Resolution relative to consent of the Legislature to absence from the State of State Treasurer Truman Reeves for a period not to exceed three months.

CARTER, Chairman.

Mr. Carter moved the adoption of the report.

The question being on the adoption of the report.

The roll was called.

CALL OF THE HOUSE.

Pending roll call and at ten o'clock and ten minutes A. M., Mr. Carter moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Mr. Speaker—49.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty minutes A. M., Mr. Carter moved that further proceedings under call of the House be dispensed with.

So ordered.

ROLL CALL RESUMED.

The roll call was resumed, and the report adopted by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—59.

NOES—None.

INTRODUCTION AND REFERENCE OF RESOLUTION.

By Mr. Prescott:

ASSEMBLY CONCURRENT RESOLUTION No. 17.

Relative to the consent of the Legislature to absence from the State of State Treasurer Truman Reeves for a period not to exceed three months.

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California has consented and does hereby consent that State Treasurer Truman Reeves may depart from the State of California at any time during his official term as State Treasurer, for a period not to exceed three months from and immediately succeeding to the time of his departure.

Referred to Committee on Ways and Means.

## REPORT OF STANDING COMMITTEE.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Also: Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State

Report the same back, with the recommendation that they do pass.

JOHNSON, Chairman.

## REPORT OF SELECT COMMITTEE ON JOINT CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Joint Committee of Conference on Senate Bill No. 34 have had the same under consideration and report the following recommendations:

That the Assembly recede from the amendment proposed by Mr. Mattos, to wit: To strike out of line five of printed bill the word "ninety-nine" and insert the word "twenty-five."

And that the Senate concur in the amendment proposed by Mr. McCartney, to wit: Amend by striking out all after section seven hundred and eighteen (718), and inserting in lieu thereof the following words:

"No lease or grant of any town or city lot, for a longer period than fifty years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years.

"SEC. 2. This Act shall take effect and be in force from and after its passage."

And that the bill be agreed upon as per the attached printed copy, to wit:

### SENATE BILL NO. 34.

An Act to amend section seven hundred and eighteen of the Civil Code, relating to leases of city and town lots.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven hundred and eighteen of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot, for a longer period than fifty years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years.

SEC. 2. This Act shall take effect and be in force from and after its passage.

(Signed:)

HUBBELL,
WARD,
SANFORD,
Committee on part of the Senate.
McCARTNEY,
CARTER,
MATTOS,
Committee on part of Assembly

Mr. McCartney moved the adoption of the report.

The question being on the adoption of the report.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—None.

Mr. McCartney moved that the action of the Assembly be immediately transmitted to the Senate.

MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-second class.

Read first time, and referred to Committee on County and Township Governments.

Committee Substitute for Senate Bills Nos. 638, 881, 643 and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read first time, and referred to Committee on Commissions and Public Expenditures, with instructions to report at two o'clock P. M.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trust by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Ordered to enrollment.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Ordered to enrollment.

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Ordered to enrollment.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trust by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Ordered to enrollment.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Read first time, and referred to Committee on County and Township Governments.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters—and respectfully ask your honorable body to concur in said amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Higgins moved that the Assembly do now consider Assembly Bill No. 635, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

SENATE AMENDMENT.

Amend by inserting between the words "taken" and "the," in line fourteen, section one of printed bill, the words "all arraignments, pleas, and sentences of defendants in criminal cases."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 635?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Dougherty, Drew, Ells, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, McCartney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walker, Wanzer, Waste, and Mr. Speaker—52.
NOES—None.

Ordered to re-engrossment and enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Senate Bill No 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Read first time, and ordered on Senate special file.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day herewith returns to your body Senate Bill No. 243, as per your request.

F. J BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Ordered returned to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Senate Bill No. 925—An Act to purchase from William Cogswell, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor.

Also: Passed Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor.

Read first time, and referred to Committee on Ways and Means.

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 256—An Act to establish the Northern California Polytechnic School in the Sacramento Valley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

BARNES, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 690—An Act to establish uniform rates to be charged by any company or corporation doing business within municipal corporations exceeding 2,500 inhabitants in the State of California for furnishing electric lights and electric horsepower to the inhabitants thereof, and establishing the method of fixing said rates, and providing for a penalty for a violation of the provisions of this Act—have had the same under consideration, and respectfully report the same back without recommendation.

ALLEN, Chairman.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 750—An Act making an appropriation for the improvement of streets adjacent to the grounds of the University of California, in Alameda County, and the construction of cement sidewalks thereon, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back without recommendation.

WASTE, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 883—An Act to amend Section 1617 of the Political Code, relating to boards of trustees of school districts, and city boards of education—have had the same under consideration, and respectfully report the same back, with recommendation that it do not pass.

MATTOS, Chairman.

Mr. Greer moved that Senate Bill No. 38 be recalled from Committee on Roads and Highways, and placed on the Senate special file.

So ordered.

RESOLUTION.

By Mr. Prescott:

WHEREAS, It appears from the report of the special committee appointed to investigate the State prisons that the system of management and construction of buildings is unsatisfactory, not in accord with modern ideas and the best principles of penology, and a disgrace to the State, demanding a complete change, the erection of differently arranged buildings, etc; and

WHEREAS, The report of the said committee shows that much time and careful consideration will be necessary before the proper changes can be even recommended to the Legislature, therefore, be it

*Resolved by the Assembly*, That a committee consisting of three Assemblymen be appointed by the Speaker to thoroughly investigate what change and improvements in the construction and arrangement of building and in the system of managing said State prisons, including in such investigation their system of keeping accounts, methods of punishment, dietary, the segregation of prisoners, and all other matters pertaining to the management of said prisons, with a view of making them fully up to the best standards of such institutions in the United States; with direction to report in full their findings to the next session of the Legislature. And said committee is hereby authorized to visit and investigate said prisons, their systems, and managements, and accounts, construction, etc., with the right to examine any and all persons connected with said institutions, whether officers, employés, or prisoners. And said committee is hereby

authorized to employ a clerk to assist them in their work. The Superintendent of State Printing is hereby directed to print such matter as said committee may require at any time.

Said committee shall be entitled to and receive, payable out of the Contingent Fund of the Assembly, such sums or sum as may be necessary to defray their necessary traveling expenses, incidental to such examinations and investigations, and such sum as may be required to pay the clerk employed by them under and by virtue of this resolution.

Resolution read.

Mr. Prescott moved the adoption of the resolution.

Mr. Allen moved to amend by postponing the consideration of the resolution until after the consideration of the report of the Select Committee on State Prisons and Reformatories this afternoon.

Amendment accepted by Mr. Prescott, and so ordered.

Mr. Dunlap moved that the consideration of special orders, Assembly Bill 925 (7 on file) and Assembly Bill No. 937 (8 on file), be postponed until two o'clock P. M.

So ordered.

Mr. Fisk moved that the time for debate on Assembly Bill No. 925 (7 on file) and Assembly Bill No. 937 (8 on file) be extended to one hour, one half hour to be allowed either side.

So ordered.

At ten o'clock and fifty minutes P. M., Speaker Fisk called Speaker pro tem. Carter to the chair.

MOTION.

Mr. Higgins moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 178 was on yesterday passed.

Mr. Higgins moved to lay the motion on the table.

Motion carried.

SPECIAL ORDER.

Mr. Johnson moved that the Assembly do now consider Senate Bill No. 153 (5 on file), made a special order for this time.

So ordered.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Camp, Carter, Copus, Covert, Dougherty, Drew, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Mattos, McCartney, McConnell, McKenney, McMahon, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Wright—53.

NOES—None.

Title read and approved.

RESOLUTIONS.

By Mr. Bliss:

*Resolved*, That the sum of $450 is hereby appropriated from the Contingent Fund of the Assembly for the purpose of storing and branding all the furniture belonging to the Assembly Chamber and for the use of the different committees; also for the purchase of boxes, packing, marking, and shipping of all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Controller is hereby authorized and directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount ($450), and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Ways and Means.

By Mr. Bliss:

*Resolved*, That the attachés of the postal service of the Assembly be and they are hereby directed to remain at the Capitol for one week after the final adjournment of the Assembly, for the purpose of caring for the mail and sending the same to members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrants in payment of same, and the State Treasurer is hereby authorized and directed to pay same.

Resolution read, and referred to Committee on Ways and Means.

MOTIONS.

Mr. Allen moved that the Assembly do now reconsider the vote whereby Senate Bill No. 243 was on yesterday passed.

Mr. Allen moved to lay the motion on the table.

Motion carried.

Mr. Mott moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 495 was on yesterday passed.

Mr. Johnson moved to lay the motion on the table.

Motion carried.

RESOLUTION.

By Mr. Boisson:

*Resolved*, That whereas there will be several clerks retained for some time after the adjournment sine die of the Legislature for the purpose of completing the business of the various departments to which each are attached; and

WHEREAS, A Porter will be a necessary adjunct to said clerks; therefore, be it

*Resolved*, That George H. Poole be and he is hereby appointed as such Porter, and he is directed to remain at the State Capitol (during all of the time that such clerks shall remain) for the purpose of performing such work as may be required of a Porter by such clerks; and be it further

*Resolved*, That for such services so to be rendered he, the said George H. Poole, is hereby allowed the sum of fifty (50) dollars, payable out of the appropriation for the contingent expenses of the Assembly.

The State Controller is hereby directed to draw his warrant in favor of said George H. Poole for said sum of fifty (50) dollars upon said appropriation, and the State Treasurer is hereby directed to pay the same.

Resolution read.

Referred to Committee on Ways and Means.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed: Assembly Bill No 866—An Act to provide for the transfer from the "Whittier State School" at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Nevada County State School," and to make an appropriation therefor.

AMERIGE, Chairman.

MOTION.

Mr. Lewis of Riverside moved that Assembly Bill No. 495 be immediately transmitted to the Senate.

So ordered.

RESOLUTIONS.

By Mr. Knight:

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of J. P. Greeley and J. H. Harney, as assistant clerks, be

retained after the close of the session of the Assembly in order to carry out the duties imposed upon the Chief Clerk and his assistants by said section; and be it further

*Resolved*, That said J. P. Greeley and J. H. Harney be and they are hereby allowed that compensation provided for in Section 269 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly; and the State Controller is hereby directed to pay the same and draw his warrant therefor out of and upon said fund.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Rolley:

*Resolved*, That Bert H. Swan, History Clerk, Benj L. Peckham, Assistant History Clerk, and Ed. J. Smith, Assistant Clerk, be and they are hereby authorized and directed to compile, prepare, and have printed a final calendar or history of the legislative business of the thirty-fifth session, embracing a history of all bills introduced, their authors, the number that have become laws, and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide and history and calendar of the session's business; together with this shall be the expenses of the Senate and Assembly and of printing; such information being prepared not only for the public, but as a guide for the thirty-sixth session of the Legislature. For the purpose of carrying out this work, the sum of one hundred and seventeen dollars ($117) each, is hereby allowed said above-named persons. (Fifty dollars of the sum total being to pay the expressage, postage and expenses of forwarding copies of such final history or calendar to each member of the Legislature and for other expenses in connection therewith ) And the State Controller is hereby directed to immediately draw his warrants in favor of said persons, in said sums, upon the appropriation of the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrants.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Amerige:

*Resolved*, That Jesse A. Galland, Engrossing and Enrolling Clerk of the Assembly, and S. P. Moorhead and C L. Pardee, his assistants, be and they are hereby employed after the final adjournment for the purpose of completing the work of that department, and delivering the books and registers into the hands of the Secretary of State; and that they each be allowed the sum of fifty (50) dollars, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrants for said amounts in favor of the above-named persons, and the Treasurer is hereby directed to pay the same

Resolution read.

Referred to Committee on Ways and Means.

By Mr. John:

*Resolved*, That R. L Dempsey, Journal Clerk of the Assembly, and George Wells, his assistant, be and they are hereby employed after the final adjournment of the thirty-fifth session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Assembly, in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly, when completed, and that they each be allowed the sum of $50 from and after the final adjournment of the thirty-fifth session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Wanzer:

*Resolved*, That Al Lewald, Bookkeeper to the Sergeant-at-Arms, be allowed the sum of one hundred and fifty dollars ($150.00) as payment for overtime work and additional services rendered this Assembly, and for the purpose of completing the work devolving upon said bookkeeper after the close of the session. And the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount, in favor of said Lewald, and the State Treasurer is hereby directed to pay the same.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Greer:

WHEREAS, The attachés of the Assembly have not been paid the full amount due to them by reason of certain per diem being cut from their first week's pay; and whereas, there are two payrolls, numbered respectively number one and number two; and whereas, those on payroll number one have lost one day's pay and those on payroll number two, three days' pay; now, therefore, be it

*Resolved*, That the Controller be hereby instructed to draw his warrants for the present week, for those on payroll number one for eight days' pay, and for those on payroll number two, for ten days' pay, and the State Treasurer is hereby instructed to pay the same.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. McMahon:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant for $200, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of Daniel S. O'Brien for legal services rendered in the election contest of Seavy vs. Lewis, for the contestant.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Stansell:

*Resolved*, That J. K. Vail be and he is hereby continued as Messenger to the State Printer after adjournment of the Assembly, until the work at the desk is finished, and that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the sum of thirty-five dollars ($35) in favor of J. K. Vail, and the State Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Mott:

*Resolved*, That W. C. Guirey, File Clerk, be instructed and employed to remain in Sacramento after the close of the Legislature to properly close up the business of this, the thirty-fifth session, certify and deliver all books, bills, committee registers, etc., to the Secretary of State, deliver all property of this body to the proper officials, and do all necessary work in the premises, under the direction of the Chief Clerk, and that for so doing the sum of $100 be allowed said W. C. Guirey, and the Controller is hereby directed to immediately draw his warrant in favor of said W. C. Guirey in said sum against the Contingent Fund for the expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrant.

Resolution read, and referred to Committee on Ways and Means.

Assembly Concurrent Resolution No. 16—Relative to the files of the Senate and Assembly during the closing days of the legislative session.

Resolution read, and passed on file.

By Mr. Pann:

*Resolved*, That the Chaplain be and is hereby directed to report for duty daily for the usual prayer for the attachés and the Committee on Ways and Means, remaining after the regular adjournment of the Assembly.

Resolution read.

Referred to Committee on Ways and Means.

By Mr. Burgess:

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of F. W. Heatherly and Charles A. Thompson be retained as assistant clerks in order to carry out the duties prescribed in said section; and be it further

*Resolved*, That F W Heatherly and Charles A. Thompson be and they are hereby allowed the compensation provided for in Section 269 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read.

Referred to Committee on Ways and Means.

RECONSIDERATION GRANTED.

Mr. Knight moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 921 was on yesterday refused passage.

The question being, "Shall the Assembly reconsider the vote whereby Assembly Bill No. 921 was refused passage?"

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bliss, Boisson, Burgess, Camp, Dunbar, Dunlap, Finn, Gleeson, Greer, Hart, Higgins, Houser, Howard, John, Kelso, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Pann, Rolley, Siskron, Snyder, Stansell, Steadman, Susman, Traber, Wanzer, Waste, Weger, and Wright—43.

NOES—Messrs. Amerige, Black, Dougherty, Foster, Johnstone, Lumley, McMahon, Murphy, Olmsted, Pyle, Soward, and Walker—12.

Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Mr. Knight moved that a select committee of one be appointed to amend Assembly Bill No. 921, as follows:

Insert next after the word "city," where it first appears in line one of section one of printed bill, the words "of the first class."

The question being, "Shall a select committee of one be appointed?" Motion carried.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith—with instructions, does now report that the instructions of the Assembly have been carried out.

KNIGHT, Committee.

Report adopted.

Ordered to print and engrossment.

RUSH ORDER TO PRINT.

Mr. Knight moved that Assembly Bill No. 921 be ordered to print, with rush order, and made a special order for to-night at seven o'clock and thirty minutes.

So ordered.

Mr. Mattos moved that the Assembly do now consider messages from the Governor.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1903.

*To the Assembly of the State of California:*

I have the honor to inform your honorable body that I have approved Assembly Bill No 643—An Act making an appropriation to pay the claim of A W. North.

Also: Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

GEO C. PARDEE,
Governor of the State of California.

SPECIAL FILE.

Assembly Bills Nos. 538, 621, 204, Assembly Constitutional Amendment No. 3, and Assembly Constitutional Amendment No. 29, passed on file.

Mr. Camp asked permission to substitute Assembly Constitutional Amendment No. 15 (27 on file) for Assembly Constitutional Amendment No. 29 (19 on file).

So ordered.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15.

To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing a system of direct legislation, in the State of California, by means of the initiative and referendum.

The Legislature of the State of California at its regular session commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 1 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 1. The legislative power of this State shall be vested, save as otherwise in this Constitution provided, in a Senate and Assembly, which shall be designated "The Legislature of the State of California," and the enacting clause of every law shall be "The State of California doth enact as follows:"

Any law that said Legislature itself or the electorate of the State, as herein provided, might enact, the Legislature may submit to a vote of the electors of the State at a general or special election.

Upon the presentation to the Legislature of a petition or petitions signed by qualified electors in number equal to fifteen per cent of all the votes cast for persons voted for for Governor at the then last election of Governor, asking for submission to the electors of a law set forth in full in such petition or petitions, being a law that the Legislature itself might enact, or might enact except for the fact that it involves the repeal or amendment of a law adopted by the electorate as herein provided, it must either enact such law without amendment or submit the same to the electors at the next succeeding general election occurring subsequent to 80 days after the presentation of the petition or petitions, and such petition or petitions are signed by qualified voters in number equal to 15 per cent of the total number of votes last cast for Governor.

No Act passed by the Legislature shall go into effect until at least 90 days after its final passage except such measures as may be declared by the Legislature to be urgency measures necessary for the immediate preservation of the public peace, health or safety, and passed in each house by a two-thirds vote of all members selected

If a petition or petitions signed by qualified electors in number equal to 15 per cent of the total number of votes last cast for Governor is filed with the Secretary of State, asking that any law enacted by the Legislature be submitted to the electors (said petition or petitions having been filed within ninety days after the final passage of said law) then such law must be either repealed by the Legislature, or be submitted to the electors for approval or rejection at the next succeeding general election occurring subsequent to 80 days after the filing of the petition or petitions If such law has not gone into effect before the filing of such petition or petitions, and such petition or petitions are signed by qualified voters in number equal to twenty-five per cent of the total number of votes last cast for Governor, then said law shall not go into effect until and unless adopted at such an election. No Act of the Legislature once submitted shall be again so submitted except by a vote of the Legislature, or upon a petition signed by qualified electors equal to 15 per cent of all the votes cast for persons voted for for Governor at the then last election of a Governor. If a majority of the votes cast on any law or measure, submitted as herein provided to the electors of the State, shall be in favor thereof, the same shall, if not already in effect, go into effect 30 days after such

election, or as soon thereafter as the official count shall be determined, otherwise such law or measure shall stand repealed or rejected; such repeal shall take effect 30 days after such election, or as soon thereafter as the official count shall be determined. Such repeal of an Act repealing a former Act shall renew said former Act.

No measure adopted or approved by vote of the electorate shall be subject to veto, or be amended or repealed except by vote of the electorate.

If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Amendment read.

The question being on the adoption of Assembly Constitutional Amendment No. 15.

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

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Black, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Stansell, Steadman. Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—56.

NOES—Messrs. Allen, Brown, Duryea, Higgins, Mott, and Soward—6.

At eleven o'clock and forty-five minutes A. M., Mr. Brown moved that the hour of recess be extended until the completion of the consideration of Assembly Concurrent Resolution No. 16.

So ordered.

ASSEMBLY CONCURRENT RESOLUTION No. 16.

*Resolved by the Assembly, the Senate concurring*, That the following Special Joint Rule be adopted:

SPECIAL JOINT RULE No. 1.

After twelve o'clock midnight, Thursday, March 12, 1903, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This Special Joint Rule shall not apply to the General Appropriation bill, the Tax Levy bill, or bills that have been delayed by notice of reconsideration.

That no business affecting bills be transacted by either house after twelve o'clock midnight of Friday, March 13, 1903, and that both houses adjourn at midnight of Friday, March 13, 1903, until 9:30 A. M. of Saturday, March 14, 1903.

Resolution read.

Mr. Brown moved the adoption of the resolution.

Resolution adopted.

Mr. Olmsted asked permission to substitute Senate Bill No. 661 (99 on file) for Assembly Bill No. 877 (20 on file).

So ordered.

Senate Bill No. 661—An Act appropriating $5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, and Wanzer—59.

NOES—None.

Title read and approved.

Mr. Olmsted asked permission to substitute Senate Bill No. 786 (77 on file) for Assembly Bill No. 814 (21 on file).

So ordered.

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walsh, Wanzer, Waste, and Weger—60.

NOES—None.

Title read and approved.

Assembly Bills Nos. 877 and 814 withdrawn by author.

At eleven o'clock and fifty-five minutes A. M., Mr. Houser moved that the hour of recess be extended until twelve o'clock and thirty minutes P. M.

So ordered.

Mr. Barber moved that the Assembly do now consider Senate Bill No. 507 (76 on file).

So ordered.

Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of the county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Covert, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walsh, Waste, and Wright—53.

NOES—None.

Title read and approved.

Mr. Houser moved to substitute Assembly Bill No. 210 (176 on file) for Assembly Constitutional Amendment No. 20 (22 on file).

So ordered.

Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Black, Bliss, Burgess, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lux, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Pyle, Siskron, Soward, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Wright—47.

NOES—Mr. Carter—1.

Title read and approved.

Mr. Brown moved to substitute Senate Bill No. 230 (119 on file) for Assembly Bill No. 204 (17 on file).

So ordered.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walsh, and Waste—54.

NOES—None.

Title read and approved.

RESOLUTION.

By Mr. Siskron:

*Resolved*, That this Assembly in session do tender to Hon. M. J. Kerrigan a vote of condolence and regrets in the death of his father, which took place March 11th.

Resolution read and adopted.

SPECIAL FILE—(RESUMED).

Mr. Prescott moved to substitute Senate Bill No. 568 (40 on file) for Assembly Constitutional Amendment No. 3 (18 on file).

So ordered.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey Dougherty, Drew, Dunbar, Dunlap, Ells, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, Mattos, McKenney, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Susman, Transue, Walker, Waste, and Wright—49.

NOES—Messrs. Mott and Walsh—2.

Title read and approved.

Mr. McKenney asked that Senate Bill No. 905 be recalled from Committee on County and Township Governments, and placed on the Senate special file.

So ordered.

Mr. Mott moved that Senate Bill No. 273 (86 on file) be substituted for Assembly Bill No. 583 (15 on file).

So ordered.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos,

McCartney, McConnell, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Transue, Walsh, Wanzer, Waste, and Wright—56.
NOES—None.

Title read and approved.

Mr. Walsh asked that Senate Bill No. 514 be recalled from Committee on County and Township Governments, and ordered on the Senate special file.

So ordered.

Assembly Constitutional Amendment No. 21 passed on file.

Assembly Bill No. 957—An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bliss, Burgess, Camp, Carter, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Houser, John, Johnstone, Kelso, Killingsworth, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—46.
NOES—None.

Title read and approved.

Mr. Killingsworth moved to substitute Senate Bill No. 634 (61 on file) for Assembly Constitutional Amendment No. 31 (25 on file).

So ordered.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pyle, Rolley, Siskron, Snyder, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—55.
NOES—Mr. Duryea—1.

Title read and approved.

Mr. Amerige moved to substitute Senate Bill No. 674 (73 on file) for Assembly Constitutional Amendment No. 32 (26 on file).

So ordered.

Mr. Amerige moved that the hour of recess be extended until the completion of the consideration of Senate Bill No. 674.

So ordered.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Bliss, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Pyle, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walsh, Wanzer, Waste, and Weger—50.

NOES—None.

Title read and approved.

Mr. McKenney asked that Senate Bill No. 38 be placed on the Senate special file.

So ordered.

RECESS.

At twelve o'clock and thirty-five minutes P. M., Speaker pro tem. Carter declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker Fisk in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895—have had the same under consideration, and respectfully report the same back without recommendation.

TRANSUE, Chairman

RESOLUTION.

By Mr. Johnson:

*Resolved*, That the following entitled and numbered bills present a case and cases, with reference to each and every one thereof, of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

The bills covered by this resolution are entitled and numbered as follows:

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipes and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

**Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for the Care and Training of Feeble-Minded Children," to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara**

Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the National Guard of California established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency, using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code

Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Senate Bill No. 471—An Act to appropriate the sum of four hundred dollars to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E Tucker vs The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

Assembly Bill No. 941—An Act to provide for the purchase of the painting, "Departure of the First California Regiment from San Francisco, May 25, 1898," by the State Board of Examiners, and to appropriate money therefor.

Assembly Bill No. 933—An Act to amend Section 286 of the Penal Code of the State of California, relating to crime against nature.

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Senate Bill No 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation

Senate Bill No 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State

Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Assembly Bill No 892—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by infiltration or intrusion of water therein.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California

Assembly Bill No 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Assembly Bill No 645—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages

Senate Bill No. 224—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Senate Bill No 354—An Act to protect the manufacturing industries of this State

Substitute for Senate Bills Nos 638, 881, 643, and Assembly Bill No 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the

members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

Mr. Johnson moved the adoption of the resolution.

The previous question was demanded by Mr. Stanton.

Previous question ordered.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, and at two o'clock and thirty minutes P. M., Mr. McCartney moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—69.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and thirty-seven minutes P. M., Mr. McCartney moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Carter, Covert, Dougherty, Dunbar, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, King, Knight, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56.

NOES—Messrs. Amerige, Black, Brown, Camp, Copus, Finn, Goodrich, Kelso, Lewis of San Francisco, Mahany, McMahon, Murphy, and Walsh—13.

Mr. Dunlap moved that Assembly Bills Nos. 925 and 937—special orders for this hour—be continued until ten o'clock P. M. of this day.

So ordered.

STATEMENT BY MR. FISK.

I wish the Journal to show that, while I do not object to the continuance of the consideration of Assembly Bills Nos. 925 and 937, I am willing that both bills should be considered at this time, and placed upon their final passage.

At two o'clock and forty minutes P. M., Speaker Fisk called Mr. Bliss to the chair.

Mr. Brown moved that the report of the Select Committee on State Prisons and Reformatory Institutions be made a special order for this day at eleven o'clock P. M.

So ordered.

At three o'clock and fifty-two minutes P. M., Speaker Fisk in the chair.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed and re-engrossed:

Assembly Bill No. 969—An Act to amend Section 412 of the Penal Code, with reference to sparring exhibitions and prize-fights.

Assembly Bill No 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use, and providing punishment for violation thereof.

AMERIGE, Chairman.

Mr. Mott moved that the rules be suspended and that the bills covered by the resolution of urgency be now considered.

Motion lost.

SENATE SPECIAL FILE.

Committee Substitute for Senate Bill No. 73—An Act to appropriate $30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon, and to purchase dairy cows, all for the use of said hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnstone, Killingsworth, King, Knight, Leminger, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Carter, Covert, Drew, Dunbar, Dunlap, Finn, Foster, Gleeson, Hart, Higgins, Howard, John, Johnstone, Killingsworth King, Knight, Leminger, Lewis of San Francisco, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—None

Title read and approved.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled an Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Duryea, Finn, Foster, Goodrich,

Higgins, Howard, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Pann, Prescott, Pyle, Rolley, Siskron, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—53.

NOES—Messrs. Amerige, Covert, and Dunbar—3.

Title read and approved.

Senate Bill No. 664—An Act to amend Section 2517 of the Political Code, relating to the powers of the State Harbor Commissioners.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Bliss, Carter, Copus, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Higgins, John, Johnson, Killingsworth, Knight, Lux, Mattos, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Pann, Prescott, Pyle, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—42.

NOES—Messrs. Bangs, Covert, Dougherty, Drew, Johnstone, King, Leininger, Mahany, and Snyder—9.

Title read and approved.

MOTION.

Mr. Walsh moved that the Assembly do now consider Senate Bill No. 27 (38 on file).

Motion lost.

SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Copus, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Higgins, Howard, John, Johnson, Killingsworth, King, Knight, Leininger, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Gleeson, Higgins, Houser, Howard, John, Johnson, Killingsworth, King, Knight, Leininger, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Senate Bill No. 162—An Act to appropriate the sum of $9,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Gleeson, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Weger, Wright, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Higgins, Howard, John, Johnstone, Kelso, Killingsworth, King, Knight, Lux, Mahany, McKenney, McLaughlin, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Mr. Murphy moved that the Assembly do now consider Assembly Bill No. 549, for the purpose of reading and approving the title thereof.

So ordered.

Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use, and providing punishment for violation thereof.

Title read and approved.

Senate Bill No. 102—An Act to appropriate the sum of $2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Howard, John, Johnstone, Kelso, Killingsworth, Knight, Lux, Mahany, McConnell, McKenney, McLaughlin, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, and Weger—51.

NOES—None.

Title read and approved.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Killingsworth, Knight, Leininger, Lux, Mahany,

McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Gleeson, Greer, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, Knight, Lux, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Murphy, Pann, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Mr. Higgins moved to substitute Senate Bill No. 423 (79 on file) for Senate Bill No. 145 (57 on file).

Motion carried.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Gleeson, Greer, Higgins, Howard, John, Kelso, Killingsworth, King, Leininger, Lumley, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, Moore, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—54

NOES—Mr. Johnson—1

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California, relating to the definition of words.

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos and the construction of a new power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of $600.00, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Assembly Bill No 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General and to fix their compensation.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of $6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Assembly Bill No. 507—An Act to appropriate $14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Assembly Bill No. 494—An Act to appropriate $3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Assembly Bill No. 400—An Act to appropriate $2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California, in and for the County of San Bernardino.

Assembly Bill No. 390—An Act to appropriate $500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills, a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.

Assembly Bill No. 365—An Act to appropriate $45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 364—An Act to appropriate $2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of $1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of Judgments of the Superior Court of Calaveras County, page 333.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of $550 obtained in the Superior Court of the State of California in and for the County of Amador on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Assembly Bill No. 111—An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure by adding thereto a new section, relating to taking depositions, to be numbered 2025½.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Assembly Bill No 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a standing committee of the State Board of Education on school text-books, authorizing said committee, subject to approval of the State Board of Education, to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of State school text-books; granting powers, subject to the approval of the State Board of Education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county, and city and county boards of education must select books for supplementary use in the primary and grammar schools; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the

penalty for failure to use the State series of school text-books, authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State school-book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of State school text-books.

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

And were presented to the Governor March 12, 1903, at two o'clock and twenty minutes P. M.

AMERIGE, Chairman.

MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as case of urgency) Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read first time.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Senate Bill No. 927 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr Dunlap moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Ells, Goodrich, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—56

NOES—None.

Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read second time.

MOTION.

Mr. Dunlap moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 927.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 927 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Cromwell, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lux, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—54.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 19—Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

SENATE CONCURRENT RESOLUTION No. 19.

Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793.

*Resolved by the Senate, the Assembly concurring*, That the State Printer be and he is hereby instructed to print two thousand copies of Senate Bill No 792, and five thousand copies of Senate Bill No. 793, and that the copies so printed shall be delivered to the Secretary of State, who shall mail the copies of said bills in such numbers as he may deem proper to the various boards of supervisors of the State, registrars of voters, city councils, town trustees, and to the governing bodies of the several political parties in the State, be it further

*Resolved*, That this resolution is conditioned upon the approval of said bills by the Governor.

Resolution read and adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor and providing penalties for the violation thereof.

F. J. BRANDON, Secretary of the Senate
By I S. LOGAN, Assistant Secretary.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Covert, Drew, Duryea, Finn, Foster, Goodrich, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leminger, Lewis of Riverside, Lux, Mahany, McConnell, McKenney, McMahon, McMartin, Moore, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, and Waste—51.

NOES—Messrs. Dunbar, Mattos, Pann, Stansell, and Weger—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Amerige gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 423 was this day passed.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs Bangs, Barnes, Bates, Baxter, Boisson, Brown, Burgess, Camp, Copus, Cromwell, Dorsey, Dougherty, Drew, Goodrich, Higgins, Howard, John, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lux, McConnell, McKenney, McMartin, Olmsted, Prescott, Pyle, Snyder, Soward, Steadman, Susman, Traber, Transue, Wanzer, Waste, and Mr. Speaker—39.

NOES—Messrs Dunbar, Dunlap, Houser, Mahany, Mattos, McLaughlin, McMahon, Moore, and Weger—9.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mattos gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 129 was this day refused passage.

At four o'clock P. M., Speaker Fisk called Mr. Johnson to the chair.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at four o'clock and twelve minutes P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and twenty minutes P. M., Mr. Copus moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Black, Bliss, Boisson, Carter, Dorsey, Drew, Dunlap, Foster, Gleeson, Higgins, Howard, Johnson, Kelso, Lewis of Riverside, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Mott, Pann, Prescott, Pyle, Rolley, Soward, Stanton, Traber, Transue, Walsh, Wanzer. Waste, Wright, and Mr. Speaker—39.

NOES—Messrs. Amerige, Bangs, Bates, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dougherty, Dunbar, Finn, Goodrich, Greer, Houser, John, Killingsworth, King, Knight, Leininger, Mahany, Mattos, McMahon, Moore, Murphy, Olmsted, Siskron, Snyder, Steadman, Susman, Walker, and Weger—32.

MOTION.

Mr. Killingsworth moved that the hour of recess be extended until six o'clock P. M.

Motion carried.

MESSAGES FROM THE SENATE.

Mr. Carter moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.

Also: Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Also: Assembly Bill No. 868—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purposes," approved February 19, 1901.

Read first time, and ordered on Senate special file.

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors, and the manner of voting for the same.

Read first time, and ordered on Senate special file.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Ordered to enrollment.

RESOLUTIONS.

By Mr. Stanton:

*Resolved*, That there be and is hereby appropriated out of the Contingent Fund of the Assembly the sum of one hundred ($100) dollars to be paid to J. Steppacher for services rendered to the Committee on Elections and Election Laws; and be it further

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of said J. Steppacher for the sum of one hundred ($100) dollars, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Ways and Means.

By Mr. Bliss:

*Resolved*, That C. W. Curtis be and he is hereby employed to remain in Sacramento after final adjournment for the purpose of completing the file of chapters of the thirty-fifth session of the Legislature, and for the purpose of carrying out this work the sum of seventy-five dollars is hereby appropriated out of the Contingent Fund of the Assembly, twenty-five dollars of the sum total being used to pay expenses of forwarding a complete file of said chapters to each member's home address, and other expenses appertaining thereto.

The State Controller is hereby directed to draw his warrant for seventy-five dollars in favor of said C. W. Curtis, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Ways and Means.

MOTION.

Mr. Walsh moved that the Assembly do now consider Senate Bill No. 27 out of order.

Motion carried.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bliss, Boisson, Camp, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Finn, Foster, Gleeson, Hart, Higgins, John, Kelso, Killingsworth, Knight, Leminger, Lux, Mahany, McMahon, McMartin, McNeil, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stanton, Susman, Walsh, and Wright—38.

NOES—Messrs Barnes, Bates, Brown, Burgess, Carter, Drew, Goodrich, Greer, Houser, Howard, Johnson, Johnstone, King, Lewis of Riverside, Lumley, McConnell, Moore, Olmsted, Soward, Steadman, Traber, Transue, Wanzer, Waste, and Weger—25

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Greer gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 27 was this day refused passage.

Mr. Goodrich gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 345 was this day passed.

CASES OF URGENCY.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Read second time.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Amerige, Barber, Barnes, Bliss, Boisson, Burgess, Carter, Copus, Covert, Dorsey, Duryea, Ellis, Finn, Foster, Goodrich, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, King, Knight, Lumley, Lux, Mahany, McMartin, McNeil,

Mott, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Wanzer, Waste, Wright, and Mr. Speaker—44.

NOES—Messrs. Brown, Camp, Dougherty, Drew, Kelso, Lewis of Riverside, Mattos, McLaughlin, and Moore—9.

Title read and approved.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Read second time, and considered engrossed.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Baxter, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Lux, McCartney, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Waste, Weger, and Wright—48

NOES—Mr. Allen—1.

Title read and approved.

Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read second time.

MOTION.

Mr. Olmsted moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 915.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 915 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 915, and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Goodrich, Higgins, Houser, Howard, Johnson, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lux, McConnell, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Read second time.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622*a*, relating to taxation of insurance companies other than life.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Baxter, Bliss, Boisson, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Hart, Higgins, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lumley, Lux, Mahany, Mattos, McConnell, McLaughlin, McMahon, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Walker, Wanzer, Waste, Weger, and Wright—51.

NOES—None.

Title read and approved.

Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Baxter, Bliss, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leminger, Lumley, Lux, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Murphy, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Weger, and Wright—52.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Assembly Bill No 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Assembly Bill No. 660—An Act to appropriate the sum of $550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A Forster vs. The State of California," in the Superior Court of the County of Orange.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to terms of office.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Assembly Concurrent Resolution No. 11—Relative to adjournment.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 811—An Act to provide for the preservation, improvement and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Assembly Bill No 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital

Assembly Bill No. 360—An Act making an appropriation of $6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Assembly Bill No. 84—An Act to appropriate $59,680 to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

And were presented to the Governor March 12, 1903, at four o'clock and twenty-five minutes P. M.

AMERIGE, Chairman.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Read second time.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ellis, Foster, Greer, Higgins, Howard, John, Johnson, Kelso, Knight, Lewis of Riverside, Lux, Mattos, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Title read and approved.

Assembly Bill No. 968—An Act to authorize and empower the Trustees of the California Home for the Care and Training of Feeble-Minded Children to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Read second time, and considered engrossed.

Assembly Bill No. 968—An Act to authorize and empower the Trustees of the California Home for the Care and Training of Feeble-Minded Children to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Baxter, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Kelso, Killingsworth, King, Knight, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Walker, Waste, Weger, and Wright—50.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE.

Mr. Johnson, in the chair, announced that the Assembly would now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 12, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 944 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—and ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Brown moved that the Assembly do now consider Assembly Bill No. 18 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

SENATE AMENDMENTS.

By striking out of section two, line seven, the words and figures "ten thousand ($10,000)" and inserting in lieu thereof the following words and figures: "six thousand ($6,000)."

Also: Strike out of section two, line eight, the words and figures "ten thousand ($10,000)" and insert in lieu thereof the words and figures "six thousand ($6,000)."

By inserting in section four, page three, line four, between the words "papers" and "as," the following: "relating to any public institution mentioned in section three of this Act."

Also: Section four, line ten, page four, after the word "matter," and before the word "appertaining," insert the words "relating to public institutions mentioned in section three of this Act."

Also: Amend by striking out of section three, page two, lines six and seven, the words "and such private institutions as receive public funds."

Also: By striking out of section three, page two, line eight, after the word "officers," the words "or boards."

Also: In section three, page two, line nine, after the word "poor," add the following: "in public institutions."

Also: Amend by inserting in section three, page three, line eleven, the word "public" between the words "such" and "institutions."

Also: In section three, page three, line twenty-two, insert the word "public" between the words "all" and "institutions."

Also: By striking out of section three, page three, line twenty-five, after the word "officers" the words "persons or boards."

Also: In section three, page three, line twenty-seven, insert the word "public" between the words "said" and "institutions."

Also: In section three, page three, line thirty-three, insert the word "public" between the words "the" and "institutions."

Also: Amend by striking out of section five, page four, line four, the words "institutions either public or private claiming State aid," and inserting the following words: "public institutions."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 18?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Baxter, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Houser, Howard, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, McConnell, McLaughlin, McNeil, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, and Wright—49.

NOES—None.

Ordered to re-engrossment and enrollment.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the National Guard of California, established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Read second time, and considered engrossed.

MOTION.

Mr. Wanzer moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 870.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 870 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the National Guard of California established near the City of Santa Cruz, in the County of Santa Cruz, State of California—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Assembly Bill No. 870—An Act making an appropriation of $10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the

National Guard of California, established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Baxter, Bliss, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, Johnson, Johnstone, Killingsworth, King, Knight, Lumley, McCartney, McLaughlin, McNeil, Moore, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Wanzer, and Wright—44.

NOES—Messrs. Allen, Amerige, Kerrigan, Stanton, and Weger—5.

Title read and approved.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Read second time, and considered engrossed.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Brown, Burgess, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lumley, Mattos, McCartney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, and Wright—44.

NOES—Messrs. Ells and Mott—2.

Title read and approved.

Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Read second time, and considered engrossed.

MOTION.

Mr. Dougherty moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Assembly Bill No. 965.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Assembly Bill No. 965 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Brown, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Greer, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Mattos, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, and Weger—48.

NOES—None.

Title read and approved.

Mr. Fisk moved that when the Assembly take a recess it be until eight o'clock P. M.

Motion carried.

Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read second time.

MOTION.

Mr. Bangs moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 471.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 471 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced—and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 471—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Brown, Burgess, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, Mattos, McConnell, McLaughlin, McMahon, McNeil, Moore, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Traber, Transue, Walker, Wanzer, Waste, and Weger—43

NOES—Mr. Camp—1.

Title read and approved.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read second time.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Baxter, Brown, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Mattos, McCartney, McLaughlin, McMahon, McNeil, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Senate Bill No. 96—An Act to amend Section 1183 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Also: Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Also: Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Also: Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Also: Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California

Also. Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

Also: Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Also: Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

Also: Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also: Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Also: Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Also: Assembly Bill No. 702—An Act to regulate the rate of interest payable in this State, and repealing Sections 1918 and 1919 of the Civil Code.

Report the same back without recommendation.

JOHNSON, Chairman.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read second time.

MOTION.

Mr. Dunbar moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Johnson in the chair, for the purpose of considering Senate Bill No. 323.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Senate Bill No. 323 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Johnson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 323, and do now report the same back, and recommend that the same do pass.

JOHNSON, Chairman.

Report adopted.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and

Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Baxter, Bliss, Brown, Camp, Carter, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Mahany, McLaughlin, McMahon, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Weger, and Wright—45.

NOES—None.

Title read and approved.

## REPORTS OF STANDING COMMITTEES.

### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021*a*, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Assembly Bill No 489—An Act making an appropriation of $6.000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

And were presented to the Governor March 12, 1903, at five o'clock and thirty-five minutes P. M.

AMERIGE, Chairman.

### ON JUDICIARY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 15—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 148 thereof, relating to the committing of offenses against public officers.

Also: Assembly Bill No. 46—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Also: Assembly Bill No. 57—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax.

Also: Assembly Bill No. 61—An Act to add a new section to the Political Code, to be numbered 3158, relating to estrays, and to provide for taking up and posting animals trespassing or being found upon premises of others.

Also: Assembly Bill No 68—An Act to amend Section 1693 of the Code of Civil Procedure, relating to personal property and money in the hands of an agent appointed by the court for absent or non-resident heirs of a deceased person.

Also: Assembly Bill No 71—An Act to regulate the classification of matriculants in the chartered California colleges of dentistry.

Also: Assembly Bill No 79—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, etc," approved March 23, 1901.

Also: Assembly Bill No. 97—An Act to repeal an Act entitled "An Act to add a new section to the Political Code of the State of California, to be known as Section 3366,

relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax," approved March 23, 1901

Also: Assembly Bill No. 107—An Act to amend Section 807 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, relating to powers of the City Recorder.

Also: Assembly Bill No 112—An Act to amend Sections 245 and 246 of the Political Code, relating to the officers and employés of the Legislature

Also: Assembly Bill No. 113—An Act to provide for the election of justices of district courts of appeal, to take effect in case Assembly Constitutional Amendment No. — is ratified by the people.

Also: Assembly Bill No. 114—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Also: Assembly Bill No. 117—An Act for the protection of the records of the several counties of the State of California, and regulating the business of abstracting in relation thereto.

Also: Assembly Bill No. 129—An Act to regulate the practice of medicine, surgery, and midwifery, and to provide for the examination and registration of all persons desiring to practice medicine, surgery, midwifery, and all branches of the same, in the State of California, and for the appointment of a State board of medical examination and registration in said matter, and for the repeal of all Acts or part of Acts in conflict with this Act.

Also: Assembly Bill No. 144—An Act to amend Section 1382 of the Penal Code, approved April 9, 1880, relating to the dismissal of criminal prosecutions

Also: Assembly Bill No 145—An Act to amend Section 809 of the Penal Code, approved April 9, 1880, relating to the time of filing informations for criminal offenses.

Also: Assembly Bill No. 174—An Act to amend Sections 1539, 1547, and 1549 of the Code of Civil Procedure of the State of California, relating to sales of real property by executors or administrators.

Also: Assembly Bill No. 211—An Act to amend Section 602 of the Penal Code of the State of California, relating to trespass.

Also: Assembly Bill No 214—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fines paid.

Also: Assembly Bill No. 246—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax.

Also: Assembly Bill No 248—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to prejudice and interest of judge in cause of action.

Also: Assembly Bill No. 255—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof.

Also: Assembly Bill No. 286—An Act authorizing the allowance of attorneys' fees in suits for wages.

Also: Assembly Bill No 287—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Also: Assembly Bill No 290—An Act to amend Section 70 of the Civil Code of the State of California, relating to the solemnization of marriages.

Also: Assembly Bill No. 291—An Act to amend the Civil Code of the State of California, by adding a new section thereto, numbered 3443, providing the manner in which certain transfers of personal property shall be made

Also: Assembly Bill No. 302—An Act to amend Section 659 of the Code of Civil Procedure.

Also: Assembly Bill No 303—An Act to amend Section 939 of the Code of Civil Procedure.

Also: Assembly Bill No. 304—An Act to amend Section 648 of the Code of Civil Procedure.

Also: Assembly Bill No. 307—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution

Also: Assembly Bill No 317—An Act to add a new section to the Political Code of the State of California, to be known as Section 681, relating to the investment of State funds.

Also: Assembly Bill No. 323—An Act to add a new section to the Civil Code, to be known as Section 1972.

Also: Assembly Bill No. 331—An Act to amend Section 1633 of the Code of Civil Procedure, relating to the giving of notice upon the settlement of accounts of executors or administrators

Also: Assembly Bill No. 335—An Act to amend Subdivision 10 of Section 690 of the Code of Civil Procedure, and to repeal all Acts and parts of Acts in conflict therewith.

Also: Assembly Bill No. 336—An Act to add a new section to the Code of Civil Procedure, to be numbered and known as Section 216, relating to grand jurors and trial jurors in courts of record in this State, and fixing compensation therefor, and repealing all Acts and parts of Acts in conflict therewith.

Also: Assembly Bill No. 348—An Act to amend the Code of Civil Procedure of the State of California, by designating sections numbered 1726 to 1744, both inclusive, of Chapter XIII, Title XI, Part III, as Article I of said chapter of the Code of Civil Procedure, and adding to said chapter a new article, composed of sections to be numbered 1745 and 1746, to be known and designated as Article II of said chapter, relative to the administration by the Public Administrator upon estates of deceased persons when such estate shall amount in the aggregate to only the sum of $125 or less.

Also: Assembly Bill No. 353—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribing its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants with the designation of certified public accountants, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

Also: Assembly Bill No. 354—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of a grand jury.

Also: Assembly Bill No. 356—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Also: Assembly Bill No. 385—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace in townships.

Also: Assembly Bill No. 402—An Act to amend Section 3788 of the Political Code of the State of California, relating to redemption of lands from tax sales.

Also: Assembly Bill No. 403—An Act to confer the right of suffrage upon all the citizens of the State of California.

Also: Assembly Bill No 438—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers

Also: Assembly Bill No. 308—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Also: Assembly Bill No. 311—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Also: Assembly Bill No. 439—An Act to amend Sections 538, 539, 542, 553, 554, 555, 558, of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Assembly Bill No. 440—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Assembly Bill No 442—An Act to amend Sections 423, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Assembly Bill No 447—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Assembly Bill No. 451—An Act to confirm validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Also: Assembly Bill No. 461—An Act to prohibit piece work

Also: Assembly Bill No 463—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant

Also: Assembly Bill No 468—An Act providing for the inspection and manner of inspection of mineral and petroleum oils, the appointment of an inspector of oils and deputy inspectors, their oath and bond, fees, keeping of record of inspection, annual report of inspector, penalty for sale of uninspected oil, for using false brands, penalty for selling casks without defacing brands, penalty for adulteration of such oils, responsibility of dealers in such oils, duties of inspector and deputies as to violations of this law, inspectors and deputies not to traffic in such oils, liability of inspector and deputies for damages

Also: Assembly Bill No. 491—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order in which and to whom letters of administration upon the estate of a deceased person may be issued, and further relating to the method of identification of certain persons interested in such estates.

Also: Assembly Bill No. 492—An Act to repeal Section 1379 of the Code of Civil Procedure of the State of California, relating to the granting of letters of administration to certain persons, and providing the means of proving the identity of certain persons interested in the administration of the estate of deceased persons.

Also: Assembly Bill No. 508—An Act to amend Section 718 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to lease or leases of town or city lots.

Also: Assembly Bill No 529—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrators, by providing for the disposition by such officers of estates of deceased persons when such estates consist of personal property worth less than fifty dollars.

Also: Assembly Bill No. 545—An Act to amend Section 1468 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 553—An Act to amend Section 1033 of the Code of Civil Procedure of the State of California, relating to costs and the service and filing of cost bills.

Also: Assembly Bill No. 554—An Act to amend Section 663 of the Civil Code of the State of California, relating to personal property, so as to more fully define the term "personal property."

Also: Assembly Bill No. 555—An Act to amend Section 896 of the Code of Civil Procedure of the State of California, relating to costs and the service and filing of cost bills.

Also: Assembly Bill No 556—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Also: Assembly Bill No. 587—An Act to prevent delay in judicial proceedings.

Also: Assembly Bill No. 609—An Act to provide for an examining board of plumbers in cities of the first and one half, second, third, fourth, and fifth classes, to prescribe the duties and powers of such board, to provide for the registration of plumbers in such cities, and to require ordinances with reference to plumbing and sewerage, and a permit for the same, and fixing penalties for violation of this Act.

Also. Assembly Bill No. 615—An Act to amend Section 1307 of the Civil Code.

Also: Assembly Bill No. 618—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Also: Assembly Bill No. 630—An Act for the better protection of State, county, city and county, city, and town officers and employés, and to prevent the assignment of the warrants for salaries and compensation of such officers and employés.

Also: Assembly Bill No. 682—An Act to regulate bond investment companies, meaning by bond investment companies, every person, firm, association, or corporation, engaged in the business of selling bonds, certificates, debentures, or other investment contracts on the installment or partial payment plan connected with a plan for the redemption and retirement of the same from particular funds created by payments made upon such contracts, prescribing the amount and kind of deposit to be made with the State Treasurer, penalty for failure to make deposit, and providing a penalty for violation of this Act.

Also: Assembly Bill No. 696—An Act in relation to the time of execution of deeds by officers upon sales of property under judicial process, and establishing certain presumptions in relation to redemption from such sales.

Also: Assembly Bill No. 691—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery," etc., approved March 23, 1901.

Also: Assembly Bill No. 766—An Act fixing the salaries of the attendants and assistant attendants in the hospitals for the insane

Also: Assembly Bill No. 771—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation

Also: Assembly Bill No. 774—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, undertaking, and writ of ejectment, and the manner of serving the writ.

Also: Assembly Bill No. 786—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered 2225, concerning the transfer of trust interests and the rights of creditors therein, and repealing Sections 859 and 867 of the Civil Code, relating to the same subject.

Also: Assembly Bill No. 789—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the Sheriffs or Constables of counties other than the one in which said justice's court may be situated.

Also: Assembly Bill No. 830—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Also: Assembly Bill No. 835—An Act to amend Section 1989 of the Code of Civil Procedure of the State of California, relating to the attendance of witnesses.

Also: Assembly Bill No. 836—An Act to quiet the title to lands heretofore sold to the State of California for delinquent taxes.

Also: Assembly Bill No. 712—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Also: Assembly Bill No. 717—An Act to prevent the employment of special or other counsel in law suits, wherein the State is a party, by any State officer or State board or State commission

Also: Assembly Bill No. 736—An Act to amend Section 274 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and of an Act amendatory thereof entitled "An Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article, and section of said Part I, and substitute a new Part I to take the place thereof in said code, relating to courts of justice, and various officers connected therewith," approved April 1, 1880, fixing the status of official reporters of Superior Courts, providing for their compensation, and mode of payment thereof.

Also: Assembly Bill No. 738—An Act to amend Section 890 of an Act entitled 'An

Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions in justices' courts, and providing for a penalty when the action is willfully commenced in the wrong county, township, or city.

Also: Assembly Bill No. 739—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 173, relating to appointment to office of relatives of judges.

Also: Assembly Bill No. 748—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer on estates of deceased persons.

Also: Assembly Bill No. 749—An Act to amend Section 794 of the Political Code, relating to notaries public.

Also: Assembly Bill No. 754—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Assembly Bill No. 755—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Also: Assembly Bill No. 765—An Act to add a new section to the Political Code, to be numbered 1003*a*, relating to terms of office.

Also: Assembly Bill No. 903—An Act to amend Section 221 of the Civil Code of the State of California, relating to adoption.

Also: Assembly Bill No 913—An Act authorizing the making of official city maps for the purpose of assessment, or transferring of property by descriptions, as delineated on such maps, and for the resurveying and renumbering of blocks, lots, or parcels of land and fixing the names of streets, avenues, lanes, courts, places, commons, or parks.

Also: Assembly Bill No. 935—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions

Also: Assembly Bill No. 50—An Act to provide for summary prosecution, without a jury, for the violation of such ordinances of municipal corporations as make criminal certain acts or omissions not already made criminal by the general criminal laws of the State.

Also: Assembly Bill No 939—An Act amending Section 338 of the Code of Civil Procedure, and adding a new section to said code, to be numbered 338½, relating to the time within which certain actions may be considered

Also: Assembly Bill No. 945—An Act to add a new section to the Penal Code, to be known as Section 1132, relating to evidence of larceny, embezzlement, and obtaining money or property by false pretenses.

Also: Assembly Bill No 947—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Also: Assembly Bill No. 950—An Act to amend Section 1402 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to community property.

Also: Assembly Bill No 954—An Act to amend Sections 3790, 3793, 3808, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code, all relating to revenue and taxation.

Also: Assembly Bill No. 964—An Act to define adultery and provide the punishment therefor.

Report all of the same back without recommendation

JOHNSON, Chairman.

RECESS.

The hour of six o'clock P. M. having arrived, Mr. Johnson, in the chair, declared a recess until eight o'clock P. M.

REASSEMBLED.

The Assembly reconvened at eight o'clock P. M.
Speaker Fisk in the chair.

LEAVE OF ABSENCE.

Mr. Howard was granted leave of absence for the day.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly re-engrossed:

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Assembly Bill No. 921—An Act providing that in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

AMERIGE, Chairman.

SPECIAL URGENCY FILE.

Assembly Bill No. 921—An Act providing that in any city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Heretofore read third time

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barnes, Bates, Baxter, Bliss, Camp, Drew, Dunbar, Duryea, Finn, Foster, Gleeson, Greer, Hart, Higgins, Kelso, Knight, Leminger, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Pyle, Siskron, Soward, Stanton, Susman, Traber, Transue, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—43

NOES—Messrs. Bangs, Black, Brown, Burgess, Johnstone, and Walker—6.

Title read and approved.

Senate Bill No. 582—An Act to appropriate the sum of $10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Carter, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Leminger, Lux, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Prescott, Pyle, Siskron, Snyder, Soward, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—52

NOES—Messrs. Amerige, Camp, and Johnstone—3

Title read and approved.

Senate Bill No. 613—An Act to appropriate the sum of $833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Barnes, Baxter, Black, Brown, Burgess, Carter, Copus, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Greer, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, Knight, Leininger, Lux, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stanton, Susman, Traber, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—52.

NOES—Mr. King—1.

Title read and approved.

Assembly Bill No. 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Barber, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishment in State prisons and reformatory institutions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Dunbar, Dunlap, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Leininger, Lewis of San Francisco, Mahany, Mattos, McCartney, McKenney, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Susman, Traber, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—45.

NOES—Messrs. Amerige, Bates, Black, Bliss, Carter, Dorsey, Drew, Duryea, Greer, King, Lumley, Lux, McConnell, McLaughlin, McMartin, McNeil, Pann, Rolley, Soward, Stanton, and Transue—21.

Title read and approved.

Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," relative to prize-fighting.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Dunbar, Duryea, Ells, Finn, Foster, Gleeson, Higgins, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Mattos, McConnell, McKenney, McLaughlin, McNeil, Mott, Olmsted, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Susman, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—51.

NOES—Messrs. Drew, Hart, Johnstone, McMahon, and Pyle—5.

Title read and approved.

STATEMENT.

MR. SPEAKER: My reasons for voting "no" on Assembly Bill No. 792 are that if the bill became a law, it would restrict the prison authorities too greatly in disciplining vicious prisoners, and would not permit of enough latitude in the exercise of proper judgment by such authorities in such cases. I believe, however, that such punishments should be used only in extreme cases.

F. A. DURYEA

Assembly Bill No. 51—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Black, Brown, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, John, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McCartney, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Rolley, Snyder, Soward, Steadman, Susman, Traber, Transue, Wright, and Mr. Speaker—42.

NOES—Messrs. Allen, Barber, Bates, Bliss, Burgess, Drew, Foster, Greer, Higgins, Houser, Johnson, Johnstone, Kelso, Killingsworth, Mattos, McConnell, Pann, Pyle, Stansell, Stanton, Wanzer, and Waste—22.

Title read and approved.

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read second time.

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Wanzer, Waste, Wright, and Mr Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Goodrich, Greer, Higgins, Houser, John, Johnson, Johnstone, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Knight, Lewis of San Francisco, Lumley, Mattos, McConnell, McLaugh-

lin, McMahon, McMartin, McNeil, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Susman, Traber, Transue, Walker, Wanzer, and Waste—45.
NOES—Messrs. Carter, Houser, Lewis of Riverside, McCartney, and Stanton—5.

Title read and approved.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Brown, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Houser, John, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Camp, Copus, Covert, Dorsey, Dougherty, Dunbar, Duryea, Ells, Foster, Goodrich, Greer, Hart, John, Johnson, Johnstone, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Siskron, Soward, Stansell, Susman, Traber, Walker, Wanzer, Waste, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Barnes, Bates, Black, Brown, Camp, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Mattos, McConnell, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walker, Wanzer, Waste, Weger, and Mr Speaker—48.
NOES—None.

Title read and approved.

Assembly Bill No. 866—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and

care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as the "Nevada County State School," and to make an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Brown, Burgess, Copus, Covert, Dorsey, Dougherty, Drew, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Killingsworth, King, Knight, Leininger, Mattos, McConnell, McKenney, McLaughlin, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—52.

NOES—Messrs. Camp, Carter, Houser, Johnstone, Kelso, Lewis of Riverside, and Stanton—7.

Title read and approved.

MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly, and by amending Section 4 of Article V, relating to declaring elections of Governor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

SENATE CONSTITUTIONAL AMENDMENT NO. 20.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending sections two and twenty-three of article four thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly, and by amending section four of article five, relating to declaring elections of Governor.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of February next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation No pay shall be allowed to members for longer time than eighty days. No bill shall be introduced, in either house, sixty days after the commencement of each session, without the consent of two thirds of the members thereof.

Section 23. The members of the Legislature shall receive for their services a per diem and mileage to be fixed by law and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five (25) dollars for each session. Each member of the Legislature shall be entitled to the services of a private secretary, or clerk, of his own selection, at a per diem of four dollars. The Legislature may also provide for the employment of additional help; but in no case shall the expense for additional employés or attachés exceed the sum of three hundred (300) dollars per day, for either house, nor shall the pay of any attaché be increased after he is elected or appointed.

And also that section four of article five thereof be amended to read as follows:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Amendment read.

Mr. McCartney moved that the Assembly do now adopt Senate Constitutional Amendment No. 20.

The question being on the adoption of the amendment.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, Houser, Kelso, King, Knight, Leininger, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Walker, Waste, Wright, and Mr. Speaker—55

NOES—Messrs. Carter, Johnson, Johnstone, and Killingsworth—4.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Bliss, Boisson, Burgess, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lumley, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—49.

NOES—Messrs. Amerige, Dorsey, Houser, and Steadman—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. King gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 627 was this day passed.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That A. A Wood, Minute Clerk, and Clarke Howard, E. C. Gill, and Thomas Walker, as assistants, be and they are hereby employed to remain in Sacramento after the final adjournment and to properly paste together, arrange, and label the original minutes, which must be filed with the Secretary of State, and that for such services each is allowed the sum of seventy-five (75) dollars, payable out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrants for and the Treasurer to pay the same.

Resolution read, and referred to Committee on Ways and Means.

CASES OF URGENCY—(RESUMED).

Senate Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and

duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read second time.

Mr. Johnson submitted the following amendment:

Amend by striking out all after the enacting clause, and inserting in lieu thereof as follows:

SECTION 1. An Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895, is hereby expressly repealed.

SEC. 2 This Act shall take effect and be in force from and after the thirtieth day of June, 1903.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Johnson, King, and Stanton.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Amerige, Bates, Covert, Drew, Dunbar, Foster, Higgins, John, Johnson, Kelso, Killingsworth, King, Mattos, Pann, Snyder, Stanton, Traber, Transue, Walker, Waste, and Mr. Speaker—21.

NOES—Messrs. Allen, Barber, Baxter, Bliss, Boisson, Brown, Burgess, Carter, Copus, Cromwell, Dorsey, Dunlap, Ells, Finn, Gleeson, Goodrich, Hart, Houser, Johnstone, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMartin, McNeil, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Walsh, Wanzer, Weger, and Wright—44

Senate Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Bates, Baxter, Boisson, Brown, Carter, Copus, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, Houser, Johnson, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McConnell, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Steadman, Susman, Walsh, Wanzer, Waste, Weger, and Wright—50.

NOES—Messrs. Amerige, Bliss, Burgess, Covert, Dunbar, Foster, John, Kelso, Killingsworth, King, McKenney, Snyder, Stanton, Traber, Transue, Walker, and Mr. Speaker—17.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586 was this day passed.

SPECIAL ORDERS.

At the hour of ten o'clock P. M., the time having arrived for the consideration of Assembly Bill No. 925 and Assembly Bill No. 937—special orders for this hour.

Mr. Dunlap moved that Assembly Bill No. 925 and Assembly Bill No. 937, or their substitutes, be continued until Friday, March 13, 1903, at eleven o'clock and thirty minutes A. M., the debate to be limited to one half hour on each side.

So ordered.

STATEMENT BY MR. FISK.

I wish the Journal to show that, while I do not object to the continuance of the consideration of Assembly Bills Nos. 925 and 937, I am willing that both bills should be considered at this time, and placed upon their final passage.

Mr. Waste asked permission to place Senate Bill No. 906 on the special urgency file.

PROTEST.

SACRAMENTO, March 12, 1903.

We, the undersigned, do protest against the consideration of Senate Bill No. 906 on the special urgency file.

FINN.
TRANSUE.
SOWARD.
BAXTER.
McCARTNEY.
DORSEY.
BOISSON.
SUSMAN.
ALLEN.
McMARTIN.

CASES OF URGENCY—(RESUMED).

Senate Committee Substitute for Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Read second time.

Senate Committee Substitute for Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Bates, Baxter, Black, Brown, Burgess, Camp, Copus, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Mr. Mott moved that the hour of adjournment be extended until twelve o'clock P. M.

So ordered.

At ten o'clock and thirty minutes P. M., Speaker Fisk called Mr. Murphy to the chair.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Baxter, Black, Bliss, Brown, Burgess, Camp, Copus, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Houser, John, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lumley, McConnell, McLaughlin, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Walker, Wanzer, Waste, and Wright—50.

NOES—None.

Title read and approved.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Baxter, Black, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Houser, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Susman, Traber, Walker, Waste, and Wright—48.

NOES—Messrs. Brown, John, and Stanton—3.

Title read and approved.

Assembly Bill No. 961—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended and approved as amended March 23, 1901, relating to the compensation of county officers in counties of the seventh class, by adding to Section 164 of said Act a provision creating the office of chief jailer and fixing his compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Baxter, Brown, Burgess, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, John, Johnstone, Kelso, Killingsworth, King, Leininger, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Traber, Walker, Wanzer, Waste, and Wright—44.

NOES—None.

Title read and approved.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Bliss, Burgess, Camp, Copus, Covert, Cromwell, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Houser, John, Johnson, Kelso, Killingsworth, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Murphy, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Transue, Walker, Waste, and Weger—42.

NOES—Messrs. Brown, Foster, King, and Wanzer—4.

Title read and approved.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Baxter, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Drew, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Higgins, John, Johnson, Kelso, Killingsworth, Leininger, Lewis of San Francisco, Lumley, Mahany, McMahon, McMartin, Moore, Mott, Murphy, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Transue, Walker, and Wanzer—42.

NOES—None.

Title read and approved.

At ten o'clock and fifty-five minutes P. M., Speaker Fisk in the chair.

SPECIAL ORDER.

Report of Special Committee of Investigation of State Prisons, made special order for Thursday, March 12, 1903, at two o'clock P. M.

On motion of Mr. Dunlap, continued until eleven o'clock P. M.

RESOLUTION.

By Mr. Brown:

*Resolved*, That the majority report be adopted, except the portion thereof referring to the use of the strait-jacket, and that the recommendations of the minority report as to the abolishment of the strait-jacket as a method of punishment in the State prisons be adopted in lieu thereof.

Resolution read.

Mr. Brown moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Houser, John, Kelso, Killingsworth, Leininger, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Siskron, Steadman, Susman, Traber, Wanzer, Waste, Weger, and Mr. Speaker—40.

NOES—Messrs. Allen, Baxter, Dorsey, Greer, Johnson, Knight, Lewis of Riverside, McMartin, Rolley, Soward, Stansell, Stanton, and Transue—13.

RESOLUTION.

By Mr. Camp:

*Resolved*, That there be printed one thousand copies of a pamphlet containing all reports made at the present session by standing or select committees of the Senate or Assembly relating to the condition and management of the State prisons; and the record of the proceedings of the Senate or Assembly relative to the same matter, the cost to be paid out of the Contingent Fund of the Assembly; and that each member of the Senate and Assembly be entitled to receive nine copies of such pamphlet.

Resolution read.

Mr. Soward submitted the following amendment to the resolution:

Amend as to printing by adding thereto the following:

"There shall also be printed and distributed in the same way one thousand copies of the evidence adduced before such committees

"The reports of such committees shall be printed first and bound separately, thereafter the aforesaid evidence shall be so printed and bound separately and thereupon distributed as aforesaid."

The question being on the adoption of the amendment.

Amendment adopted.

Mr. Brown moved that the hour of adjournment be extended until eleven o'clock and forty-five minutes P. M.

Motion carried.

The question recurring on the resolution by Mr. Camp, as amended.

Resolution adopted.

RESOLUTION.

By Mr. Prescott:

WHEREAS, It appears from the report of the special committee appointed to investigate the State prisons that the system of management and construction of buildings is unsatisfactory, not in accord with modern ideas and the best principles of penology, and a disgrace to the State, demanding a complete change, the erection of differently arranged buildings, and so on; and

WHEREAS, The report of the said committee shows that much time and careful consideration will be necessary before the proper changes can be even recommended to the Legislature; therefore, be it

*Resolved by the Assembly*, That a committee consisting of three Assemblymen be appointed by the Speaker to thoroughly investigate what change and improvements in the construction and arrangement of buildings, and in the system of managing said State prisons, including in such investigation their system of keeping accounts, methods of punishment, dietary, the segregation of prisoners, and all other matters pertaining to the management of said prisons, with a view of making them fully up to the best standards of such institutions in the United States, with directions to report in full their findings to the next session of the Legislature. And said committee is hereby authorized to visit and investigate said prisons, their systems and managements, and accounts, construction, etc., with the right to examine any and all persons connected with said institutions, whether officers, employés, or prisoners. And said committee is hereby authorized to employ a clerk to assist them in their work. The Superintendent of State Printing is hereby directed to print such matter as said committee may require at any time.

Said committee shall be entitled to and receive, payable out of the Contingent Fund of the Assembly, such sums or sum as may be necessary to defray their necessary traveling expenses, incidental to such examinations and investigations, and such sum as may be required to pay the clerk employed by them under and by virtue of this resolution.

Mr. Prescott moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Messrs. Bangs, Barber, Copus, Dunbar, Duryea, Ells, Finn, Foster, John, Johnson, Killingsworth, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McMahon, McMartin, Prescott, Rolley, Siskron, Susman, Transue, Waste, Weger, Wright, and Mr. Speaker—30.

NOES—Messrs. Allen, Baxter, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Greer, Houser, Kelso, Lumley, McLaughlin, Moore, Olmsted, Soward, Stansell, Stanton, Steadman, Traber, and Wanzer—22.

REPORT OF SELECT COMMITTEE ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

SACRAMENTO, March 12, 1903.

MR. SPEAKER: Your Select Committee on Prisons have had under consideration the bills for witness fees, and for expenses incurred, and beg to submit the following:

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|---|---|
| Witness W. R Porter: | |
| Mileage, Watsonville to Sacramento and return | $45 00 |
| Witness fees, 1 day | 2 00 |
| | $47 00 |
| Witness R. T. Howard: | |
| Mileage, Folsom to Sacramento and return | $4 40 |
| Witness fees, 3 days | 6 00 |
| | $10 40 |
| Witness A. Drahms: | |
| Mileage, San Quentin to Sacramento and return | $20 80 |
| Witness fees, 2 days | 4 00 |
| | $24 80 |
| Witness D. A. Maloney (paid by J. T. Stafford): | |
| Mileage | $1 00 |
| Witness fees, 2 days | 4 00 |
| | $5 00 |

| | |
|---|---|
| Witness R. M. Fitzgerald: | |
| Mileage, Oakland to Sacramento and return | $18 00 |
| Witness fees, 1 day | 2 00 |
| | $20 00 |
| Transcribing testimony to date, J. Lozano, 717 folios (original and copy), at 30c per folio | $215 10 |

And we herewith offer the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrants, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in favor of the following-named persons for the amounts set opposite their respective names, namely:

| | |
|---|---|
| W. R. Porter | $47 00 |
| R. T. Howard | 10 40 |
| A. Drahms | 24 80 |
| J. T. Stafford | 5 00 |
| R. M. Fitzgerald | 20 00 |
| J. Lozano | 215 10 |
| | $322 30 |

WHEREAS, A portion of the testimony taken by your committee has not yet been transcribed, we therefore offer the following resolution:

*Resolved*, That upon the completion of said transcript and its delivery to the State Controller, he shall, and is hereby authorized to draw his warrants, and the Treasurer is instructed to pay the same out of the Contingent Fund of the Assembly, in amounts sufficient to pay for the same at the rate of thirty cents per folio. Said warrants to be drawn in favor of E. T. Wolcott and J. Lozano, respectively, for the testimony so delivered by each of them; not to exceed the sum of $275 to said Wolcott, and $220 to said Lozano. And that the Controller deliver said testimony into the custody of the Secretary of State.

And your committee asks to be discharged.

CAMP, Chairman.

Mr. Camp moved the adoption of the report.

The question being on the adoption of the report.

Report adopted.

Mr. Camp moved the adoption of the resolution.

The question being on the adoption of the resolution.

Resolution adopted.

LEAVE OF ABSENCE.

Mr. Pyle was granted leave of absence for the day.

SENATE SPECIAL FILE.

Mr. Brown moved that the Assembly do now consider the Senate special file, and read the bills thereon a second time.

So ordered.

Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Read second time.

MOTION.

Mr. Stansell moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 924.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 924 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Read third time.

On motion of Mr. Johnson, further consideration of Senate Bill No. 924 was made a special order for Friday, March 13, 1903, at eleven o'clock A. M.

Senate Bill No. 20—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read second time.

MOTION.

Mr. Foster moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 20.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 20 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 20—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 20 ordered to third reading.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," relating to assessment and taxation.

Read second time, and ordered to third reading.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Read second time, and ordered to third reading.

Senate Bill No. 224—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read second time.

MOTION.

Mr. Brown moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 224.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 224 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 224—An Act to appropriate the sum of $1,000 to pay the claim of Sergeant-Major Eugene De Sparr—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 224 ordered to third reading.

Senate Bill No. 583—An Act to amend Section 3805*a* of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Read second time, and ordered to third reading.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read second time.

MOTION.

Mr. Brown moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 385.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Senate Bill No. 385 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California—and do now report the same back, and recommend that the same do pass.

FISK, Chairman.

Report adopted.

Senate Bill No. 385 ordered to third reading.

At eleven o'clock and twenty minutes P. M., Speaker Fisk called Mr. Brown to the chair.

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Baxter, Brown, Burgess, Camp, Copus, Dorsey, Drew, Dunbar, Duryea, Ells, Foster, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Wanzer, Waste, and Weger—41.

NOES—None.

Title read and approved.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Baxter, Brown, Burgess, Camp, Carter, Copus, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Greer, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, McCartney, McKenney, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Wanzer, Waste, Weger, and Wright—45.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Snyder gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 791 was this day passed.

RESOLUTION.

By Mr. McMartin:

*Resolved*, That the Controller is hereby authorized to draw a warrant in favor of Lon A. Henry, as Clerk to Sergeant-at-Arms from March 1st to March 14th, inclusive, at a per diem of four ($4) dollars, and the Treasurer is directed to pay the same out of the contingent expenses of the Assembly.

Resolution read, and referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary, bond, and term of office, providing for assistants, and appropriating money for the purposes of entomological research, and providing means for the payment of the same.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to

hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Ordered to enrollment.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Ordered to enrollment.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Drew moved that the Assembly do now consider Assembly Bill No. 531 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

SENATE AMENDMENT.

Amend by striking out the word "immediately," in section three, line one, page one, printed bill, and inserting in lieu thereof the following: "from and after January 1, 1904."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 531?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Baxter, Brown, Burgess, Camp, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lewis of Riverside, Lewis of San Francisco, Leininger, Lumley, Mahany, McKenney, McMartin, Murphy, McConnell, Moore, Olmsted, Siskron, Snyder, Soward, Steadman, Susman, Traber, Transue, Wanzer, Waste, and Wright—42

NOES—None.

Ordered to re-engrossment and enrollment.

Mr. Leininger moved that the Assembly do now consider Assembly Bill No. 345 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

SENATE AMENDMENTS.

Amend by striking out of line twelve, section one, the words "members to serve on said," and also in line thirteen the words "board of education for the period of one year and also two."

Also: Amend line twenty-one of said section by striking out the words "be holding" and in lieu thereof inserting the words "shall hold."

Amend by striking out the words "Section 1768 of the Political Code of the State of California is amended to read as follows," in lines one and two, first page, printed bill, and inserting in lieu thereof the following: "SECTION 1. Section 1768 of the Political Code is hereby amended to read as follows:"

Also: Amend by inserting the words and figures "Section 1768" at the beginning of line three, first page, printed bill.

Also: Amend by striking out the words "the members" in line seven, first page, printed bill, and inserting in lieu thereof the following: "a majority of the members."

Also: Amend by striking out the words and commas ",who shall be experienced teachers," in lines twelve and thirteen, first page, printed bill.

Also: Amend by striking out the words and commas ",who shall be experienced teachers," in lines fourteen and fifteen, first and second pages, printed bill.

Also: Amend by striking out the words and commas ", who shall be experienced teachers," in lines eighteen and nineteen, second page, printed bill.

Also: Amend by striking out the words "appointed from persons," in line twenty-three, second page, printed bill, and inserting in lieu thereof the following: "a person."

Also: Amend by striking out the words "This Act shall take effect immediately. All Acts in conflict herewith are repealed," in lines one and two, second page, printed bill, and inserting in lieu thereof the following:

"SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 345?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Baxter, Boisson, Brown, Burgess, Camp, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Siskron, Soward, Steadman, Susman, Transue, Wanzer, Waste, and Mr. Speaker—41.

NOES—Mr. Lewis of Riverside—1.

Ordered to re-engrossment and enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred and twenty-five dollars ($625), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| F. R. Pulford | $20 00 |
| Tom Scott | 38 30 |
| John Breuner Company | 26 90 |
| Capital Manufacturing Company | 45 00 |
| Yost Writing Machine Company | 67 50 |
| D Johnston & Co. | 213 55 |
| Wyckoff, Seamans & Benedict | 3 75 |
| George B. Stack | 40 25 |
| Brown Bros. | 5 00 |
| A. J. Wilson | 16 50 |
| Capital Telephone and Telegraph Company | 6 15 |
| Mrs. C. McCall | 12 50 |
| R O. Kimbrough | 5 20 |
| Gus Ahl | 35 90 |
| Gus Meckfessel | 88 50 |
| | $625 00 |

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the resolution.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred the following.

*Resolved*, That for and by reason of services rendered the Assembly in the office of the Sergeant-at-Arms of the Assembly by I. Wertheimer, at the request of the Sergeant-at-Arms, for the term of sixty-six (66) days, ending March 14, 1903, the Controller is hereby directed to draw his warrant on March 14, 1903, in favor of said I. Wertheimer, for the sum of three hundred and ninety-six (396) dollars, and the State Treasurer is hereby directed to pay the same, out of the appropriation for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the resolution.

Resolution adopted.

At eleven o'clock and forty-five minutes P. M., Speaker Fisk in the chair.

Mr. Dunlap moved that the Assembly do now consider Assembly Bill No. 924, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

SENATE AMENDMENTS.

Amend line four hundred and twenty-six, page thirteen, by striking out the word "fifty" and in lieu thereof inserting "sixty."

Strike out the word "toll" from committee amendment.

Amend line one hundred and thirty-one, page five, by inserting after the word "book" the words "exempt from section four of this Act"

Amend by striking out the letter "s" at the end of the word "ships," in line two hundred and eighty-two, page nine, printed bill; also, by striking out the words "and Pinta, five thousand," and inserting in lieu thereof the words "three thousand."

Also: Amend by adding a new paragraph after line two hundred and eighty-two, page nine, as follows: "For furnishing coal and other supplies and for repairs, training ship 'Pinta,' two thousand dollars."

Also: Add a new paragraph after the word "dollars" in line three hundred and ten, page nine, by adding the following: "For salary of copy editor to Superintendent of State Printing, three thousand six hundred dollars"

Also: Amend by adding a new paragraph after line three hundred and seventy, page eleven, to read as follows: "For traveling and incidental expenses of Débris Commissioner, six hundred dollars."

Also: Add immediately thereafter a new section to read as follows: "For salary of Secretary of Débris Commissioner, six hundred dollars."

Also: Add immediately thereafter a new section, to read as follows: "For salary of Commissioner for Revision and Reform of the Laws, seven thousand two hundred dollars"

Also: Add immediately thereafter a new section, to read as follows: "For salary of stenographer to Commissioner for Revision and Reform of the Laws, two thousand four hundred dollars."

Also: Add immediately thereafter a new section, to read as follows: "For contingent expenses of the Commission for the Revision and Reform of the Laws, two hundred and fifty dollars."

Also: Add immediately thereafter a new paragraph, to read as follows: "For printing report of Commission for Revision and Reform of the Laws, one thousand dollars."

Also: Strike out the word "forty-one." in line four hundred, page twelve, and insert in lieu thereof the word "forty."

Also: Strike out the words "eighty-five thousand" in line four hundred and two, page twelve, and insert in lieu thereof the words "ninety-one thousand two hundred."

Also: Amend by striking out the word "twenty" in line four hundred and thirty-four, page thirteen, and inserting in lieu thereof the word "thirty."

Also: Amend line four hundred and twenty-six, page thirteen, by striking out the word "fifty" and inserting in lieu thereof the word "sixty."

Also: Strike out the word "sixty" in line four hundred and forty-two, page thirteen, and insert in lieu thereof the following: "fifty."

Also: Add after line four hundred and ninety-four, page fourteen, a new paragraph to read as follows: "For library, museum, and purchase of scientific apparatus for the State Normal School at San Diego, two thousand dollars."

Also: Strike out the words "thirty-two" in line five hundred and one, page fifteen, and insert in lieu thereof "thirty-five."

Also: Strike out the word "forty" in line five hundred and fifty-seven, page sixteen, and insert in lieu thereof the following: "forty-five."

Also: Amend by adding after the line five hundred and sixty-four, page sixteen, a new paragraph, to read as follows: "For maintenance of the Sonora and Mono road, four thousand dollars."

Also: Amend by striking the word "toll" out of committee amendment.

Also. Amend by striking out the words "one thousand," in lines five hundred and ninety and five hundred and ninety-one, page seventeen, and inserting in lieu thereof the following: "one thousand five hundred."

Also: Amend by adding after line six hundred and twelve, page eighteen, a new paragraph, to read as follows: "For actual necessary expenses of the State Commission on Voting or Ballot Machines, one thousand five hundred dollars."

Also: Strike out the word "five," in line six hundred and sixty-nine, page nineteen, and insert in lieu thereof the word "eight"

Also: Strike out the words "one thousand seven hundred and fifty," in line six hundred and eighty-seven, page twenty, and insert in lieu thereof the following: "two thousand."

Also: Amend by striking out the words "one thousand one hundred," in lines seven hundred and eighteen and seven hundred and nineteen, page twenty, and inserting in lieu thereof "two thousand"

Also: Amend by inserting in line one hundred and thirty-one, fifth page, after the word "book," the words "exempt from section four of this Act."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 924?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Bangs, Baxter, Boisson, Brown, Burgess, Camp, Drew, Dunbar, Dunlap, Ellis, Foster, Greer, Higgins, Houser, John, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, McConnell, McKenney, McLaughlin, McMartin, Moore, Murphy, Olmsted, Prescott, Rolley, Siskron, Soward, Steadman, Susman, Traber, Transue, Wanzer, Waste, Wright, and Mr. Speaker—43.

NOES—Messrs. Duryea, Johnson, and Lumley—3.

Ordered to re-engrossment and enrollment.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., Speaker Fisk declared an adjournment until Friday, March 13, 1903, at nine o'clock and thirty minutes A. M.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 13, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker pro tem. Carter in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

READING OF THE JOURNAL.

On motion of Mr. Bliss, the further reading of the Journal was dispensed with.

READING AND APPROVAL OF JOURNAL.

The Journal of Wednesday, March 11, 1903, was read, corrected, and approved.

RECONSIDERATION GRANTED.

Mr. Barnes moved that the Assembly do now reconsider the vote whereby Senate Bill No. 129 was yesterday refused passage.

The question being, "Shall the Assembly reconsider?"

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Copus, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, Mattos, McConnell, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Soward, Stansell, Susman, Walker, Wanzer, Weger, and Wright—46.
NOES—None.

Mr. Barnes moved that Senate Bill No. 129 be now considered and placed upon its passage.

So ordered.

Senate Bill No. 129—An Act to provide for the payment of the claim

of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making an appropriation therefor.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Greer, Higgins, Howard, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lux, McCartney, McLaughlin, McMahon, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Soward, Stansell, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—47.

NOES—Messrs. Mattos and Pann—2.

Title read and approved.

RECONSIDERATION DENIED.

Mr. Rolley moved that the Assembly do now reconsider the vote whereby Senate Committee Substitute for Senate Bills Nos. 638, 881, and 643 and Assembly Bill No. 586 was on yesterday passed.

Mr. Houser moved to lay the motion on the table.

The question being, "Shall the motion to reconsider be laid on the table?"

The ayes and noes were demanded by Messrs. McCartney, Amerige, and John.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Baxter, Black, Boisson, Brown, Burgess, Carter, Copus, Drew, Dunlap, Duryea, Ells, Finn, Goodrich, Greer, Higgins, Houser, Howard, Knight, Leininger, Lux, Mattos, McMartin, McNeil, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Stansell, Susman, Traber, Wanzer, Waste, Weger, and Wright—40.

NOES—Messrs. Amerige, Camp, Dunbar, John, Johnson, Johnstone, Killingsworth, Lewis of Riverside, Lumley, McCartney, McLaughlin, McMahon, Stanton, and Walker—14.

RECONSIDERATION DENIED.

Mr. Ells moved that the Assembly do now reconsider the vote whereby Assembly Bill No. 791 was on yesterday passed.

Mr. Lewis moved to lay the motion on the table.

Motion carried.

MOTION.

Mr. Moore moved that the Assembly do now consider Senate Bill No. 385, and place the bill upon its passage.

So ordered.

Senate Bill No. 385 – An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Bates, Baxter, Bliss, Burgess, Camp, Carter, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, Houser, Howard, John, Johnson, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Wanzer, Weger, and Wright—49.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

F J BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMEER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class—and respectfully ask your honorable body to concur in said amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Wanzer moved that the Assembly do now consider Assembly Bill No. 889 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

SENATE AMENDMENT.

Amend by striking out all of subdivision sixteen, commencing in line one hundred and fourteen, fourth page of printed bill, and ending in line one hundred and twenty-eight, fifth page, printed bill, and inserting in lieu thereof the following: "The official reporters of the Superior Court shall receive the fees allowed by law."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 889?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Higgins, John, Johnson, Killingsworth, King, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Stansell, Susman, Transue, Walker, Wanzer, Waste, and Weger—84.
NOES—None.

Ordered to re-engrossment and enrollment.

Mr. McCartney moved that the Assembly do now consider Senate Bill No. 660.

So ordered.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," relating to assessment and taxation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Carter, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Howard, John, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McNeil, Mott, Murphy, Pann, Prescott, Pyle, Stansell, Stanton, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—45.

NOES—None.

Title read and approved.

MOTION.

Mr. McCartney moved that the Assembly do now consider the regular order of business.

So ordered.

SENATE SPECIAL FILE.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Boisson, Brown, Carter, Copus, Dougherty, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, John, Johnson, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McKenney, McNeil, Mott, Olmsted, Pann, Prescott, Pyle, Stansell, Stanton, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—45.

NOES—None.

Title read and approved.

RECONSIDERATION POSTPONED.

Mr. Greer moved that the Assembly do now reconsider the vote whereby Senate Bill No. 423 was on yesterday passed.

Mr. Higgins raised the objection that the roll call showed that Mr. Amerige, who gave the notice of motion to reconsider, had not voted at all upon the bill when its passage was pending, and therefore the notice of motion to reconsider given by him could not be in order under the rules of the House.

Mr. Mattos moved that the question of reconsideration be postponed until such a time as the regular Speaker was in the chair.

So ordered.

Mr. Lewis moved that the Assembly do now reconsider the vote whereby Senate Bill No. 345 was on yesterday refused passage.

Mr. Leininger moved to lay the motion on the table.

The question being, "Shall the motion to reconsider the vote whereby Senate Bill No. 345 was on yesterday refused passage be laid on the table?"

The ayes and noes were demanded by Messrs. Johnson, Lewis, and Stanton.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Amerige, Bates, Brown, Copus, Dougherty, Dunbar, Houser, Kelso, King, Leininger, Mattos, McMahon, Moore, Murphy, Olmsted, Siskron, Stansell, Susman, Walker, Waste, and Wright—21.

NOES—Messrs. Allen, Bangs, Barber, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Covert, Dorsey, Drew, Dunlap, Foster, Gleeson, Greer, Higgins, Howard, Johnson, Johnstone, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lux, McCartney, McConnell, McKenney, McNeil, Mott, Pann, Prescott, Soward, Stanton, Transue, Wanzer, and Mr. Speaker—37.

The question recurring on the motion to reconsider the vote whereby Senate Bill No. 345 was on yesterday refused final passage.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Carter, Dorsey, Drew, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Johnson, Johnstone, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Mott, Pann, Prescott, Rolley, Soward, Stanton, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—43.

NOES—Messrs Amerige, Brown, Burgess, Camp, Copus, Covert, Dougherty, Dunbar, Duryea, Goodrich, Houser, Howard, John, Kelso, King, Leininger, Mahany, Mattos, McMahon, Moore, Murphy, Olmsted, Pyle, Siskron, Snyder, Stansell, Susman, Walker, and Weger—29.

Mr. Lewis moved that Senate Bill No. 345 be now placed upon its passage.

So ordered.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine mile from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Heretofore read third time.

The question being on the final passage of the bill.

The roll was called.

Pending roll call, and at eleven o'clock and twelve minutes A. M., Mr. Lewis moved a call of the House.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Baxter, Black, Bliss, Boisson, Camp, Carter, Dorsey, Drew, Dunlap, Ells, Foster, Gleeson, Greer, Hart, Higgins, Johnson, Johnstone, Killingsworth, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Mott, Prescott, Soward, Stanton, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—41.

NOES—Messrs. Amerige, Bangs, Bates, Brown, Burgess, Copus, Covert, Dougherty, Dunbar, Duryea, Finn, Goodrich, Houser, Howard, John, Kelso, King, Leininger, Mahany, Mattos, McMahon, Moore, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Stansell, Susman, Walker, Weger, and Wright—34.

Title read and approved.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of seven hundred and forty-one dollars and forty cents ($741.40)

in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| D. Johnston & Co. | $220 65 |
| Sunset Telephone and Telegraph Co. | 30 85 |
| Gus Meckfessel | 82 50 |
| The Hevener-Mier Co. | 2 50 |
| Kane & Trainor Ice Co. | 44 00 |
| Gus Ahl | 2 45 |
| George B. Stack | 74 35 |
| Capital Manufacturing Co. | 91 00 |
| W. F. Purnell | 43 10 |
| A. J. Wilson | 21 00 |
| H S. Crocker Co. | 110 00 |
| F. R. Pulford | 19 00 |
| | $741 40 |

Resolution read, and referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors rooms, light, and fuel for justices of the peace in townships of five thousand inhabitants or over.

Assembly Bill No 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination

Also: Amended, and passed as amended, Assembly Bill No. 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of the twenty-ninth class.

Also: Passed Assembly Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 921—An Act providing that, in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors rooms, light, and fuel for justices of the peace in townships of five thousand inhabitants or over.

Ordered to enrollment.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Ordered to enrollment.

Mr. Olmsted moved that the Assembly do now concur in the Senate amendment to Assembly Bill No. 876.

So ordered.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

SENATE AMENDMENT.

Amend title by adding after the words "officers of" the words "counties of."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 876?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Carter, Covert, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Greer, Higgins, John, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mahany, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Pyle, Soward, Stansell, Stanton, Susman, Traber, Walker, Waste, and Weger—47.

NOES—None.

Ordered to re-engrossment and enrollment.

Assembly Bill No. 886—An Act to provide for the issuance and the sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Ordered to enrollment.

Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered, upon a hearing, to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Assembly Bill No 721—An Act to amend Section 5 and Section 10 of an Act, entitled 'An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor and to provide for the payment of the same," approved March 9, 1897

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Ordered to enrollment.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Ordered to enrollment.

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protective districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Ordered to enrollment.

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

Ordered to enrollment.

Mr. Johnson moved that the Assembly do now concur in the Senate amendment to Assembly Bill No. 919.

So ordered.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same." approved March 9, 1897.

SENATE AMENDMENT.

Amend by inserting after the word "class," in the fourth line of the title, the words "to refund its indebtedness"

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 919?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Bangs, Barber, Barnes, Black, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lux, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McNeil, Moore, Mott, Olmsted, Pann, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Mr. Speaker—53.

NOES—None.

Ordered to re-engrossment and enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant

cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Ordered to enrollment.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Ordered to enrollment.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Ordered to enrollment.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Ordered to enrollment.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Assembly Bill No 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No 969—An Act to amend an Act entitled "An Act to establish a Penal Code," approved ——, by amending Section 412 thereof.

F. J. BRANDON, Secretary of the Senate.
By I. S LOGAN, Assistant Secretary.

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Ordered to enrollment.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Ordered to enrollment.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Ordered to enrollment.

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Ordered to enrollment.

Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," relative to prize-fighting.

Ordered to enrollment.

SPECIAL ORDER.

Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Black, Boisson, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Goodrich, Higgins, Howard, John, Kelso, Kerrigan, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lux, Mahany, McKenney, McLaughlin, McMahon, McNeil, Moore, Mott, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—52.

NOES—Messrs. Brown, Foster, and Mattos—3.

Title read and approved.

SPECIAL ORDERS POSTPONED.

On motion of Mr. Dunlap, Assembly Bill No. 925 and Assembly Bill No. 937, or their substitutes, special orders for this hour, were postponed until two o'clock P. M.

STATEMENT BY MR. FISK.

I wish the Journal to show that, while I do not object to the continuance of the consideration of Assembly Bills Nos. 925 and 937, I am willing that both bills should be considered at this time, and placed upon their final passage.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

Mr. Dunlap, for the Committee on Ways and Means, asked permission to introduce the accompanying bill, the title of which reads as follows: "An Act to amend Section 3713 of the Political Code, relating to the levy of taxes."

Request and proposed bill referred to the Committee on Introduction of Bills.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 901 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

SENATE AMENDMENTS.

Amend by striking out of section five, line twenty-six, page two, the word "physically." Also: In line twenty-eight the word "physically."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 901?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Dougherty, Drew, Dunbar, Dunlap, Duryea, Higgins, Howard, John, Kelso, Killingsworth, Lux, Mahany, Mattos, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—48.

NOES—None.

REPORT OF STANDING COMMITTEE.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith returns the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follow: Assembly Bill No 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

CARTER, Chairman

Mr. Carter moved the adoption of the report.

The question being upon the adoption of the report.

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

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Lumley, Lux, Mahany, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, and Waste—56

NOES—None.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

By Committee on Ways and Means: Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read first time, and made rush order to print.

On motion of Mr. Dunlap, Constitution suspended, and Assembly Bill No. 976 made a special order for four o'clock P. M. to-day.

RESOLUTION.

By Mr. Boisson:

*Resolved*, That Joseph Silvey be and he is hereby continued as Assistant Bill Filer after adjournment of the Assembly until the work is finished, and that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the sum of twenty-eight ($28) dollars in favor of said Joseph Silvey, and the State Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

Resolution read.

Referred to Committee on Ways and Means.

Mr. Walker moved that the hour of recess be extended until twelve o'clock and thirty minutes P. M.

So ordered.

## REPORT OF STANDING COMMITTEE.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 17—Relative to the consent of the Legislature to absence from the State of State Treasurer Truman Reeves—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DUNLAP, Chairman.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.

Assembly Bill No 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

F. J. BRANDON, Secretary of the Senate.
By I S. LOGAN, Assistant Secretary.

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections of school trustees.

Ordered to enrollment.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Ordered to enrollment.

Assembly Bill No. 72—An Act to limit the meaning of the word 'conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

Ordered to enrollment.

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Ordered to enrollment.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Senate Bill No 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Senate Bill No 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Read first time, and ordered on Senate special file.

Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Senate Concurrent Resolution No. 18—Relative to the consent of the Legislature to absence from the State of State Printer W. W. Shannon for a period not to exceed ninety days at any one period.

Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897" (approved March 4, 1899), by amending Sections 5, 7, and 8 thereof.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Concurrent Resolution No. 18—Relative to the consent of the Legislature to absence from the State of State Printer W. W. Shannon for a period not to exceed ninety days at any one period.

Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Read first time, and ordered on Senate special file.

Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

Read first time, and ordered on Senate special file.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as case of urgency):

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I," at page 570, in the Superior Court of the County of Placer.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I," at page 570, in the Superior Court of the County of Placer.

Ordered to enrollment.

Mr. Traber moved that the Assembly do now reconsider the vote whereby Senate Bill No. 627 was on yesterday passed.

Mr. Drew moved to lay the motion on the table.

Motion carried.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Boisson, Burgess, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Higgins, Howard, Killingsworth, King, Knight, Lewis of San Francisco, Lux, Mahany, McCartney, McConnell, McLaughlin, McMartin, Moore, Murphy, Pyle, Rolley, Siskron Snyder, Soward, Stanton, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Title read and approved.

MOTION.

Mr. Johnson moved that the Assembly do now consider messages from the Governor.

So ordered.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 13, 1903.

*To the Assembly of the State of California:*

I herewith return, without my approval, Assembly Bill No. 923.

The effect of this bill, if enacted into law, would be so to modify Section 478 of the Civil Code as to require the approval of the Governor and Secretary of State, in addition to that of the Surveyor-General, before a railroad corporation could secure a right of way over public lands of the State. If this were the only modification of the existing law made by the amendment, it might very properly be regarded with favor; but while the law as it stands authorizes a review of the proceeding by the courts, that provision is omitted from the present bill.

Deeming it unwise to authorize and require the issue of a permit to occupy a right of way without explicit recognition of the right of review by the courts, I withhold my signature.

GEO. C. PARDEE,
Governor of the State of California.

Also:

I have the honor to respectfully return herewith, without my approval, Assembly Bill No 389, together with my reasons therefor, as follows:

The first sentence of the bill begins as follows: "Every corporation organized under the laws of this State may extend its corporate existence not to exceed fifty years," etc.

Article XII, Section 7 of the Constitution, reads as follows: "The Legislature shall not extend any franchise or charter, * * * of any corporation now existing or which shall exist hereafter under the laws of this State."

It seems to me that the bill, for this reason, is plainly unconstitutional.

The title of the bill expresses two subject-matters, viz: First, extending the corporate existence of corporations, and, second, enabling corporations to sell their property during the last ten years of their existence. The bill itself also contains these two provisions. My judgment is that these two facts are in contravention of Article IV, Section 24 of the Constitution, which provides that "every Act shall embrace but one subject, which subject shall be expressed in its title."

For these reasons, I return the bill without my approval.

GEO. C. PARDEE,
Governor of the State of California.

Also:

I herewith return to your honorable body, without my approval, Assembly Bill No. 653, with my objections thereto.

By this bill Section 475 of the Civil Code would be repealed. That section recites that the grants of rights of way for railroads over public lands as provided in Section 474 do not apply to any lands of the State within the corporate limits of towns and cities, or within three miles thereof.

So far as I am aware, no practical inconvenience has resulted from this restriction. Railroad companies desiring rights of way over State lands have been able to obtain them, and desirable public improvements do not appear to have been seriously hampered by the law as it now stands.

Under these circumstances, I deem it best to withhold my signature from the bill.

GEO. C. PARDEE,
Governor of the State of California

Also:

I herewith return to your honorable body, without my approval, Assembly Bill No 652, with my objections thereto.

This bill proposes an amendment to Section 474 of the Civil Code, which as it stands grants to every railroad corporation a right of way over any swamp, overflowed or other public lands of the State, not exceeding in length or width that which is necessary for the construction of its works and adjuncts thereto, or for the protection thereof, "not in any case to exceed two hundred feet in width."

The present bill would modify this section by omitting the limitation that the right of way shall not exceed two hundred feet in width and would leave the grant with only the general limitation that it shall not exceed the dimensions which may be considered necessary.

There is added a provision not in the present law which requires that whenever the lands taken are in a navigable river, bay, stream, or other waters, the grant shall not be effective till approved by the Secretary of War; but this provision is less important than it might seem to be, because there is already a similar requirement in the laws of the United States, which control wherever rights of navigation are in question.

I am of opinion that it is unwise to remove the restriction as to the extent of the public lands to be occupied as right of way by railroads, and therefore return this bill without my signature.

GEO. C. PARDEE,
Governor of the State of California

## MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency):

Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 167—An Act to amend sections two hundred and seventy-five, two hundred and seventy-six, two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, two hundred and eighty, two hundred and eighty-one, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, declaring who are attorneys and counselors at law within the State of California, and relating to the admission to practice of attorneys and counselors at law, in the courts of the State of California.

Also: Assembly Bill No 415—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision twenty-one of said section twenty-five the provision forbidding the purchase of supplies, printing, stationery or books from persons or firms whose paper has not been published, or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted, that no supplies or printed, or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; and all job printing and lithographing and advertising under this section shall be done in the State of California.

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Houser moved that the Assembly do now consider Assembly Bill No. 167, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice of attorneys and counselors at law in the courts of the State of California.

SENATE AMENDMENTS.

Section one, page one, line three of said bill is hereby amended as follows: After the figure "3," insert the following: "Sec. 275."

Also: Page two of said bill, section two, line three, after the figure "3," insert the following: "Sec. 276."

Also: Page two, section two, line five of the printed bill, after the word "chapter," insert the words "and not otherwise."

Also: Amend section two by striking out after the word "the," in line twenty-four, the words "judicial district in which such application is filed" and inserting therein the words "State of California."

Also: Strike out in section two, line forty-six, the word "twenty-five," and insert therein the word "ten."

Also: Page four, section three, line three of printed bill, insert after the figure "3" the following: "Sec. 277."

Also: Amend section three by striking out, in line eighteen, the word "twenty-five" and inserting the word "ten."

Also: In line nineteen insert, after the word "of," the word "any."

Also: Page five, section four, line three of printed bill, insert after the figure "3" the figures "278."

Also: Page six, section six, line three, after the figure "3" insert the word and figures "Sec. 280."

Also: Page six, section seven, line three, after the figure "3" insert the word and figures "Sec. 281."

Also: On page six, section eight, line one, strike out all of said section after the word and figure "Sec. 8" and insert in lieu thereof: "This Act shall take effect immediately."

Also: Page six strike out all of section nine.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 167?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Burgess, Camp, Carter, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Greer, Higgins, Houser, Howard, Johnstone, King, Knight, Lewis of San

Francisco, Lux, McConnell, McKenney, McLaughlin, McMahon, Moore, Olmsted, Pann, Pyle, Soward, Steadman, Susman, Walker, Walsh, Wanzer, Waste, and Weger—46.
NOES—None.

Ordered to re-engrossment and enrollment.

Mr. Copus moved that the Assembly do now consider Assembly Bill No. 415, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed or lithographed or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed shall be procured or purchased unless such articles have been printed and bound or lithographed, or will be printed and bound or lithographed, and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

SENATE AMENDMENTS.

Amend by striking out of section thirty-eight, line four hundred and ninety-one, page fourteen, the words "outside of any incorporated city or town"

Also: Amend by inserting in line one, first page, printed bill, the words and figure "Section 1"; also, insert the word "section" and figure "2" before the last line of said bill.

Also: Amend in line four hundred and eleven, page twelve, printed bill, by inserting in said line, after the word "license," the following: "outside of incorporated cities or towns."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 415?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Howard, John, Johnstone, Knight, Lewis of San Francisco, Lux, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Pyle, Snyder, Soward, Stanton, Steadman, Susman, Traber, Walker, Wanzer, and Waste—44.
NOES—None.

Ordered to re-engrossment and enrollment.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Ordered to enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895,' approved March 23, 1901, conferring further powers on said board of commissioners."

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878," and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880, approved March 19, 1889,' conferring further powers upon the said board," approved March 26, 1895.

On motion of Mr. Dunlap, there being no objection, ordered on Senate special file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

On motion of Mr. Dunlap, there being no objection, ordered on Senate special file without reference to committee.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, Speaker pro tem. Carter, in the chair, declared a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.

Speaker pro tem. Carter in the chair.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Senate Bills Nos. 896 and 780 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

MOTION.

Mr. Fisk moved to divide the question and consider Assembly Bill No. 976 and Senate Bills No. 896 and 780 separately.

The Speaker pro tem. announced that it was the privilege of any one to demand a separation of the question, and so ruled.

Mr. Dunlap 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. Mattos, Johnson, and Dunlap.

The roll was called.

CALL OF THE HOUSE.

Pending roll call and at two o'clock and thirty-five minutes P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Hart, Higgins, Howard, John, Johnson, Johnstone, Kelso, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—66.

At two o'clock and forty-seven minutes P. M., Mr. Duryea moved that further proceedings under the call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—Messrs. Allen, Barber, Barnes, Boisson, Burgess, Camp, Dorsey, Dunbar, Duryea, Finn, Goodrich, Greer, Hart, Houser, Howard, John, Kelso, Knight, Leininger, Lewis of San Francisco, Lumley, McCartney, McConnell, McKenney, McLaughlin, McMartin, Pyle, Snyder, Stanton, Steadman, Susman, Traber, Transue, Wright, and Mr. Speaker—35

NOES—Messrs. Amerige, Bangs, Bates, Black, Brown, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Ells, Foster, Higgins, Johnson, Johnstone, King, Lewis of Riverside, Mahany, Mattos, Moore, Murphy, Olmsted, Pann, Prescott, Soward, Walker, Wanzer, and Waste—29.

The Clerk was directed by the Chair to strike out Assembly Bill No. 976 from the resolution.

The question being, "Shall Section 15, Article IV of the Constitution be suspended and the resolution adopted?"

The roll was called.

CALL OF THE HOUSE.

Pending roll call and at three o'clock and fifty-five minutes P. M., Mr. Dunlap moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Gleeson, Goodrich, Greer, Higgins, Houser, Howard, John, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Weger, Wright, and Mr. Speaker—69.

MOTIONS.

At four o'clock and fifty-five minutes P. M., Mr. Fisk moved that further proceedings under call of the House be dispensed with.

Motion lost.

Mr. Snyder moved that five additional Sergeants-at-Arms be appointed to assist in bringing in the absent members.

Motion lost.

At five o'clock P. M., Mr. Fisk moved that further proceedings under call of the House be dispensed with.

Motion lost.

Mr. Snyder moved that one Assistant Sergeant-at-Arms be sent out to assist the Sergeant-at-Arms in bringing in the absentees.

Motion carried.

At five o'clock and ten minutes P. M., Mr. Fisk moved that further proceedings under call of the House be dispensed with.

Motion lost.

At five o'clock and fifteen minutes P. M., the Sergeant-at-Arms appeared at the bar of the House and announced that he was unable to gain admission to room 55, and that he had reason to believe that certain members of the Assembly were therein.

Mr. Dunlap moved that the Sergeant-at-Arms be instructed to enter room 55 and bring the absent members to the bar of the House.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and twenty-five minutes P. M., Mr. John moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

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

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Black, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Killingsworth, King, Lewis of Riverside, Mahany, Mattos, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Snyder, Soward, Walker, Walsh, Wanzer, Waste, and Weger—49.

NOES—Messrs. Allen, Baxter, Bliss, Burgess, Carter, Dorsey, Duryea, Greer, Kelso, Knight, Leininger, Lewis of San Francisco, Lumley, McCartney, McConnell, McMartin, Siskron, Stansell, Stanton, Steadman, Susman, Traber, Transue, Wright, and Mr. Speaker—25.

RECESS.

At five o'clock and forty minutes P. M., Speaker pro tem. Carter declared the Assembly at recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at seven o'clock and thirty minutes P. M. Speaker pro tem. Carter in the chair.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed a motion requesting the return to the Senate of Assembly Bill No. 792—An

Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

F. J. BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XIV thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Ordered returned to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 2—To propose to the people of the State of California, amending the Constitution of the State of California, by amending Sections 1, 4, 10, 12, 16, 18, 21. 23, and 24 of Article VI thereof, relating to the judiciary, and establ shing courts of appeal.

F. J. BRANDON, Secretary of the Senate
By I. S. LOGAN, Assistant Secretary.

SENATE CONSTITUTIONAL AMENDMENT No 2.

To propose to the people of the State of California amending the Constitution of the State of California, by amending Sections 1, 4, 10, 12, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

WHEREAS, The appellate system of the State provided for in the Constitution has become and is inadequate for the discharge of the largely increased judicial business of the State, resulting from the great increase of population and development of the resources, industries, and commerce of the State since the year 1879, when the Constitution was adopted;

NOW, THEREFORE, The Legislature of the State of California, at its regular session commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections one, four, ten, twelve, sixteen, seventeen, eighteen, twenty-one, twenty-three, and twenty-four of article six of the Constitution of said State be amended so as to read as follows:

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in the Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn,

Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in justices' courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy, such election shall take place at the next succeeding general State election as aforesaid, the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a justice of the District Court of Appeal of another district, or a judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the case of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person.

SEC. 17. The justices of the Supreme Court and of the District Courts of Appeal, and the judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected.

SEC. 18. The justices of the Supreme Court, and of the District Courts of Appeal, and the judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

SEC. 23 No one shall be eligible to the office of a justice of the Supreme Court, or of a District Court of Appeal, or of a judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. No judge of the Supreme Court nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated. When the justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court.

SEC. 25. The present Supreme Court commission shall be abolished at the expiration of its present term of office, and no Supreme Court commission shall be created or provided for after January 1st, A. D. 1905.

Amendment read.

Mr. Camp moved that the Assembly do now adopt Senate Constitutional Amendment No. 2.

The question being on the adoption of Senate Constitutional Amendment No. 2.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at eight o'clock and seventeen minutes P. M., Mr. Camp moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco,

Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—63.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and thirty minutes P. M., Mr. Killingsworth moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Messrs Bangs, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, John, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McKenney, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—57.

NOES—Messrs. Allen, Black, Dougherty, Johnson, McConnell, McMartin, Prescott, Pyle, Snyder, Traber, and Wright—11.

LEAVE OF ABSENCE.

Mr. Lux was granted leave of absence for the day.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of Boards of School Trustees and City Boards of Education.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of Boards of School Trustees and City Boards of Education.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proven and competent evidence, also, providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings, for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repe

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proven and competent evidence; also, providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings, for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

F. J BRANDON, Secretary of the Senate.
By FRED L. THOMAS, Assistant Secretary.

Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Read first time, and ordered on Senate special file.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School—and respectfully ask that your honorable body concur in said amendments.

F. J. BRANDON, Secretary of Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Brown moved that the Assembly do now consider Assembly Bill No. 136, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 136—An Act to appropriate $15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

SENATE AMENDMENTS.

Amend the title by striking out the figures "15" and inserting in lieu thereof the figures "12."

Also: Amend section one, page one, line three, by striking out the word "fifteen" and inserting in lieu thereof the word "twelve."

Also: Amend section one, page one, line nine, by striking out the word "seven" and inserting in lieu thereof the word "six."

Also: Amend section one, page one, line nine, by striking out the words "five hundred."

Also: Amend section one, page one, line eleven, by striking out the word "five" and inserting in lieu thereof the word "four."

Also: Amend section one, page one, line twelve, by striking out the words "five hundred."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 136?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Baxter, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—53.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed (as a case of urgency) Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells whenever the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well or of abandonment of operations; also, providing for the filing of affidavits with the County Recorder, providing for the penalty for violations.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," by amending certain sections thereof, repealing

certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class and to the power and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor

Assembly Bill No 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez for money due and owing the said R P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein, approved March 23, 1901.

Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same, and fixing the salary thereof"

Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Assembly Bill No 376—An Act to pay claim of Mrs A. McGinnes, and making an appropriation therefor.

Also: Refused passage to Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school house.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Ordered to enrollment.

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells whenever the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well or of abandonment of operations; also, providing for the filing of affidavits with the County Recorder, providing for the penalty for violations.

Ordered to enrollment.

Assembly Bill No. 194—An Act to appropriate $1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Ordered to enrollment.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class and to the power and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Ordered to enrollment.

Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under

an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein, approved March 23, 1901.

Ordered to enrollment.

Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same, and fixing the salary thereof."

Ordered to enrollment.

Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Ordered to enrollment.

LEAVE OF ABSENCE.

Mr. Howard was granted leave of absence for the day.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 795—An Act to amend an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Mr. Dougherty moved that the Assembly do now consider Assembly Bill No. 795, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 795—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

SENATE AMENDMENTS.

Amend by striking out of the title, after the word "section," the following: "forty-seven" and in lieu thereof inserting the following: "two hundred."

Also: Amend by striking out of section one, line one, first page, the figures "47," and in lieu thereof inserting the following: "200."

Also: Amend by inserting in section one, line three, first page, after the figures "1897," the following: "and as amended March 23, 1901."

Also: Amend by striking out of section one: lines five, six, seven, and eight, first page.

Also: Amend by striking out of section one, line fifteen, second page, the words "twenty-five hundred," and in lieu thereof inserting the following: "three thousand."

Also: Amend by striking out of section one, line twenty-three, second page, the word "five," and in lieu thereof inserting the following: "six."

Also: Amend by adding, at the end of the bill, third page, the following:

"17 For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the Board of Supervisors by multiplying by five the vote for Presidential Electors cast in each township at the next preceding election."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 795?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Baxter, Black, Bliss, Boisson, Brown, Camp, Carter, Copus, Cromwell, Dougherty, Drew, Dunbar, Duryea, Ellis, Finn, Foster, Goodrich,

Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, McCartney, McConnell, McKenney, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Wanzer, and Weger—47.
NOES—None.

Ordered to re-engrossment and enrollment.

MOTION.

Mr. King moved that the Assembly do now consider Assembly Bill No. 646, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

SENATE AMENDMENT.

Amend by striking out the word "two" in line three, section one, page one, printed bill, and inserting in lieu thereof the word "five"; also, amend by striking out the word "two" in line seven, section one, page one, printed bill, and inserting in lieu thereof the word "five."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 646?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Bangs, Barnes, Bates, Baxter, Black, Bliss, Camp, Carter, Copus, Covert, Cromwell, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Hart, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, McCartney, McKenney, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—49
NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Substitute for Assembly Concurrent Resolution No. 16—Relating to adjournment sine die.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

SENATE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION No. 16.

*Resolved by the Senate, the Assembly concurring*, That the following special joint rule be adopted:

SPECIAL JOINT RULE No. 1.

After three P. M., March 13, 1903, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This special joint rule shall not apply to the tax levy bill, or bills that have been delayed by notice of reconsideration.

That no business affecting bills be transacted by either house after twelve o'clock midnight of Friday, March 13, 1903, and that both houses adjourn at midnight of Friday, March 13, 1903, until 9:30 A. M. of Saturday, March 14, 1903; *provided also*, that the Assembly may consider amendments made in the Senate to Assembly bills, and that the Senate may consider amendments made in the Assembly to Senate bills.

Resolution read.

MOTION.

Mr. Johnson moved that further consideration of Senate Substitute for Assembly Concurrent Resolution No. 16 be continued until the further pleasure of the Assembly.

Mr. Snyder moved to amend by referring the resolution to the Committee on Rules.

So ordered.

Mr. Fisk moved to amend by instructing the committee to report at ten o'clock P. M. of this day.

Amendment lost.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Ordered to enrollment.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Ordered to enrollment.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Ordered to enrollment.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of the State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read first time, and ordered on Senate special file.

SPECIAL URGENCY FILE.

Assembly Bill No. 812 passed on file.

Assembly Bill No. 853—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof and for the payment of extra labor employed therein.

Read third time, and passed on file.

Assembly Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Bates, Black, Bliss, Boisson, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Greer, Higgins, John, Johnson, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McConnell, McKenney, McLaughlin, Moore, Mott, Olmsted, Pann, Prescott, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, and Mr. Speaker—55

NOES—None.

Title read and approved.

Senate Bill No. 43—An Act to provide for the location, construction and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and make an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Black, Bliss, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Duryea, Ells, Finn, Foster, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Mattos, McCartney, McKenney, McLaughlin, McNeil, Moore, Pann, Prescott, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—46.

NOES—Messrs. Dougherty and Dunbar—2

Title read and approved.

MOTION.

Mr. Stanton moved that the Assembly do now consider Senate Bill No. 899.

So ordered.

Senate Bill No. 899—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit

to consolidate their debts, property, assets, and franchises with any other like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barnes, Bates, Baxter, Black, Boisson, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Duryea, Ells, Foster, Higgins, John, Johnson, Kelso, Killingsworth, King, Lewis of Riverside, McCartney, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Olmsted, Pann, Siskron, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—42.

NOES—Messrs. Bangs, Covert, Dougherty, and Mattos—4.

Title read and approved.

RESOLUTION.

By Mr. Brown:

*Resolved*, That the following entitled and numbered bills present a case, and cases with reference to each and every one thereof, of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

The bills covered by this resolution are entitled and numbered as follows:

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors

Senate Bill No 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Senate Bill No 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Senate Bill No 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Assembly Bill No. 887—An Act to amend Section 1936 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process.

Assembly Bill No. 796—An Act to amend and re-enact Section 4161 of the Political Code, in relation to the duties of County Treasurers in respect to public moneys.

Senate Bill No 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purposes," approved February 10, 1901.

Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Senate Bill No. 189—An Act making appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the bay of San Francisco.

Senate Bill No 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor

Assembly Bill No 243—An Act relating to crimes and punishments.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ——, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Resolution read.

Mr. Brown moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Transue, Walker, Wanzer, Waste, Weger, and Wright—58.

NOES—Messrs. Amerige and Snyder—2.

CASES OF URGENCY.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read second time.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunlap, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Killingsworth, King, Knight, Lewis of Riverside, Lewis of San Francisco, Mahany, McKenney, McLaughlin, McMahon, McMartin, Mott, Pann, Prescott, Pyle, Siskron, Soward, Stanton, Susman, Transue, Walker, Waste, Weger, and Wright—48.

NOES—Mr. McNeil—1.

Title read and approved.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Bliss, Boisson, Brown, Carter, Copus, Dougherty, Drew, Dunbar, Duryea, Finn, Goodrich, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of San Francisco, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, Mott, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Susman, Walker, Waste, Weger, and Wright—45.

NOES—None

Title read and approved.

RESOLUTION.

By Mr. Johnson:

WHEREAS, We have learned that the Governor has appointed our fellow member, Hon. N. K. Foster, as a member of the State Board of Health; now therefore be it

*Resolved*, That we congratulate Dr. Foster on his appointment, and we further congratulate the people of the State upon securing such a good and faithful public servant.

Resolution read.

Mr. Johnson moved the adoption of the resolution.

Resolution adopted.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as section seven hundred and seventy-nine, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate

the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller, and payments into the State treasury.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361*a*, relating to transfers of the business, franchises, and property of corporations.

Assembly Bill No 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Assembly Bill No 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Assembly Bill No. 85—An Act to appropriate $8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary, bond and term of office, providing for assistants, and appropriating money for the purposes of entomological research, and providing means for the payment of the same.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

And were presented to the Governor March 13, 1903, at four o'clock and fifteen minutes P. M.

AMERIGE, Chairman.

RESOLUTION.

By Mr. Transue:

Pursuant to Senate Concurrent Resolution No. 6, authorizing the President of the Senate and the Speaker of the Assembly to appoint a committee to meet the President of the United States at the State line of the State of California, and inasmuch as this is a very small committee, it is desirable that there should be a full representation; therefore, be it

*Resolved*, That when the Speaker of the Assembly appoints this committee, he shall for each principal appoint one alternate, and it is hereby made the duty of the principal, if he finds that he cannot be in attendance upon that reception, that he shall notify his alternate at least five days prior to the date of the President's arrival at the State line. The alternate shall then attend, and have all the rights of the principal.

Resolution read.

Mr. Transue moved the adoption of the resolution.

Resolution adopted.

LEAVE OF ABSENCE.

Mr. Barnes was granted leave of absence for the day.

MOTION.

At ten o'clock and fifteen minutes P. M., Mr. Johnson moved that the hour of recess be extended until twelve o'clock.

Motion carried.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Read second time.

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending roll call, at ten o'clock and twenty minutes P. M., Mr. Johnson moved a call of the House.

Motion carried.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Gleeson, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Stansell, Stanton, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty-five minutes P. M., Mr. Stanton moved that further proceedings under call of the House be dispensed with.

Motion carried.

ROLL CALL RESUMED.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Barber, Bates, Black, Bliss, Boisson, Burgess, Copus, Drew, Finn, Gleeson, Johnson, Lewis of San Francisco, Lumley, Mahany, McLaughlin, McMahon, McMartin, Mott, Pann, Pyle, Siskron, Soward, Stansell, Stanton, Susman, Walsh, Wanzer, and Wright—28.

NOES—Messrs. Allen, Amerige, Bangs, Baxter, Brown, Camp, Carter, Covert, Cromwell, Dougherty, Dunbar, Dunlap, Duryea, Ells, Goodrich, Greer, Higgins, John, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, McCartney, McKenney, McNeil, Moore, Murphy, Olmsted, Prescott, Rolley, Snyder, Steadman, Traber, Transue, Walker, Waste, Weger, and Mr. Speaker—39.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

F. J. BRANDON, Secretary of the Senate

Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Ordered to enrollment.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to adopt the following: Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city or county, or city or town.

Also: Adopted Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes

F. J. BRANDON, Secretary of the Senate.
By J. S. LOGAN, Assistant Secretary.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following, as amended:

Assembly Concurrent Resolution No. 14—Relative to the consent of the Legislature to absence from the State of Assemblymen John G Mattos, Jr., Grove L. Johnson, and William H. Waste, and ask your honorable body to concur in said amendment.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Johnson moved that the Assembly do now concur in the Senate amendment to Assembly Concurrent Resolution No. 14.

So ordered.

Assembly Concurrent Resolution No. 14—Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste.

SENATE AMENDMENT.

Amend by adding the name of John Goodrich and Superintendent of Public Instruction Thomas J. Kirk after the name of William H. Waste.

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 14?"

The Assembly concurred.

Ordered to re-engrossment and enrollment.

At ten o'clock and forty minutes P. M., Speaker Fisk in the chair.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board—and respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Ells moved that the Assembly do now consider Assembly Bill No. 791, for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

SENATE AMENDMENTS.

Amend by inserting after the word "revenue," in line four hundred and ten, page twelve, and before the word "all," "outside of incorporated cities and towns."

Also: Amend title by adding after the figures "22" the word and figures "and 25," in line four.

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 791?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Baxter, Bliss, Brown, Burgess, Camp, Covert, Dougherty, Drew, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Lumley, Mahany, McCartney, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Soward, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, and Wright—48.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following (as cases of urgency):

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Drew moved that the Assembly do now concur in the Senate amendments to Assembly Bill No. 368.

So ordered.

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

SENATE AMENDMENTS.

Amend the title by striking out the words: "the Louisiana Purchase Exposition to be held in St. Louis, in nineteen hundred and four and."

Also: Amend by striking out of section one, lines two and three, page one, the words: "the Louisiana Purchase Exposition Fair Commissioners and."

Also: Amend by striking out of section one, pages one and two, all of lines ten, eleven, twelve, and thirteen, and the words "at the" in line fourteen.

Also: Amend by striking out of section three, line one, page two, the words "one hundred" and in lieu thereof inserting the word "twenty."

Also: Amend by striking out of section three, lines six and seven, page two, the words and figures "at the Louisiana Purchase Exposition to be held in St. Louis, in the State of Missouri, in 1904, and."

Also: Amend by striking out of section three, line eleven, page two, the words "one hundred," and in lieu thereof inserting the word "twenty."

Also: Amend by striking out of section six, line two, the words "its passage," and in lieu thereof inserting the following: "July 1st, 1904."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 368?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs Allen, Amerige, Bangs, Barber, Burgess, Camp, Copus, Covert, Dougherty, Drew, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Higgins, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Soward, Stansell, Steadman, Susman, Traber, Walker, Walsh, Wanzer, Waste, and Mr. Speaker—45.

NOES—None.

Ordered to re-engrossment and enrollment.

MOTION.

Mr. Greer moved that the Assembly do now consider Assembly Bill No. 662 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

SENATE AMENDMENTS

Amend by striking out of section eleven, line two, the word "approved," and inserting the following: "repealed."

Also: Amend by striking out the words and figures "Sec 2, Sec. 3, Sec. 4, Sec. 5, Sec. 6, Sec. 7, Sec. 8, Sec. 9, Sec. 10, Sec. 11, Sec 12," and inserting in lieu thereof the following: "1, 2, 3, 4, 5, 6, 7, 8, 9, Sec. 2, Sec. 3"

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 662?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Brown, Burgess, Camp, Covert, Cromwell, Drew, Dunlap, Duryea, Foster, Gleeson, Greer, Higgins, John, Kelso, Killingsworth, King, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Stanton, Steadman, Susman, Traber, Walker, Walsh, Waste, and Mr. Speaker—44.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors—and respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Barber moved that the Assembly do now consider Assembly Bill No. 920 for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

SENATE AMENDMENT.

Amend by inserting in section one, line four, between the figures "1144" and the word "the," the following: "except where otherwise provided for by law."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 920?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bliss, Brown, Burgess, Camp, Copus, Dorsey, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Higgins, Johnson, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, and Mr. Speaker—47.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court, numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant

Assembly Bill No 968—An Act to authorize and empower the Trustees of the "California Home for the Care and Training of Feeble-Minded," to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

Assembly Bill No 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs State of California, defendant" numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court at pages 28 and 29.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Ordered to enrollment.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Ordered to enrollment.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Ordered to enrollment.

Assembly Bill No. 93—An Act to appropriate $4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the twentieth day of September, 1902, in an action in said court, numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, versus The State of California, defendant.

Ordered to enrollment.

Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for the Care and Training of Feeble-Minded," to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Ordered to enrollment.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Ordered to enrollment.

Assembly Bill No. 173—An Act to provide for the marking, branding or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Ordered to enrollment.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Ordered to enrollment.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Ordered to enrollment.

Mr. McCartney moved that the Assembly do now consider Assembly Bill No. 585, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

SENATE AMENDMENT.

Amend by inserting after the figures "1901" in section one, line five, page one, the words "is hereby amended."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 585?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Boisson, Burgess, Copus, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Duryea, Ellis, Foster, Greer, Higgins, Kelso, Killingsworth, King, Lewis of San Francisco, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, McNeil, Moore, Mott, Olmsted, Pann, Prescott, Rolley, Siskron, Soward, Stanton, Steadman, Susman, Traber, Walker, Walsh, Weger, and Mr. Speaker—45.

NOES—None.

Ordered to re-engrossment and enrollment.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Bliss, Boisson, Brown, Burgess, Camp, Copus, Cromwell, Drew, Dunlap, Ellis, Finn, Foster, Higgins, John, Kelso, Killingsworth, King, Knight, Lewis of San Francisco, Mahany, Mattos, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—50.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II, thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and town governments," approved March 1, 1887.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

Assembly Bill No 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II, thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Ordered to enrollment.

Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Ordered to enrollment.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Ordered to enrollment.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and town governments," approved March 1, 1887.

Ordered to enrollment.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Ordered to enrollment.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300*a*, relating to corporations.

Ordered to enrollment.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Ordered to enrollment.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Ordered to enrollment.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Assembly Bill No. 976 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage

Mr. Dunlap moved the adoption of the resolution.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Bates, Bliss, Boisson, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Lewis of Riverside, Mahany, Mattos, McConnell, McKenney, McMahon, McMartin, McNeil, Moore, Mott, Olmsted, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Transue, Walker, Walsh, Waste, Wright, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read second time, and considered engrossed.

Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bates, Bliss, Brown, Burgess, Camp, Copus, Covert, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, John, Johnson, Johnstone, Kelso, Knight, Leminger, Lewis of Riverside, Mahany, Mattos, McConnell, McKenney, McNeil, Moore, Olmsted, Pann, Prescott, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—46.

NOES—None

Title read and approved.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Bates, Black, Bliss, Brown, Burgess, Camp, Copus, Covert, Cromwell, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Higgins, John, Johnson, Kelso, King, Knight, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMartin, Moore, Mott, Murphy, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—50.

NOES—Mr. Stanton—1.

Title read and approved.

Speaker Fisk called Speaker pro tem. Carter to the chair.

MOTIONS.

Mr. Higgins moved that the hour of adjournment be extended.

Motion carried.

Mr. Dunlap moved that the consideration of Senate Bills Nos. 780 and 896 be made a special order for nine o'clock and thirty minutes A. M. of March 14, 1903.

Motion carried.

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Read second time.

Mr Johnson submitted the following amendment:

Amend by inserting after the enacting clause as follows:

"SECTION 1 Section three hundred and seven of the Civil Code is hereby amended so as to read as follows:"

Amendment adopted.

RUSH ORDER TO PRINT.

Mr. Johnson moved that Senate Bill No. 789 be ordered to print with rush order.

So ordered.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.

Assembly Bills No 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Assembly Bill No 531—An Act making an appropriation of $5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Assembly Bill No 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same; and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements

Assembly Bill No 661—An Act to add a new section to the Code of Civil Procedure regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030

Assembly Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class

Assembly Bill No 921—An Act providing that, in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquors in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Assembly Bill No 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of counties of the twenty-ninth class.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor and to provide for the payment of the same," approved March 9, 1897.

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts

Assembly Bill No 523—An Act to regulate the use of illuminating gas.

Assembly Bill No. 969—An Act to amend Section 412 of the Penal Code with reference to sparring exhibitions and prize fights.

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658*a*, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employés in the State of California.

Assembly Bill No. 369—An Act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.

Assembly Bill No. 473—An Act to appropriate $355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date, in Judgment Book "I" at page 570, in the Superior Court of the County of Placer.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery or books from persons or firms whose paper has not been published, or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted, that no supplies of printed, or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, declaring who are attorneys and counselors at law within the State of California, and relating to the admission to practice of attorneys and counselors at law, in the courts of the State of California.

And were presented to the Governor, March 13, 1903, at ten o'clock and thirty-five minutes P. M.

AMERIGE, Chairman.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Read second time.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments,"

approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Black, Bliss, Boisson, Brown, Carter, Cromwell, Dunbar, Dunlap, Duryea, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Killingsworth, Knight, Leininger, Mahany, McConnell, McLaughlin, McMahon, McMartin, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Susman, Transue, Walker, Wanzer, Waste, and Weger—44.
NOES—Messrs. Copus and Mattos—2.

Title read and approved.

Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor.

Read second time.

Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $1,500 therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Black, Bliss, Boisson, Carter, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, Mattos, McKenney, McLaughlin, McMahon, McMartin, Prescott, Pyle, Siskron, Soward, Susman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—43.
NOES—Messrs. Camp, McConnell, and Stansell—3

Title read and approved.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Read second time.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Bates, Baxter, Black, Bliss, Boisson, Carter, Dorsey, Dougherty, Dunlap, Ells, Finn, Foster, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Leininger, Lewis of Riverside, Mahany, Mattos, McKenney, McMahon, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Stansell, Steadman, Walker, Walsh, Wanzer, Waste, Weger, and Wright—41.
NOES—None.

Title read and approved.

Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser " California."

Read second time.

MOTION.

Mr. Bates moved that the Assembly resolve itself into a Committee of the Whole, with Speaker pro tem. Carter in the chair, for the purpose of considering Senate Bill No. 907.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Carter in the chair.

Senate Bill No. 907 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker pro tem. Carter in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 907, and do now report the same back, and recommend that the same do pass.

CARTER, Chairman.

Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Allen, Barber, Bates, Baxter, Black, Bliss, Boisson, Brown, Camp, Carter, Dorsey, Dunbar, Dunlap, Ells, Finn, Foster, Higgins, Johnson, Killingsworth, Knight, Mattos, McKenney, McLaughlin, Prescott, Rolley, Siskron, Walsh, Wanzer, and Waste—29.

NOES—Messrs. Amerige, Covert, Dougherty, Houser, Kelso, King, Lewis of Riverside, Mahany, McMahon, Murphy, Pann, Pyle, Stansell, Steadman, Traber, and Walker—16.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read second time.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Bates, Black, Bliss, Boisson, Brown, Carter, Copus, Covert, Dougherty, Dunlap, Ells, Finn, Higgins, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Steadman, Traber, Walker, Walsh, Wanzer, and Wright—43.

NOES—None.

Title read and approved.

Senate Bill No. 470—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Black, Carter, Copus, Covert, Dorsey, Dougherty, Dunbar, Dunlap, Duryea, Finn, Johnson, Johnstone, Killingsworth, King,

Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McKenney, McLaughlin, McMahon, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Soward, Stansell, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, and Wright—42.
NOES—None.

Title read and approved.

Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read second time.

Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barber, Barnes, Bates, Black, Brown, Camp, Carter, Copus, Covert, Dorsey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Higgins, Johnson, Killingsworth, King, Knight, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Soward, Stanton, Traber, Transue, Walsh, Wanzer, Waste, and Wright—45.
NOES—None.

Title read and approved.

Assembly Bill No. 887—An Act to amend Section 1986 of the Code of Civil Procedure, relating to issuing subpœnas and to punish contempt of their process.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Barber, Black, Boisson, Camp, Carter, Dunlap, Ells, Finn, Foster, Leininger, Mahany, McCartney, McConnell, McKenney, McLaughlin, Murphy, Soward, Transue, and Walker—19.
NOES—Messrs. Allen, Bangs, Bates, Brown, Copus, Covert, Dorsey, Dougherty, Dunbar, Duryea, Higgins, Johnson, Johnstone, Killingsworth, King, Knight, Lewis of Riverside, Lumley, McMahon, McMartin, Moore, Mott, Olmsted, Pann, Prescott, Pyle, Siskron, Snyder, Traber, Walsh, Wanzer, Waste, Weger, and Wright—34.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Bliss, Boisson, Brown, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Duryea, Ells, Finn, Foster, Higgins, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Snyder, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Wright—54.
NOES—None.

Title read and approved.

MOTION.

Mr. Murphy moved that the Assembly do now consider Senate Bill No. 625.

Motion carried.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Barnes, Bates, Bliss, Boisson, Camp, Carter, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of San Francisco, Lumley, McCartney, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Steadman, Traber, Transue, Walsh, Waste, Weger, and Wright—49.

NOES—None.

Title read and approved.

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Bangs, Barber, Bates, Boisson, Carter, Copus, Covert, Dorsey, Drew, Dunbar, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McKenney, McLaughlin, McMartin, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Wright—42.

NOES—None.

Title read and approved.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California—and respectfully ask your honorable body to concur in said amendments.

Also: Passed the following:

Assembly Bill No. 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personi-

fying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Also: Refused adoption to Assembly Constitutional Amendment No. 18—Relative to amending Article VII of the Constitution, relating to a Board of Pardons and pardons.

Also: Refused passage to Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Ordered to enrollment.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Ordered to enrollment.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Ordered to enrollment.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Ordered to enrollment.

Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Ordered to enrollment.

Assembly Bill No. 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Ordered to enrollment.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd and licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Ordered to enrollment.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Ordered to enrollment.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Ordered to enrollment.

Mr. Lumley moved that the Assembly do now concur in the Senate amendments to Assembly Bill No. 310.

So ordered.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

SENATE AMENDMENTS.

Amend by adding to the title after the word "California," the following words: "relating to the election of School Trustees"; also by striking out the period after the word "California" in the title

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 310?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Bates, Bliss, Boisson, Brown, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Prescott, Pyle, Siskron, Snyder, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Wright—46.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as a case of urgency):

Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

F J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish Police Courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901.

Also: Refused adoption to Assembly Constitutional Amendment No. 14—Relative to proposed amendment of Article II of the Constitution, relative to providing a system of direct legislation by means of the initiative and referendum in counties, cities, and cities and counties.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Ordered to enrollment.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Ordered to enrollment.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Ordered to enrollment.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish Police Courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901.

Ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901—and respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 703 for the purpose of concurring in the Senate amendments thereto.

So ordered.

Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

SENATE AMENDMENTS.

Amend section fifteen, line two hundred and ninety, ninth page, by inserting after the word "dollars" the following: "*provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable."

Also: Amend by inserting in section fourteen, page eight, printed bill, after the word "actions," in line two hundred and seventy, the following: "*provided*, that in townships containing a population of more than twenty-five thousand, there shall be but one justice in and for such township."

Also: Amend by striking out the word "require," in line one hundred and ten, page four, subdivision four, section one of printed bill, and inserting in lieu thereof the word "appoint."

Also: By striking out the word "require," in line one hundred and seventy-nine, page six, and inserting in lieu thereof the word "appoint."

Also: By striking out the words "of the deputy assessors, copyists, and cashier," in lines one hundred and eighty-five and one hundred and eighty-six, page six.

Also: By inserting between the words "shall" and "only," in line two hundred and two, page six, the words "make such maps, plats, block books, or assessment rolls, but shall."

The question being, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 703?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Bates, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Transue, Walsh, Wanzer, Waste, and Wright—43.

NOES—None.

Ordered to re-engrossment and enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, the following:

Assembly Bill No 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the 6th day of January, 1903, and making an appropriation therefor.

Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court.

And respectfully ask your honorable body to concur in said amendments.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

MOTION.

Mr Mattos moved that the Assembly do now consider Assembly Bill No. 671, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

SENATE AMENDMENT.

Amend by adding in line one, page one, before the words "a new section," the following: "Section 1."

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 671?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Boisson, Brown, Camp, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, McMartin, Mott, Prescott, Pyle, Siskron, Soward, Transue, Walker, Waste, and Wright—41.
NOES—None.

Ordered to re-engrossment and enrollment.

Speaker pro tem. Carter called Mr. Wanzer to the chair.

MOTION.

Mr. Traber moved that the Assembly do now consider Assembly Bill No. 770, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the 6th day of January, 1903, and making an appropriation therefor.

SENATE AMENDMENT.

Amend by inserting an enacting clause.

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 770?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Boisson, Brown, Carter, Copus, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Walsh, Wanzer, Weger, and Wright—43.
NOES—Messrs. Camp, McMartin, and Stanton—3.

Ordered to re-engrossment and enrollment.

MOTION.

Mr. Walsh moved that the Assembly do now consider Assembly Bill No. 178, for the purpose of concurring in the Senate amendment thereto.

So ordered.

Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court.

SENATE AMENDMENT.

Amend by inserting the following figures "778" after the word "sections" in the title.

The question being, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 178?"

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Allen, Amerige, Bangs, Barber, Boisson, Brown, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mahany, Mattos, McConnell, McLaughlin, McMartin, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, Weger, and Wright—43.
NOES—Mr. Camp—1.

Ordered to re-engrossment and enrollment.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.

Read second time.

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Amerige, Barber, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, and Weger—44.

NOES—Messrs. Bangs and McConnell—2.

Title read and approved.

Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read second time.

Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Barber, Boisson, Carter, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Prescott, Pyle, Siskron, Snyder, Soward, Transue, Walsh, Wanzer, Waste, and Weger—43.

NOES—Messrs. Amerige, Bangs, Brown, Camp, Covert, Cromwell, Lewis of Riverside, Olmsted, and Traber—9.

Title read and approved.

Senate Bill No. 189—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Allen, Bangs, Barber, Boisson, Brown, Camp, Carter, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Gleeson, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mattos, McCartney, McConnell, McKenney, McMartin, Moore, Mott, Olmsted, Prescott, Snyder, Soward, Traber, Transue, Walsh, Wanzer, and Waste—43.

NOES—Messrs. Amerige, Copus, Finn, Mahany, McMahon, Murphy, Siskron, and Weger—6.

Title read and approved.

Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registra-

tion clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Read second time.

Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Carter, Covert, Cromwell, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Traber, Transue, Walsh, Wanzer, Waste, and Weger—45.

NOES—Mr. Amerige—1.

Title read and approved.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Read second time.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused final passage by the following vote:

AYES—Messrs. Bangs, Barber, Covert, Cromwell, Dunbar, Dunlap, Ells, Foster, Kelso, Killingsworth, Mahany, McCartney, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Siskron, Snyder, Soward, and Traber—22.

NOES—Messrs Amerige, Boisson, Brown, Camp, Carter, Dorsey, Dougherty, Drew, Gleeson, Greer, Higgins, Johnson, Johnstone, Knight, Lewis of Riverside, Lumley, Mattos, McConnell, McMartin, Moore, Prescott, Pyle, Transue, Walsh, Wanzer, and Weger—26.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read second time.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Boisson, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, Johnstone, Killingsworth, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMartin, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Read second time.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Boisson, Brown, Camp, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Gleeson, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, McMartin, Moore, Mott, Prescott, Pyle, Siskron, Soward, Traber, Transue, Walsh, Wanzer, Waste, and Weger—44.

NOES—Messrs. Carter, Copus, Dougherty, Mattos, McCartney, Olmsted, and Snyder—7.

Title read and approved.

MOTION.

Mr. Foster moved that the Assembly do now consider Senate Bill No. 238.

Motion carried.

Senate Bill No. 238—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dorsey, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Soward, Transue, Wanzer, Waste, and Mr. Speaker—42.

NOES—Messrs. Carter, Dougherty, and McCartney—3.

Title read and approved.

Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Read second time, and considered engrossed.

MOTION.

Mr. Dorsey moved that the Assembly resolve itself into a Committee of the Whole, with Mr. Wanzer in the chair, for the purpose of considering Assembly Bill No. 959.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Wanzer in the chair.

Assembly Bill No. 959 was considered in Committee of the Whole.

IN ASSEMBLY.

Mr. Wanzer in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 959, and do now report the same back, and recommend that the same do pass.

WANZER, Chairman.

Report adopted.

Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Boisson, Brown, Camp, Carter, Covert, Dorsey, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Mahany, Mattos, McCartney, McConnell, McLaughlin, McMahon, Moore, Mott, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Transue, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—45.

NOES—Mr. Lumley—1.

Title read and approved.

Speaker Fisk in the chair.

Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Read second time, and considered engrossed.

MOTION.

Mr. Waste moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 654.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Fisk in the chair.

Assembly Bill No. 654 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Fisk in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 654, and do now report the same back, and recommend that it do pass.

FISK, Chairman.

Report adopted.

Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Copus, Covert, Dorsey, Dunbar, Ells, Finn, Foster, Higgins, Johnson, Johnstone, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McConnell, McKenney, McLaughlin, McMahon, Moore, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—41.
NOES—Messrs. Amerige, Drew, and Dunlap—3.

Title read and approved.

Assembly Bill No. 243—An Act relating to crimes and punishments.

Read second time, and considered engrossed.

Assembly Bill No. 243—An Act relating to crimes and punishments.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Amerige, Bangs, Barber, Boisson, Camp, Copus, Dorsey, Dougherty, Drew, Dunbar, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, Waste, and Weger—44.
NOES—Mr. Brown—1.

Title read and approved.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read second time.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, Waste, and Weger—43.
NOES—None.

Title read and approved.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and

towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read second time.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Copus, Brown, Camp, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Greer, Higgins, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Pyle, Siskron, Snyder, Soward, Traber, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—40.

NOES—Messrs. Dunlap, Johnson, Prescott, and Transue—4.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read second time.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Carter, Copus, Drew Dunbar, Dunlap, Ells, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Read third time.

The question being on the final passage of the bill.

The roll was called.

CALL OF THE HOUSE DENIED.

Pending roll call, Mr. Boisson moved a call of the House.

Motion lost.

ROLL CALL RESUMED.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Carter, Copus, Covert, Drew, Dunbar, Dunlap, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McConnell, McKenney, McLaughlin, McMahon, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—41.

NOES—Messrs. Camp, Dougherty, Mahany, McCartney, and Weger—5.

Title read and approved.

COMMUNICATION.

SAN FRANCISCO, March 13, 1903.

HON. ARTHUR G. FISK, *Speaker Assembly, Capitol, Sacramento:*

Merchants' Association strongly opposes Senate Bill 896 and Assembly Bill 925, unless the following amendment is added to Assembly Bill 925 as submitted by the Board of Directors to and accepted by the representative of the Western Pacific Railroad. After the word "Commissioners" and before the semicolon in line sixty-nine insert "And shall become at once inoperative and void for the unexpired term thereof upon the lessee therein named being merged with or absorbed by any other railroad corporation having at the time of such merger or absorption a railroad terminal within the City and County of San Francisco."

MERCHANTS' ASSOCIATION.
FRANK J. SYMMES, President.

Ordered printed in the Journal.

MOTION.

Mr. Carter moved that the Assembly do now consider Senate Bill No. 651.

Motion carried.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bangs, Barber, Boisson, Brown, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ells, Finn, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, McCartney, McConnell, McKenney, McMahon, Mott, Murphy, Olmsted, Prescott, Pyle, Siskron, Snyder, Soward, Traber, Walsh, Wanzer, Waste, and Weger—45.

NOES—None.

Title read and approved.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ———, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read second time.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ———, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Amerige, Barber, Bates, Boisson, Brown, Camp, Carter, Covert, Dorsey, Dunlap, Ells, Finn, Foster, Greer, Higgins, Johnson, Johnstone, Kelso, Killingsworth, Knight, Leininger, Lewis of Riverside, Lumley, Mahany, McCartney, McKenney, McLaughlin, Moore, Mott, Olmsted, Prescott, Pyle, Soward, Transue, Walsh, Wanzer, Waste, and Mr. Speaker—40.

NOES—Messrs. Dougherty, Drew, McMahon, Snyder, and Traber—5.

ADJOURNMENT.

At eleven o'clock and fifty-eight minutes P. M., the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Saturday, March 14, 1903.

# IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 14, 1903.

The Assembly met at nine o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Fisk in the chair.

## ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John. Johnson, Johnstone, Killingsworth, Leminger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—60.

Quorum present.

## PRAYER.

Prayer by the Chaplain, Rev. J. V. Stevenson.

## READING OF THE JOURNAL.

On motion of Mr. Mattos, the further reading of the Journal was dispensed with.

## READING AND APPROVAL OF JOURNAL.

The Journal of Thursday, March 12, 1903, was read, corrected, and approved.

## COMMITTEE TO WAIT UPON GOVERNOR.

Mr. Wanzer moved that a committee of three be appointed to wait upon the Governor to receive his farewell message.

So ordered.

The Speaker appointed the following committee: Messrs. Wanzer, Greer, and Covert.

## MESSAGES FROM THE SENATE.

Mr. Johnson moved that the Assembly do now consider Senate messages.

So ordered.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following (as cases of urgency):

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1876.

F. J. BRANDON, Secretary of the Senate.
By I. S. LOGAN, Assistant Secretary.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Ordered to enrollment.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Ordered to enrollment.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Ordered to enrollment.

Assembly Bill No. 610—An Act making an appropriation of $52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Ordered to enrollment.

Assembly Bill No. 847—An Act to appropriate $5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Ordered to enrollment.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Ordered to enrollment.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Ordered to enrollment.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Ordered to enrollment.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1876.

Ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 13, 1903.

*To the Assembly of the State of California:*

I return herewith to your honorable body, without my approval, Assembly Bill No 181, with my objections thereto.

This bill amends Section 1203 of the Code of Civil Procedure, relating to mechanics' liens, and its purpose is to avoid certain objections to this section sustained by the Supreme Court in *Gibbs* vs. *Tally*, 133 Cal. 373.

The proposed amendments, and the amendatory section as a whole, are, in my mind, still subject to some of the objections made in the above case, and particularly so as to the amendment making the contract void for failure of the contractor to file the bond required, and by such default placing the owner under liability for more than the contract price.

I therefore return the bill without my signature

GEO. C. PARDEE,
Governor of California.

Assembly Bill No. 181 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 181 become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Black, Bliss, Brown, Camp, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Duryea, Finn, Foster, Goodrich, Hart, Higgins, Houser, Johnson, Killingsworth, Leininger, Lewis of Riverside, Lewis of San Francisco, Mahany, Mattos, McConnell, McKenney, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Steadman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Wright, and Mr. Speaker—48.

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That Senate Bill No. 896 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Mr. Dunlap moved the adoption of the resolution.

The previous question was demanded by Messrs. Brown, Dunlap, and Higgins.

The question being, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs. Transue, Bangs, and Allen.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Black, Bliss, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Mattos, McLaughlin, Moore, Murphy, Olmsted, Prescott, Rolley, Soward, Stansell, Susman, Walker, Walsh, Wanzer, Waste, and Weger—43.

NOES—Messrs. Allen, Baxter, Burgess, Carter, Duryea, Greer, Houser, Knight, Leininger, Lumley, Mahany, McCartney, McConnell, McMahon, McMartin, Pyle, Siskron, Stanton, Steadman, Traber, Transue, Wright, and Mr. Speaker—23.

At eleven o'clock and fifteen minutes A. M., Speaker Fisk called Speaker pro tem. Carter to the chair.

The question recurring on the adoption of the resolution to suspend the Constitution.

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

AYES—Messrs. Amerige, Bangs, Barnes, Bates, Black, Bliss, Boisson, Brown, Camp, Copus, Covert, Cromwell, Dougherty, Drew, Dunbar, Dunlap, Ells, Foster, Goodrich, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Killingsworth, King, Lewis of Riverside, Mattos, McKenney, McLaughlin, Moore, Murphy, Olmsted, Prescott, Rolley, Snyder, Soward, Stansell, Susman, Walker, Walsh, Wanzer, Waste, and Weger—47.

NOES—Messrs. Allen, Baxter, Burgess, Carter, Dorsey, Duryea, Greer, Knight, Leininger, Lewis of San Francisco, Lumley, Mahany, McCartney, McConnell, McMahon, McMartin, Pyle, Siskron, Stanton, Steadman, Traber, Transue, Wright, and Mr. Speaker—24.

## MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 13, 1903.

*To the Assembly of the State of California*

I have the honor to inform your honorable body that I have approved Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Also: Assembly Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897

Also: Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage.

Also: Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning," etc.

Also: Assembly Bill No 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," etc.

Also: Assembly Bill No. 427—An Act making an appropriation of $250,000 for the construction of a building to be erected by the Regents of the University of California.

Also: Assembly Bill No 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, etc.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor

Also: Assembly Bill No 38—An Act appropriating $300 to pay the reward to C. W. King, for the arrest of "Indian Dick"

Also: Assembly Bill No 420—An Act to appropriate $1,315 to pay the claim of Robert R. Potter

Also: Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

GEO. C. PARDEE,
Governor of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 14, 1903.

*To the Assembly of the State of California*

GENTLEMEN: If you will permit me, I desire, at the close of the thirty-fifth session of the Legislature, to express to you my official and personal thanks for the many kind-

nesses and courtesies you have extended to me during the past seventy days. Our intercourse has been most pleasant; and I shall always carry in my memory the pleasantest recollections of the weeks that we have spent here together.

The State, too, is to be congratulated on the results of your labors. Your earnest, conscientious efforts have, I am convinced, produced good legislative fruit. And while both the Legislature and the Executive have, of course, committed mistakes, both of omission and commission, still, I am sure, the interests of the people of the State have not suffered at your hands.

Gentlemen, in bidding you an official farewell, I do so hoping that our relations may continue in the same pleasant lines in which they have heretofore been cast. And I hope, also, to have your personal friendship. Believe me, I am at your service and earnestly request your good offices at all times.

GEO. C. PARDEE,
Governor of California.

At eleven o'clock and thirty-one minutes A. M., Speaker Fisk in the chair.

## REPORTS OF STANDING COMMITTEE.

### ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Assembly Bill No. 509—An Act entitled an Act to amend subdivision 9 of Section 162 of an Act entitled an Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same, and fixing the salary thereof.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Assembly Bill No. 629—An Act to appropriate the sum of $257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer from the State of California.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Assembly Bill No. 194—An Act to appropriate $1,000 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Assembly Bill No. 922—An Act providing that, in any city or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such

police department and in connection with the rule or regulation to which the same is intended to apply, providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

And were presented to the Governor March 14, 1903, at eleven o'clock A. M.

AMERIGE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Assembly Bill No. 872—An Act to appropriate the sum of $140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein," approved March 23, 1901.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor

Assembly Bill No. 136—An Act to appropriate $12,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

Assembly Bill No 795—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Assembly Bill No. 92—An Act to appropriate $3,835 to pay the claim of W B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

And were presented to the Governor March 14, 1903, at eleven o'clock and twenty-five minutes A. M.

AMERIGE, Chairman.

## REPORT OF STANDING COMMITTEE.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution:

*Resolved*, That Clio Lloyd, Chief Clerk, and L. A. Hilborn, be, and they are hereby, authorized and directed to remain after the close of the thirty-fifth session of the Legislature, for the purpose of correcting and approving the Assembly register of Senate and Assembly action on Assembly bills; to compile, compare, and have printed, in connection with the Secretary of the Senate, a final calendar of all legislative business of both the Senate and Assembly of the thirty-fifth session of the Legislature, such as is usually issued by the Legislature. Said Lloyd and Hilborn are hereby ordered to forward to each member of the Legislature a copy of said final history. For the purpose of carrying out this work the sum of two hundred and fifty (250) dollars each is hereby allowed the said persons; and the State Controller is hereby directed to immediately draw his warrants in favor of said persons in said sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Also: By Mr. Dunlap:

*Resolved*, That Committee Clerks E. J. Dwyer and H. F. Bridges, of the Judiciary and Ways and Means committees, respectively, be each allowed the sum of $150 as payment for additional services to be rendered the thirty-fifth session of the California Legislature, and for the completion of all unfinished clerical work of said committees after the adjournment of said Legislature; and the Controller is hereby directed to draw his warrants against the Contingent Fund of the Assembly in said amount in favor of said E. J. Dwyer and H. F. Bridges, and the State Treasurer is directed to pay said warrants.

Also By Mr. Wanzer:

*Resolved*, That Al Lewald, Bookkeeper to the Sergeant-at Arms, be allowed the sum of one hundred and fifty dollars ($150) as payment for overtime work and additional services rendered this Assembly, and for the purpose of completing the work devolving upon said bookkeeper after the close of the session. And the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount, in favor of said Lewald, and the State Treasurer is hereby directed to pay the same.

Also: By Mr. Stanton:

*Resolved*, That there be and is hereby appropriated out of the Contingent Fund of the Assembly the sum of one hundred ($100) dollars to be paid to J. Steppacher for services rendered to the Committee on Elections and Election Laws, and be it further

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of said J Steppacher for the sum of one hundred ($100) dollars, and the Treasurer is hereby directed to pay the same.

Also: By Mr Bliss:

*Resolved*, That C. W. Curtis be and he is hereby employed to remain in Sacramento after final adjournment for the purpose of completing the file of chapters of the thirty-fifth session of the Legislature, and for the purpose of carrying out this work the sum of seventy-five dollars is hereby appropriated out of the Contingent Fund of the Assembly, twenty-five dollars of the sum total being used to pay expenses of forwarding a complete file of said chapters to each member's home address, and other expenses appertaining thereto.

The State Controller is hereby directed to draw his warrant for seventy-five dollars in favor of said C. W. Curtis, and the State Treasurer is hereby directed to pay the same.

Also: By Mr Burgess.

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of F. W. Heatherly and Charles A. Thompson be retained as Assistant Clerks in order to carry out the duties prescribed in said section; and be it further

*Resolved*, That F. W. Heatherly and Charles A. Thompson be and they are hereby allowed the compensation provided for in Section 269 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly.

Also: By Mr. John:

*Resolved*, That R. L Dempsey, Journal Clerk of the Assembly, and George Wells, his assistant, be and they are hereby employed after the final adjournment of the thirty-fifth session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Assembly, in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly, when completed, and that they each be allowed the sum of $50 from and after the final adjournment of the thirty-fifth session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Also: By Mr Bliss:

*Resolved*, That the attachés of the postal service of the Assembly be and they are hereby directed to remain at the Capitol for one week after the final adjournment of the Assembly, for the purpose of caring for the mail and sending the same to members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrants in payment of same, and the State Treasurer is hereby authorized and directed to pay the same.

Also: By Mr. Higgins:

*Resolved*, That A. A. Wood, Minute Clerk, and Clarke Howard, E. C. Gill, and Thomas Walker, as assistants, be and they are hereby employed to remain in Sacramento after the final adjournment and to properly paste together, arrange, and label the original minutes, which must be filed with the Secretary of State, and that for such services each is allowed the sum of seventy-five (75) dollars, payable out of the Contingent Fund of the Assembly. The Controller is directed to draw his warrant for and the Treasurer to pay the same.

Also:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to stay, and retain the Clerk to the Sergeant-at-Arms, four Porters, and four Watchmen, for one week after adjournment, to clear the Assembly Chamber and committee rooms; and the Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for two

hundred and forty-five (245) dollars, the per diem of aforesaid employés, and the Treasurer is hereby authorized and directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

Also:

*Resolved*, That the Controller is hereby authorized to draw his warrant, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly for five dollars and fifty cents ($5.50) in favor of S. H. Sleeper, the same being in payment for rubber stamps

Also: By Mr. Knight:

*Resolved*, That pursuant to the provisions of Section 261 of the Political Code of the State of California, the services of J. P. Greeley and J. H. Harney, as Assistant Clerks, be retained after the close of the session of the Assembly in order to carry out the duties imposed upon the Chief Clerk and his assistants by said section, and be it further

*Resolved*, That said J. P. Greeley and J. H. Harney be and they are hereby allowed that compensation provided for in Section 269 of said Political Code, said compensation being payable out of the appropriation for the contingent expenses of the Assembly; and the State Controller is hereby directed to pay the same and draw his warrant therefor out of and upon said fund.

Also:

*Resolved*, That W. W. Benchley be and he is hereby employed to remain one week after the close of the thirty-fifth session in the capacity of Page, under the direction of the Chief Clerk, to assist said clerk in closing up the business of the session, and the Controller is authorized to draw his warrant, and the Treasurer is directed to pay the same, for one week's salary in favor of said W. W. Benchley.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

DUNLAP, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution by Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of seven hundred and forty-one dollars and forty cents ($741.40) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| D. Johnston & Co. | $220 65 |
| Sunset Telephone and Telegraph Co. | 30 85 |
| Gus Meckfessel | 82 50 |
| The Hevener-Mier Co. | 2 50 |
| Kane & Trainor Ice Co. | 44 00 |
| Gus Ahl | 2 45 |
| George B. Stack | 74 35 |
| Capital Manufacturing Co. | 91 00 |
| W. F. Purnell | 43 10 |
| A. J. Wilson | 21 00 |
| H. S. Crocker Company | 110 00 |
| F. R. Pulford | 19 00 |
| | $741 40 |

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution by Mr. Amerige:

*Resolved*, That Jesse A. Galland, Engrossing and Enrolling Clerk of the Assembly, and S. P. Moorhead and C. L. Pardee, his assistants, be and they are hereby employed after the final adjournment for the purpose of completing the work of that department, and delivering the books and registers into the hands of the Secretary of State; and that they each be allowed the sum of fifty (50) dollars, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrants for said amounts in favor of the above-named persons, and the Treasurer is hereby directed to pay the same.

Also: By Mr. Rolley:

*Resolved*, That Bert H. Swan, History Clerk, Benj. L. Peckham, Assistant History Clerk, and Ed J. Smith, Assistant Clerk, be and they are hereby authorized and directed to compile, prepare, and have printed a final calendar or history of the legislative business of the thirty-fifth session, embracing a history of all bills introduced, their authors, the number that have become laws, and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide and history

and calendar of the session's business; together with this shall be the expenses of the Senate and Assembly and of printing; such information being prepared not only for the public, but as a guide for the thirty-sixth session of the Legislature. For the purpose of carrying out this work, the sum of one hundred and seventeen dollars ($117) each, is hereby allowed said above-named persons. (Fifty dollars of the sum total being to pay the expressage, postage and expenses of forwarding copies of such final history or calendar to each member of the Legislature and for other expenses in connection therewith.) And the State Controller is hereby directed to immediately draw his warrants in favor of said persons, in said sums, upon the appropriation of the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrants

Also: By Mr. Mott:

*Resolved*, That W. C. Guirey, File Clerk, be instructed and employed to remain in Sacramento after the close of the Legislature to properly close up the business of this, the thirty-fifth session, certify and deliver all books, bills, committee registers, etc., to the Secretary of State, deliver all property of this body to the proper officials, and do all necessary work in the premises, under the direction of the Chief Clerk, and that for so doing the sum of $100 be allowed said W. C. Guirey, and the Controller is hereby directed to immediately draw his warrant in favor of said W. C. Guirey in said sum against the Contingent Fund for the expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrant

Also: By Mr. Bliss:

*Resolved*, That the sum of $450 is hereby appropriated from the Contingent Fund of the Assembly for the purpose of storing and branding all the furniture belonging to the Assembly Chamber and for the use of the different committees; also for the purchase of boxes, packing, marking, and shipping of all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Controller is hereby authorized and directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount ($450), and the State Treasurer is hereby authorized and directed to pay the same.

Have had the same under consideration, and respectfully report the same back with the recommendation that the following substitute resolutions be adopted in lieu thereof:

*Resolved*, That Jesse A. Galland, Engrossing and Enrolling Clerk of the Assembly, be and he is hereby employed after the final adjournment for the purpose of completing the work of that department, and delivering the books and registers into the hands of the Secretary of State; and that he be allowed the sum of fifty (50) dollars, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrant for said amount in favor of the above-named person, and the Treasurer is hereby directed to pay the same.

*Resolved*, That Bert H. Swan, History Clerk, Benj. L. Peckham, Assistant History Clerk, and Ed. J. Smith, Assistant Clerk, be and they are hereby authorized and directed to assist the Chief Clerk to compile, prepare, and have printed a final calendar or history of the legislative business of the thirty-fifth session, embracing a history of all bills introduced, their authors, the number that have become laws, and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide and history and calendar of the session's business; together with this shall be the expenses of the Senate and Assembly and of printing; such information being prepared not only for the public, but as a guide for the thirty-sixth session of the Legislature. For the purpose of carrying out this work, the sum of one hundred and seventeen dollars ($117) each is hereby allowed said above-named persons. (Fifty dollars of the sum total being to pay the expressage, postage and expenses of forwarding copies of such final history or calendar to each member of the Legislature and for other expenses in connection therewith.) And the State Controller is hereby directed to immediately draw his warrants in favor of said persons, in said sums, upon the appropriation for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrants.

*Resolved*, That W. C. Guirey, File Clerk, be instructed and employed to remain in Sacramento after the close of the Legislature to properly close up the business of this, the thirty-fifth session, certify and deliver all books, bills, committee registers, etc., to the Secretary of State, deliver all property of this body to the proper officials, and do all necessary work in the premises, under the direction of the Chief Clerk, and that for so doing the sum of $50 be allowed said W. C. Guirey, and the Controller is hereby directed to immediately draw his warrant in favor of said W. C. Guirey in said sum against the Contingent Fund for the expenses of the Assembly, and the State Treasurer is hereby directed to pay said warrant.

*Resolved*, That the sum of $450 is hereby appropriated from the Contingent Fund of the Assembly for the purpose of gathering, inventorying, storing, and branding all the furniture belonging to the Assembly Chamber and for the use of the different committees, filing a copy of said inventory with the Secretary of State for the use of the next session; also for the purchase of boxes, packing, marking, and shipping of all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Controller is hereby authorized and directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount ($450), and the State Treasurer is hereby authorized and directed to pay the same.

DUNLAP, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following resolution:

*Resolved*, That the Controller be and is hereby directed to draw his warrant for $250 in favor of C. S. MacMullan for services rendered, at the instance of the Governor, in experting the Journals of the Assembly. The Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DUNLAP, Chairman.

Mr. Dunlap moved the adoption of the reports and resolutions.

Reports and resolutions adopted.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled: Assembly Bill No 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes—and was presented to the Governor March 14, 1903, at eleven o'clock and fifty minutes A. M.

AMERIGE, Chairman.

RESOLUTIONS.

By Mr. Wanzer:

*Resolved*, That the Sergeant-at-Arms hereby is requested to pay to the Speaker the sum of $75, the said $75 being in payment for telegraphing, telephoning, expressage, postage, hack hire, etc. The State Controller is hereby directed to draw his warrant in favor of said Sergeant-at-Arms, and the State Treasurer is directed to pay the same out of the appropriation to pay the contingent expenses of the Assembly of the thirty-fifth session of the Legislature.

Resolution read.

Mr. Wanzer moved the adoption of the resolution.

Resolution adopted.

By Mr. Camp:

*Resolved*, That the State Controller be and is hereby directed to pay to the State Printer the sum of one hundred and fifty dollars ($150), or so much thereof as may be required, out of the Contingent Fund of the Assembly, to pay for printing that certain pamphlet provided for in the resolution offered by Mr. Camp and adopted March 13, 1903.

Resolution read.

Mr. Camp moved the adoption of the resolution.

Resolution adopted.

COMMITTEE TO WAIT UPON GOVERNOR.

Mr. Brown moved that a committee of three be appointed to wait upon the Governor and inform him that the Assembly is about to adjourn, and ask if he has any further communications to make to the Assembly.

Motion carried.

The Chair appointed as such committee, Messrs. Brown, Foster, and Murphy.

RESOLUTION.

By Mr. John:

*Resolved*, That the Assembly hereby thanks each and every representative of the daily press, representing their papers on the floor of the Assembly, for the full, fair, courteous, and complete manner in which they have reported the various transactions of the Assembly to their respective journals.

Resolution read.

Mr. John moved the adoption of the resolution.

Resolution adopted.

ANNOUNCEMENT OF SELECT COMMITTEE ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

The Speaker announced the appointment of the following select committee on State Prisons and Reformatory Institutions, pursuant to the resolution introduced by Mr. Prescott and adopted by the Assembly: Messrs. Prescott, McKenney, and Dunbar.

RESOLUTION.

By Mr. Killingsworth:

*Resolved*, That the Speaker appoint a committee of three to wait upon the Senate and inform that body that the Assembly is ready to adjourn and awaits its further pleasure.

Resolution read.

Mr. Killingsworth moved the adoption of the resolution.

Resolution adopted.

The Speaker appointed Messrs. Johnson, Walker, and Killingsworth as members of said committee.

MOTION.

Mr. Dunlap moved that Assembly do now consider the Ways and Means Committee report.

So ordered.

Report read, and ordered printed in the Journal.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit their final report as follows:

*Bills Referred to this Committee Since Last Report.*

| | | |
|---|---|---|
| Mar. 7, | Senate Bill No. 602—An Act to appropriate the sum of $7,000 for the purpose of laying the necessary pipes and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam | $7,000 00 |
| 7, | Senate Bill No. 622—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California." | |
| 7, | Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year | 500 00 |
| 7, | Assembly Bill No. 974—An Act making an appropriation to pay the claim of the County of Marin | 3,046 75 |
| 9, | Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture | 1,300 00 |
| 11, | Senate Bill No. 393—An Act appropriating $5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist, to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist | 5,000 00 |
| 11, | Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom | 15,000 00 |
| 11, | Senate Bill No. 613—An Act to appropriate the sum of $432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California | 432 03 |
| 12, | Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building | 1,500 00 |
| 12, | Assembly Bill No. 256—An Act to establish the Northern California Polytechnic School in the Sacramento Valley | |

| | | |
|---|---|---|
| Mar. 12, | Assembly Bill No. 750—An Act making an appropriation for the improvement of streets adjacent to the grounds of the University of California, and the construction of cement sidewalks thereon | ------ --- |
| 12, | Assembly Bill No. 938—An Act making an appropriation to pay the claim of J. W. Sibole | ------ --- |
| | | $33,778 78 |

*Bills Reported Favorably.*

| | | |
|---|---|---|
| Mar. 7, | Assembly Bill No. 974 | $3,046 75 |
| 7, | Senate Bill No. 670 | 500 00 |
| 7, | Senate Bill No. 305 | 5,000 00 |
| 9, | Senate Bill No. 273 | 5,531 00 |
| 9, | Senate Bill No. 481 | 1,035 00 |
| 9, | Senate Bill No. 547 | 20,000 00 |
| 9, | Senate Bill No. 661 | 5,000 00 |
| 9, | Senate Bill No. 582 | 10,000 00 |
| 9, | Assembly Bill No. 516 | 5,000 00 |
| 9, | Senate Bill No. 153 | 100 00 |
| 9, | Senate Bill No. 602 | 7,000 00 |
| 10, | Senate Bill No. 445 | 25,000 00 |
| 11, | Assembly Bill No. 140 | 10,000 00 |
| 11, | Assembly Bill No. 316 | 432 03 |
| 13, | Senate Bill No. 925 | 1,500 00 |
| | | $99,144 78 |

*Bills Reported Unfavorably.*

| | | |
|---|---|---|
| Mar. 11, | Senate Bill No. 393 | $5,000 00 |
| 11, | Senate Bill No. 310 | 35,000 00 |
| 11, | Assembly Bill No. 177 | 30,000 00 |
| 11, | Assembly Bill No. 475 | 10,000 00 |
| 11, | Assembly Bill No. 588 | ---------- |
| 11, | Assembly Bill No. 803 | 276 96 |
| | | $80,276 96 |

*Bill Recalled.*

| | | |
|---|---|---|
| Mar. 7, | Senate Bill No. 43 | $25,000 00 |

*Bills Reported Without Recommendation.*

| | | |
|---|---|---|
| Mar. 9, | Senate Bill No. 625 | $1,300 00 |
| 9, | Assembly Bill No. 871 | 1,060 80 |
| 9, | Assembly Bill No. 967 | 2,120 00 |
| 9, | Assembly Bill No. 965 | 12,134 43 |
| 10, | Assembly Bill No. 959 | 50,000 00 |
| 10, | Assembly Bill No. 866 | 50,000 00 |
| 11, | Assembly Bill No. 769 | 1,000 00 |
| 11, | Assembly Bill No. 654 | 1,742 00 |
| 11, | Assembly Bill No. 875 | 3,000 00 |
| 14, | Assembly Concurrent Resolution No. 2 | 3,000 00 |
| 14, | Assembly Bill No. 7 | 4,333 75 |
| 14, | Assembly Bill No. 32 | ---------- |
| 14, | Senate Bill No. 69 | 600 00 |
| 14, | Senate Bill No. 76 | 300 00 |
| 14, | Senate Bill No. 212 | $55 00 |
| 14, | Assembly Bill No. 235 | 250 00 |
| 14, | Senate Bill No. 255 | 2,400 00 |
| 14, | Assembly Bill No. 256 | 50,000 00 |
| 14, | Senate Bill No 275 | 500 00 |
| 14, | Senate Bill No. 299 | 1,125 00 |
| 14, | Senate Bill No. 302 | 1,200 00 |
| 14, | Senate Bill No. 309 | 370 00 |
| 14, | Senate Bill No. 313 | 550 00 |
| 14, | Assembly Bill No. 339 | 15,000 00 |
| 14, | Assembly Bill No. 341 | 10,000 00 |
| 14, | Assembly Bill No. 374 | 150,000 00 |
| 14, | Assembly Bill No. 384 | 60,000 00 |
| 14, | Assembly Bill No. 433 | ---------- |
| 14, | Assembly Bill No. 435 | 100,000 00 |
| 14, | Assembly Bill No. 519 | 150,000 00 |
| 14, | Assembly Bill No. 533 | 1,130 00 |
| 14, | Assembly Bill No. 621 | 5,000 00 |
| 14, | Assembly Bill No. 672 | 15,500 00 |
| 14, | Assembly Bill No. 713 | 10,000 00 |
| 14, | Assembly Bill No. 750 | 4,000 00 |

| | |
|---|---|
| Mar. 14, Assembly Bill No. 877 | $5,000 00 |
| 14, Assembly Bill No. 880 | 50,000 00 |
| 14, Assembly Bill No. 917 | |
| 14, Assembly Bill No. 938 | 1,037 00 |
| 14, Assembly Bill No. 962 | 10,000 00 |
| Total | $773,708 83 |

*Recapitulation.*

| | |
|---|---|
| Total appropriations referred to committee to date | $10,313,632 75 |
| Total appropriations reported favorably | 8,415,266 53 |
| Total appropriations reported unfavorably | 431,526 96 |
| Total appropriations reported without recommendation | 871,342 58 |
| Total appropriations reported with the recommendation that they be withdrawn | 6,000 00 |
| Total appropriations recalled | 199,254 75 |
| Total appropriations reported with recommendation that they be referred to the Judiciary Committee | 4,340 00 |
| Total reductions in appropriations | 449,783 99 |

DUNLAP, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following:

| | |
|---|---|
| Assembly Concurrent Resolution No. 2 | $3,000 00 |
| Assembly Bill No. 7 | 333 75 |
| Assembly Bill No. 32 | |
| Senate Bill No. 69 | 600 00 |
| Senate Bill No. 76 | 300 00 |
| Senate Bill No. 212 | 55 00 |
| Assembly Bill No. 235 | 250 00 |
| Senate Bill No. 255 | 2,400 00 |
| Assembly Bill No. 256 | 50,000 00 |
| Senate Bill No. 275 | 500 00 |
| Senate Bill No. 299 | 1,125 00 |
| Senate Bill No. 302 | 1,200 00 |
| Senate Bill No. 309 | 370 00 |
| Senate Bill No. 313 | 550 00 |
| Assembly Bill No. 339 | 15,000 00 |
| Assembly Bill No. 341 | 10,000 00 |
| Assembly Bill No. 374 | 150,000 00 |
| Assembly Bill No. 384 | 60,000 00 |
| Assembly Bill No. 433 | |
| Assembly Bill No. 435 | 100,000 00 |
| Assembly Bill No. 519 | 150,000 00 |
| Assembly Bill No. 533 | 1,130 00 |
| Assembly Bill No. 621 | 5,000 00 |
| Assembly Bill No. 672 | 15,500 00 |
| Assembly Bill No. 713 | 10,000 00 |
| Assembly Bill No. 750 | 4,000 00 |
| Assembly Bill No. 877 | 5,000 00 |
| Assembly Bill No. 880 | 50,000 00 |
| Assembly Bill No. 917 | |
| Assembly Bill No. 938 | 1,037 00 |
| Assembly Bill No. 962 | 10.000 00 |

Have had the same under consideration, and respectfully report the same back without recommendation.

DUNLAP, Chairman.

REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be not permitted to introduce it. The title of said bill is as follows:

"An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same."

CARTER, Chairman.
McCONNELL.
BROWN.

Mr. Carter moved the adoption of the report.

The question being upon the adoption of the report.

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

AYES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Ells, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Killingsworth, King, Knight, Mahany, Mattos, McConnell, McKenney, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Siskron, Soward, Stansell, Transue, Walker, Walsh, Wanzer, Waste, Weger, and Mr. Speaker—50.

NOES—None.

RESOLUTION.

By Mr. Higgins:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of thirty-three dollars and eighty cents ($33.80) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

| | |
|---|---|
| B. Wilson & Co. | $3 30 |
| A. J. Wilson | 12 00 |
| A. J. Wilson | 17 00 |
| F. R. Pulford | 1 50 |
| | $33 80 |

Resolution read.

Mr. Higgins moved the adoption of the resolution.

Resolution adopted.

RECESS.

At ten o'clock and forty-five minutes A. M., Mr. Johnson moved that the Assembly take a recess until eleven o'clock and forty-five minutes A. M.

Motion carried.

REASSEMBLED.

The Assembly reconvened at eleven o'clock and forty-five minutes A. M. Speaker Fisk in the chair.

RESOLUTIONS.

By Mr. Allen:

WHEREAS, A large number of the members of this Assembly have been accompanied by their wives and families, and,

WHEREAS, The lady residents of the City of Sacramento have been untiring in their efforts to make the stay in Sacramento most pleasant while here for the said wives and families of the members; therefore, be it

*Resolved*, That the members of this Assembly tender to the ladies of Sacramento who have so graciously entertained their wives and families the sincere thanks of this Assembly.

Resolution read.

Mr. Allen moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Bliss:

WHEREAS, There is now in the employ of the Assembly as an Assistant Clerk at the desk, a person who has for the past thirty-seven years been an attaché of every regular and extra session of the Legislature during said time, and the Constitutional Convention of 1879; therefore, be it

*Resolved*, That the said Assistant Clerk, Ed. J. Smith, be and he is hereby voted the thanks of the Assembly for his faithful services during the present session.

Resolution read.

Mr. Bliss moved the adoption of the resolution.

Resolution adopted.

By Mr. Amerige:

WHEREAS, The Engrossing and Enrolling Clerk of this Assembly, Jesse A. Galland, and his assistants, have given unbounded satisfaction in their important and responsible position during this session; and

WHEREAS, The good work of that department has materially aided to expedite the business of this session without the loss of valuable time; therefore, be it

*Resolved*, That the thanks of this Assembly are due to Jesse A. Galland and his assistants for the prompt, efficient, and uniformly courteous manner in which they have performed the duties imposed upon them; and be it further

*Resolved*, That these resolutions be spread upon the Journal.

Resolution read.

Mr. Amerige moved the adoption of the resolution.

Resolution adopted.

CONSIDERATION OF GOVERNOR'S VETO OF ASSEMBLY BILL No. 652.

Assembly Bill No. 652 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 652 become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—None

NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Lux, Mattos, McCartney, McConnell, McLaughlin, McMahon, McMartin, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—66.

REPORT OF COMMITTEE APPOINTED TO WAIT UPON GOVERNOR.

Messrs. Brown, Murphy, and Foster, the committee appointed by the Chair to wait upon his Excellency the Governor, appeared at the bar of the House and announced that his Excellency had no further communication to make to the Assembly.

CONSIDERATION OF GOVERNOR'S VETO OF ASSEMBLY BILL No. 389

Assembly Bill No. 389 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 389 become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—None.

NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Copus, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Wanzer, Waste, Weger, Wright, and Mr. Speaker—65.

CONSIDERATION OF GOVERNOR'S VETO OF ASSEMBLY BILL No. 653

Assembly Bill No. 653 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 653 become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—None.
NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Foster, Goodrich, Hart, Higgins, Houser, John, Johnson, Kelso, Killingsworth, King, Knight, Lumley, Lux, Mahany, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—56.

CONSIDERATION OF GOVERNOR'S VETO OF ASSEMBLY BILL No. 923.

Assembly Bill No. 923 having been returned to the Assembly without the Governor's approval and with his objections thereto.

The question being, "Shall Assembly Bill No. 923 become a law notwithstanding the Governor's objections?"

The roll was called, and the Governor's objections sustained by the following vote:

AYES—None.
NOES—Messrs. Allen, Amerige, Bangs, Barnes, Bates, Baxter, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Dorsey, Dougherty, Drew, Dunbar, Dunlap, Ellis, Finn, Foster, Goodrich, Greer, Hart, Higgins, John, Johnson, Johnstone, Kelso, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lumley, Lux, Mattos, McConnell, McKenney, McLaughlin, McMahon, Moore, Murphy, Olmsted, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Traber, Transue, Walker, Wanzer, Waste, Wright, and Mr. Speaker—61.

RESOLUTIONS.

By Mr. Steadman:

WHEREAS, The Chief Clerk has been directed to mail final calendars and other documents to the members; it is hereby

*Resolved*, That the Controller be authorized to draw his warrant, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly, for the sum of fifty dollars ($50) to pay postage, expressage, and contingent expenses of closing up the business of the session.

Resolution read.

Mr. Steadman moved the adoption of the resolution.

Resolution adopted.

By Mr. Rolley:

*Resolved*, That the thanks of the Assembly be and they are hereby tendered to History Clerk Burt H. Swan, and his assistants, Ben Peckham and Ed. J. Smith, for the prompt and efficient manner in which the Daily History has been prepared during this session.

Resolution read.

Mr. Rolley moved the adoption of the resolution.

Resolution adopted.

By Mr. Baxter:

WHEREAS, L. A. Hilborn has performed the duties of the position of assistant to the Chief Clerk at the desk in a most excellent manner, and has aided the Assembly very materially in the transaction of its business by his knowledge of the intricate work connected with the care of the bills and documents and files of the Assembly; therefore, be it

*Resolved*, That the thanks of the Assembly be and they are hereby tendered to him for the prompt and efficient performance of the onerous duties of his position.

Resolution read.

Mr. Dunlap moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Snyder:

*Resolved*, That the thanks of the Assembly are tendered to Chief Clerk Clio Lloyd and his assistants for the careful and painstaking manner in which they have conducted the business of session.

Resolution read.

Mr. Snyder moved the adoption of the resolution.

Resolution adopted.

By Mr. Killingsworth:

*Resolved*, That the thanks of the Assembly are hereby tendered to the Hon. Arthur G. Fisk, Speaker of the Assembly, for the uniform courtesy, signal ability, and impartiality with which he has presided over its deliberations during the thirty-fifth session of the Legislature.

Resolution read.

Mr. Killingsworth moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Camp:

*Resolved*, That this Assembly hereby extends its thanks to the Hon. Henry E. Carter for the uniform courtesy with which he has presided over the Assembly as Speaker pro tem., and hereby expresses its approval and appreciation of his able, fair, and just rulings while presiding as Speaker.

Resolution read.

Mr. Camp moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Dunbar:

*Resolved*, That Hon. Grove L. Johnson, Chairman of the Judiciary Committee, and senior member of the Assembly in time of legislative service, has, by his untiring and indefatigable industry, his great experience in parliamentary procedure, his vast knowledge of the law, and his uniform courtesy and kindness, merited the thanks of the Assembly. His labors have lightened the duties of all and his services have been of incalculable value to the Assembly and to the whole people of the State.

*Resolved*, That the Assembly hereby extends its thanks to Mr. Johnson in this formal manner.

*Resolved*, That a copy of these resolutions be engrossed by the Chief Clerk, signed by the Speaker, and presented to Mr. Johnson.

Resolution read.

Mr. Dunbar moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Greer:

*Resolved*, That the thanks of this Assembly be tendered to the various representatives of the press, who represented their papers on the floor of the Assembly, for the fair and impartial manner in which they have reported the various proceedings of the Assembly.

*Resolved*, That these resolutions be spread upon the Journal of this day's proceedings of the Assembly.

Resolution read.

Mr. Greer moved the adoption of the resolution.

Resolution adopted.

By Mr. Dunbar:

*Resolved*, That the sum of fifteen dollars ($15) be hereby appropriated out of the contingent expenses of the Assembly, and the Controller is hereby authorized to draw his warrant, and the Treasurer is directed to pay the same, payable to the Chief Clerk of the Assembly, to pay for the engrossment of the resolutions extending the thanks of the Assembly to Hon. Grove L. Johnson.

Resolution read.

Mr. Dunbar moved the adoption of the resolution.

Resolution adopted.

By Mr. Wanzer:

WHEREAS, Our genial and accommodating Sergeant-at-Arms, J. T. Stafford, has performed all the duties of his office to the great satisfaction and personal comfort of every member of this Assembly; be it

*Resolved*, That the thanks of this Assembly be tendered said Stafford for his services.

Resolution read.

Mr. Wanzer moved the adoption of the resolution.

Resolution adopted.

By Mr. Snyder:

*Resolved*, That the Assembly tender its sincere thanks to Hon. F. E. Dunlap, for his splendid services as Chairman of the Ways and Means Committee.

Resolution read.

Mr. Higgins moved the adoption of the resolution by a rising vote.

Resolution adopted.

By Mr. Goodrich:

*Resolved*, That this Assembly express its appreciation of the valuable services rendered the people of California in the Assembly during the session by Hon. H. W. Brown of San Mateo, and congratulate the people of this State on securing the services in the Legislature of a man of his training, experience, ability, and integrity.

Resolution read.

Mr. Goodrich moved the adoption of the resolution by a rising vote.

Resolution adopted.

REPORT OF COMMITTEE TO WAIT UPON THE SENATE.

Messrs. Johnson, Walker, and Killingsworth, the committee appointed by the Chair to wait upon the Senate, appeared at the bar of the House and announced that the Senate had no further communication to make to the Assembly.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 591—An Act to amend the Civil Code, by adding thereto a new section to be numbered 300*a*, relating to corporations.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Assembly Bill No. 377—An Act to amend Section 321*a*, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Assembly Bill No. 684—An Act to prevent the propagation, by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1897.

Assembly Bill No. 95—An Act to appropriate $460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 87—An Act to appropriate $4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Assembly Bill No 607—An Act to appropriate $2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs The State of California"

Assembly Bill No. 178—An Act to amend Sections 778, 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivisions 22 and 25 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months; and providing for the publication of a fair statement of all the proceedings of the board.

Assembly Bill No. 352—An Act to amend Section 1713 of the Political Code of California in relation to district libraries.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of $465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs The State of California, defendant

Assembly Bill No 920—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered Section 1144, relating to the payment of fees to grand jurors.

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905, and to provide for a commissioner thereof.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California

Assembly Bill No 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruit, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Assembly Bill No 93—An Act to appropriate $1,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Assembly Bill No. 459—An Act to amend Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Assembly Bill No 191—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of $211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Assembly Bill No. 703—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 160 thereof, relating to the compensation of officers of counties of the third class.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Assembly Bill No. 847—An Act to appropriate $5,000, to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of $3,840, rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16, of Department Two of said Superior Court, at pages 28 and 29.

Assembly Concurrent Resolution No. 14—Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste, John Goodrich, and Thomas J. Kirk, Superintendent of Public Instruction, for a period not to exceed six months.

Assembly Bill No 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Assembly Bill No 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Assembly Bill No 310—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Assembly Bill No 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L Boyd as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California

Assembly Bill No 610—An Act making an appropriation of $52 40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Assembly Bill No. 88—An Act to appropriate $1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California, recovered by Oscar R Brown, in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

And were presented to the Governor March 14, 1903, at eleven o'clock and thirty-five minutes A. M.

AMERIGE, Chairman.

COMMITTEE FROM THE SENATE.

Senators Flint, Belshaw, and Sanford appeared before the bar of the Assembly and announced that the Senate awaited the pleasure of the Assembly.

The Speaker announced that the Assembly had no further communication to transmit to the Senate.

Whereupon the committee retired.

COMMITTEE ON RECEPTION OF THE PRESIDENT OF THE UNITED STATES.

The Speaker announced the appointment of the following as members of the committee to receive the President of the United States, together with the alternates:

| *Committee.* | *Alternates.* |
|---|---|
| Carter | Stanton. |
| Transue | Knight. |
| Johnson | Bliss. |
| Dunlap | Drew. |
| Allen | Brown. |
| McConnell | Lumley. |
| Siskron | Mahany. |

RESOLUTION.

By Mr. Dunlap:

*Resolved*, That the Assembly extend to the Reverend J. V. Stevenson its sincere thanks for the earnest manner in which he has performed the duties of his office.

Resolution read.

Mr. Dunlap moved the adoption of the resolution by a rising vote.

Resolution adopted.

APPROVAL OF JOURNAL.

The Journal of March 13, 1903, was read, corrected, and approved.

COMMUNICATION FROM THE SENATE PRESIDENTIAL RECEPTION COMMITTEE.

The following communication from the Senate committee on the reception of the President of the United States was received:

The Senate committee to receive the President of the United States organized with Dr. Chester H. Rowell as chairman and Albert Searl of Los Angeles as secretary.

The secretary was instructed to notify the Speaker of the Assembly of a joint meeting of the Assembly and Senate committees in rooms of Union League Club, Palace Hotel, San Francisco, Wednesday, March 18, 1903, at two P. M.

VALEDICTORY OF SPEAKER FISK.

*Gentlemen of the Assembly:*

The thirty-fifth session of the Legislature of the State of California is about to end and before the hour of adjournment arrives it may not be out of place for me to say a few words. At the time you conferred upon me the distinguished honor of presiding over your deliberations, I asked your aid and support in the performance of my duty. At this time and in the closing hours of the session, permit me to thank you for the kindly support and ever courteous treatment which you have at all times accorded me. I have endeavored to be fair and impartial. How well I have succeeded rests with you to decide. If I have erred, and I undoubtedly have, I assure you it has been unintentional.

I do not propose at this time to enter upon an extended resumé of your labors. I desire to say, however, that I believe you have at all times been deeply sensible of, and have fully performed, your duty both as public servants and as conscientious and honest legislators. The people of your various Assembly districts, and of the State at large, will review your labors, and will, I am sure, justly commend the ability and integrity with which you have performed your duty. I have never doubted, even during debate or when opinions differed most, but that each and every member had at heart the public good and the best interests of the commonwealth.

I desire to congratulate the chairmen and members of the various committees of this House for the able manner in which they have performed the work allotted to them. We all realize that the work of a legislative body must be performed in the committees.

I also desire to thank the Chief Clerk, the Sergeant-at-Arms, and their assistants, for the able manner in which they have conducted their departments.

It is the members of the dominant party that must assume the responsibility for the legislation of this session. I am not fearful of the judgment of the people, nor need you fear that your labors will remain unrewarded.

The hour of parting approaches, and it is with a feeling of sadness that I realize that I must, pursuant to the concurrent resolution, adjourn this body In closing, allow me to thank you, each and all, for the patience and courtesy you have always extended to me. Our association will ever be a pleasant recollection to me. May I be permitted to hope that you will, in the years to come when time has worked its innumerable changes, ever think that the Speaker endeavored, so far as he was able, to perform his duty

APPROVAL OF MINUTES.

The minutes of Saturday, March 14, 1903, were approved.

ADJOURNMENT SINE DIE.

At twelve o'clock M., the Speaker declared the Assembly of the thirty-fifth session of the Legislature of California adjourned sine die.

ARTHUR G. FISK,
Speaker.

CLIO LLOYD,
Chief Clerk.

HENRY E. CARTER,
Speaker pro tem.

A. A. WOOD,
Minute Clerk.

R. L. DEMPSEY,
Journal Clerk.